

Criminal Code

Parliament has long been guided by the principle that once the view of the house has been obtained on a matter it cannot be expressed again on the same subject. I wish to refer Your Honour to citation 200(1) to be found at page 167 of *Beauchesne*, fourth edition:

An old rule of parliament reads: "That a question being once made and carried in the affirmative or negative, cannot be questioned again but must stand as the judgment of the house." Unless such a rule were in existence, the time of the house might be used in the discussion of motions of the same nature, and contradictory decisions would be sometimes arrived at in the course of the same session.

May I now refer Your Honour to citation 415 (4) of *Beauchesne* to be found at page 287:

On the third reading of a bill, an amendment to refer back to the committee of the whole must not tend to change the principle approved on the second reading.

I think you can read parenthetically here, "back to the standing committee" because the hon. member for Winnipeg North Centre would agree, I am sure, that under the new rules the standing committee replaces the committee of the whole.

Let us come now to the amendment. The amendment suggests substituting for the words "in accordance with regulations made by the Governor in Council" the words "in accordance with any law enacted by parliament". I submit to Your Honour that in effect this amendment really does nothing except to eliminate paragraph (a) of section 179A(1). It deletes the words "in accordance with regulations made by the Governor in Council" and in doing so strikes at the very essence of the paragraph relating to a lottery scheme conducted or managed by the government of Canada.

The words "in accordance with any law enacted by parliament" do not, in substance, mean anything. If parliament is supreme it can always enact a law. No statute passed by this house need last forever; it can be repealed in a subsequent session or by a subsequent parliament. So when the hon. member says we should substitute the word "law" for the word "regulation" what he is really saying is: let us make it necessary for a law to be passed in future to bring this into effect.

Mr. Speaker, laws can always be enacted by parliaments of the future. Parliament being supreme, this amendment is redundant. It is what logicians call tautological. It is

redundant. In terms of the constitutional practice of this country, the effect of the amendment is really to strike out the words "in accordance with regulations made by the Governor in Council" and, by extension, the clause as a whole.

• (4:50 p.m.)

The attention of Your Honour should also be directed to amendment No. 10 moved at the report stage and to be found in *Routine Proceedings* for Wednesday, April 16 on page ii. This was the amendment put by the hon. member for Winnipeg North Centre at the report stage. It sought to strike paragraph (a) and paragraph (b) from the first subsection of section 179A. In other words, what the hon. member attempted to do at the report stage was to strike the provisions relating to a possible federal lottery scheme and relating to a possible provincial lottery scheme from the bill.

This time the hon. member is saying: "I will leave the provincial law alone but I will try to get at the federal aspect again under paragraph (a). The way I will try to get at it is by eliminating the power to make regulations and inserting the power to make a law. I submit to Your Honour that parliament always has the power to make a law, and therefore the effect of this amendment is to eliminate paragraph (a). The effect of the amendment is to fall back on a decision that the house made with respect to amendment No. 10 at the report stage.

I submit that what the hon. member failed to do at the report stage because he lost the decision of the house he is now trying to do under the guise of substituting the word "law" for "regulation". The word "law" in relation to the supremacy of parliament does not mean anything. He is really trying to do indirectly what he failed to do directly some weeks ago.

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, I listened with interest to the efforts of the Minister of Justice to assert that this amendment is out of order, and if I may I should like to deal with his points seriatim.

First, the minister relies on citation 200, paragraph (1), of *Beauchesne's* fourth edition, to be found at page 167, which says that a question once being made and carried either one way or the other cannot be questioned again but must stand as the judgment of the house. I could not agree more. That is why I not only agree but assert that decisions that we have made at the report stage cannot be