

Criminal Code

the addition of section 179A, which would authorize the legalization of lottery systems in Canada.

The motion of the hon. member for Winnipeg North Centre reads in part as follows:

—be amended by deleting from clause 13 thereof, paragraph (a) and paragraph (b) of subsection (1) of the proposed new section 179A of the Criminal Code.

Later on in the day, we voted with the hon. member for Winnipeg North Centre in favour of that amendment while other members voted against it. At that time, it was a matter of deciding whether or not we should legalize lotteries and, therefore, it was a question of principle.

Now, the amendment under study obviously proposes the rejection or acceptance of lotteries, just as the amendment did which was then proposed and appears in the *Proceedings* for April 22, 1969.

In fact, this amendment means, to the hon. member for Winnipeg North Centre, that the house has decided by a majority vote to legalize lotteries.

The amendment of the hon. member for Winnipeg North Centre proposes the deletion of the words "in accordance with regulations made by the governor in council" and the substitution therefor of the following words "in accordance with any law enacted by parliament".

To my mind, the amendment does not repeat the one that was rejected on April 22, 1969; instead, it proposes the referral of the bill to the committee with the instruction that it is authorized to substitute for the expression "governor in council" the expression "parliament".

Mr. Speaker, I believe the argument put forward a moment ago by the Minister of Justice is not valid since the amendment concerned is not being brought before the house.

The minister said that a decision made by the governor in council was always equivalent, for practical purposes, to a decision made by parliament, which is not true. A legislation has a much wider scope and parliament is much more responsible for a law it has enacted than for a cabinet decision. In fact, the cabinet, if it is responsible, may make a decision which goes against the will of parliament, as has happened in the past.

Mr. Speaker, we admit that this amendment is in order, and we would be glad if Your Honour would also accept it so that we may deal with it.

[English]

• (5:00 p.m.)

Mr. Deputy Speaker: Order, please. I thank hon. members for their contributions. In the light of their contributions I think it would be advisable for the Chair to take the amendment under advisement and give a ruling at eight o'clock tonight. The latter point the Minister of Justice raised regarding the effect of the amendment on the sense of the clause is important. I have not considered it enough. I should like to discuss it with Mr. Speaker and the officers at the table and give a ruling at eight o'clock.

Mr. Woolliams: I have one thought, Mr. Speaker. I do not wish to delay debate by argument. I am happy you took the position you did. If one looks at the amendment the hon. member for Winnipeg North Centre moved on April 21 I think it will be seen, as the Minister of Justice has said, that the amendment sought to delete from clause 13 of the bill paragraphs (a) and (b) of subsection (1) of proposed new section 179A. Basically, the effect of the present amendment would be very similar to that of his previous amendment.

The Minister of Justice referred to Beauchesne, saying that one cannot move substantially the same amendment affecting a specific subject matter twice in any one session of parliament. I ask Your Honour to examine what took place with respect to the Crowsnest Pass freight rates which were considered in a bill piloted through the house by a previous minister of transport, Mr. Pickersgill. On the occasion in question, when the Crowsnest Pass freight rates were being considered in committee of the whole, the opposition had more members in the house than the government and defeated that part of the bill. Mr. Pickersgill is not in the house so I can call him by name. He retaliated by introducing an amendment to try to correct the defeat. In that amendment the Crowsnest freight rates were called "statutory rates". At the time we argued that those statutory rates were still the Crowsnest Pass freight rates, and no matter whether you were considering one rhubarb pie or another, you were still considering rhubarb pie. The chairman on that occasion, who is not now a member of the house, ruled against us. The very wise Speaker of the house, who still occupies the chair, overruled the chairman and agreed that one cannot introduce the same matter twice in one session of parliament.

Actually the hon. member for Winnipeg North Centre is attempting to move an