

Criminal Code

bill. Clause 18 of the bill has only seven sub-clauses. Amendment No. 21 has been ruled in order, which permits the attempt to add a subclause 8 to the clause that is in the bill. The hon. member for Regina East is not trying to go behind the amendment or the bill; he is not trying to get something into the Criminal Code through the back door; he is dealing specifically with an amendment that is before the house under the provisions of section 5 of Standing Order 75. The hon. member is claiming his right under section 8 of Standing Order 75 to propose an amendment. I think his right to propose an amendment at this stage is beyond question. The only question that has to be decided is whether the form and the substance of his amendment are in order, and in particular whether his amendment is relevant. I for one think it is.

Mr. Burton: Mr. Speaker, without adding to the discussion needlessly, I would just like to note—

Mr. Deputy Speaker: Order, please. I was just going to recognize the hon. member for Champlain. I will then recognize the hon. member for Regina East.

• (4:40 p.m.)

[*Translation*]

Mr. Matte: Mr. Speaker, I would like to discuss briefly, the usefulness and the wisdom of sub-section (8) now under discussion.

Indeed, amendment No. 21 might not be entirely acceptable to the minister unless it were slightly amended. Therefore, I believe that the possibility of amending the bill has been considered, as pointed out a while ago by the hon. member for Lotbinière (Mr. Fortin).

In the past, I have seen the house clarify some particular matter. An amendment has been moved; it was slightly amended and the government agreed to it. So it was quite appropriate to consider the possibility of slightly amending an amendment under sub-section (8), in order to make it perhaps more acceptable.

In my opinion, we should not make the mistake of creating a factual situation for the duration of the debate on this bill, whereas standing orders provide that any amendment, and I quote:

—shall be open to debate and amendment.

The rules could not be any clearer.

[Mr. Knowles (Winnipeg North Centre).]

Mr. Laprise: Mr. Speaker, if I may, I should like to mention one point.

As recorded on page 7963 of the official report for Friday last, April 25, Your Honour suggested a slight change to amendment No. 28 in order to improve it, and it was agreed to.

[*English*]

Mr. Deputy Speaker: Order, please. That point has already been raised.

Mr. Burton: Mr. Speaker, in drafting this subamendment I attempted to keep the wording as simple as possible in order to concentrate on the purpose of the subamendment. However, if weight is given to the proposition of the hon. member for Calgary North that this is in fact an amendment rather than a subamendment, I would certainly be prepared, with the permission of the house and the consent of my seconder, to add a preamble to my subamendment so that it would read:

I move that amendment 21 be amended by adding the following words to proposed subsection (8)—

I would be prepared to do that if that is in fact the difficulty involved in accepting the subamendment I have moved.

Mr. Deputy Speaker: Order, please. If there are no further submissions to be made I think I can deal with this question. I have considered the two points raised, the original point of order raised by the Minister of Justice whether or not an amendment to a motion moved under the provisions of Standing Order 75 is admissible, and the point raised by the hon. member for Calgary North whether in fact this amendment meets the criteria long established for the admissibility of amendments, namely, whether it is consistent with and relevant to the motions. My ruling on whether or not the amendment is admissible as an amendment, namely, whether it is consistent and relevant to the motion, is that it is. On those grounds I do not think it would be necessary to make any changes in its wording.

On the other point, I realize the importance of the point raised by the Minister of Justice. It seems to me that Standing Order 75 is very specific. It does provide for debate and amendment. I listened to the Minister of Justice with a great deal of care, as I always do, but I feel that this Standing Order is declaratory and is perfectly clear. Under the circumstances I am bound to rule that the amendment is admissible. Is the house ready for the question?