

*Criminal Code*

are made in the house by learned counsel who happen to have gone astray and have become Members of Parliament. They present to the Chair constitutional arguments—whether legislative proposals, for example, should be accepted or put to the house, on the grounds that they may not be constitutional or legally acceptable. In our parliament, the Chair has always taken the position that it cannot make ruling on such a basis—that this has to be done by the lawyers and the courts, and that the Chair should not take on its shoulders responsibility for ruling on legal arguments. This is why much of the argument put forth by the hon. member for Calgary North and by the Minister of Justice goes beyond the scope of my responsibility in looking at this amendment.

Amendment No. 18, in my view, attempts to introduce a new legislative proposal by way of an amendment. It clearly goes beyond what we have before us. The legislation introduced by the government is limited in scope; it is not the whole of the Criminal Code that is before the house, only certain sections and subsections of the code, and clearly an amendment proposed at this time cannot go beyond the bill which is before us. We cannot reach behind this bill to amend in some way the basic legislation, in this case, the Criminal Code.

If we look at section 237, with its three subsections, we find that they are not, as I understand it, before the house at the present time except in a very indirect way and I cannot see how, by an amendment, the hon. member can attempt to alter or amend them. This is why with much regret I have to reach that decision in connection with Nos. 17 and 18.

● (12:50 p.m.)

The hon. member for Calgary North has made it very difficult for the Chair to confirm the opinions expressed when I first brought my doubts as to amendment 20 to the attention of the house. I can assure the hon. member for Calgary North that I have been giving the most serious consideration to all these amendments for many days now. I have spent many hours looking at them from a procedural standpoint. It is not easy for the Chair to refuse an amendment such as this which of course is based on the most laudable motives. It is obvious the hon. member for Calgary North is attempting to achieve a highly laudable purpose by this amendment. However, it

[Mr. Speaker.]

seems from a procedural standpoint this cannot be done by way of the suggested amendment.

Whether because this amendment is not accepted No. 13 falls I cannot say, because this is not a procedural point. All the Chair can do is look at amendment 13 as it stands by itself and say that from a procedural standpoint this amendment seems to be in order, that it has to go before the house unless the hon. member wants to withdraw the amendment or amend it in some other way. I would not think that because another amendment would be affected from a substantive point of view the Chair could refuse to apply the procedural rules which in this case apply to amendment 20 in the same way as they apply to amendments 17, 18 and 32.

The last one, of course, is amendment 32. I have the impression, if I remember the arguments which have been advanced by hon. members, that not much has been said about this one.

[Translation]

It would seem that the proposed amendment goes beyond the scope of the bill now before the house, and that it attempts to repeal subsection (3)(a) of section 237 of the Criminal Code.

By attempting to repeal part of that section of the Criminal Code, the amendment constitutes, in fact, a new legislative proposal and, on that basis, has nothing to do with Bill C-150.

Hon. members will recognize that this argument also applies to amendments Nos. 17, 18 and 20. For that reason, I feel that I cannot accept the proposed amendment.

[English]

I apologize to hon. members if I appear to be a little harsh in making these rulings. I wish all these amendments could have been accepted and put to the house. It would have been much easier for the Chair to rule in this way. At the same time I believe it is my responsibility to look at these amendments as closely as I can, consistent with my responsibility to the house, and to make a ruling in accordance with my conscience. Therefore I have to make the ruling that these particular amendments cannot be accepted.

We go on to the following point which is a consideration of amendment No. 19. My suggestion was that it be deferred until amendment No. 37 has been disposed of. I trust there will be no objection to this on the part of hon. members.