

Oral Questions

permissive and it is up to the individual to make use of this permission.

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[English]

ADMINISTRATION OF JUSTICE

REVERSAL OF JURY VERDICT BY COURT OF APPEAL— POSSIBILITY OF AMENDMENT TO CRIMINAL CODE

Mr. Stuart Leggatt (New Westminster): Mr. Speaker, I have a question for the Minister of Justice. In the light of the decision by the Quebec Court of Appeal to superimpose its ruling over that reached at the jury trial in the Morgentaler case, and the recent confirmation of that decision by the Supreme Court of Canada, and taking account of the demoralizing effect this could have on the whole of the jury system, would the minister advise us whether consideration is being given to amendments to the Criminal Code so that appeal courts reversing jury decisions would be obliged to refer the trial back to the jury?

Hon. Otto E. Lang (Minister of Justice): We have already given some consideration to the implication of the decision whereby a court of appeal, upheld by the Supreme Court, substituted a verdict for a jury verdict, with a view to determining whether any change in section 613 was required. It is our conclusion at this point that the very words of the Supreme Court in upholding the decision by the Quebec Court of Appeal set out sufficiently carefully the unlikelihood of this happening, the fact that this is a very rare occurrence and that there should be no fear at all of an adverse effect on the jury system. It was noted by the Supreme Court that this may have been the first time this has been done in Canada and that it may be a very long time before the exact circumstances arise again, where a similar course would be possible. As I read the Supreme Court decision, I think there is very little to fear in terms of this becoming a very common occurrence.

REQUEST FOR PARDON FOR DR. MORGENTALER

Mr. Stuart Leggatt (New Westminster): In the light of the minister's answer that this is a rare occasion and it is unlikely to be repeated, would the hon. gentleman now give consideration to those provisions of the Criminal Code in the Morgentaler case relating to a free pardon. Will the minister advise us that the cabinet will, at least, give consideration to the question of a free pardon in the Morgentaler case?

Hon. Otto E. Lang (Minister of Justice): The very court which said it was a very rare occasion said this was precisely one of the kinds of occasions where it could properly be seen to be used.

The hon. member should recognize that any action on the part of the executive with regard to clemency or an alteration of sentence is very rare indeed.

Some hon. Members: Oh, oh!

Mr. Lang: We ought not to confuse this with the question of the commutation of death sentences which is

[Mr. Lalonde.]

specifically placed upon the cabinet as a burden. I suggest that what the hon. member is really doing is voicing the opinions of some who do not like the law as it now applies and who therefore want an amendment to the law to take place. To do so in the way he suggests would be highly reprehensible on the part of the executive.

● (1500)

ROUTINE PROCEEDINGS

[English]

JUSTICE AND LEGAL AFFAIRS

Tenth report of Standing Committee on Justice and Legal Affairs—Mr. Poulin.

[Editor's Note: For text of above report, see today's Votes and Proceedings.]

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BUSINESS OF THE HOUSE

WEEKLY STATEMENT

Mr. Baldwin: Mr. Speaker, I rise on a question of interest and order. Since we are now on the new procedure, I should like to try this out for size as being the right time to ask the government House leader about the business of the House for the ensuing week. In my humble view, this is probably a better time than waiting until all the routine proceedings are completed.

Mr. Sharp: Mr. Speaker, I think it is an appropriate time, but I have sent a message to my hon. friend to which I have not yet received a reply. Perhaps I should wait until I have had a reply and then I can announce the business.

Mr. Baldwin: Mr. Speaker, I can say that the answer is in the negative, so that might enable my hon. friend to proceed.

Mr. Sharp: Then may I suggest the following bills for consideration tomorrow: S-9, S-20, C-30 and C-19.

Mr. Baldwin: And for today?

Mr. Sharp: Today we will discuss Bill C-34, the Farm Credit Act. I announced that last evening. If we deal with the amendments, we will turn to Bill C-13.

[Translation]

Mr. Réal Caouette (Témiscamingue): My question of privilege, Mr. Speaker, as well as that of French-speaking members of this House is as follows: Awhile ago I asked a question of the Minister of Communications (Mr. Pelletier), who said that he was no longer the Secretary of State. This is true, but I would like him to refer the matter to the Secretary of State (Mr. Faulkner). Here is my question of privilege. Mr. Speaker, hon. members have received a leaflet entitled *Québec Fête*, signed by Lise Payette and sponsored by the City of Montreal and the CBC. I would like to establish clearly and remind the