

Criminal Code

lottery it wants without any reference to the parliament of Canada.

That is why I ask the house to take this matter seriously. I do not deny that it revolves around the question of state lotteries, but the question is much larger than that. It involves the whole relationship between parliament and the government, and I believe even hon. members who favour state lotteries should be on the side of my amendment. Indeed, the government itself, rather than have this voted on, should do what the *Free Press* said it should have done, that is, it should accept the amendment in order that this very minor change could be made.

● (4:40 p.m.)

Having indicated the nature of the amendment, perhaps I should move it at this time, seconded by my hon. friend, the hon. member for Vancouver-Kingsway (Mrs. MacInnis). After the tremendous accolade accorded her by the Minister of Justice I thought that having her second it might help my chances, although I might have asked any of my other hon. friends to do so.

Mr. Benjamin: What about me?

Mrs. MacInnis: Why not the Minister of Justice himself?

Mr. Knowles (Winnipeg North Centre): The member for Vancouver-Kingsway has said that the Minister of Justice might second my amendment. That would be fine. Despite the byplay which is going on, it is an extremely serious matter, and that is the reason I now move, seconded by the hon. member for Vancouver-Kingsway:

That Bill C-150 be now read a third time, but that it be referred back to the Standing Committee on Justice and Legal Affairs, with instruction that the said committee has power to amend clause 13 of the said bill, at lines 33 and 34 on page 31, by deleting the words "in accordance with regulations made by the Governor in Council" and by substituting therefor the following words: "in accordance with any law enacted by parliament".

Clause 13 as it now reads contains in it a new section 179A of the Criminal Code, a lengthy one which I shall therefore not read. Paragraphs (a) and (b) near the beginning of that new section are the paragraphs which take state lotteries, federal and provincial, out of the realm of the Criminal Code. The language in (a), goes further and provides that federal lotteries can be held in accordance with regulations made by the Governor in Council. The language in (b) provides that as far as the provinces are concerned lotteries can be held in accordance with any law

[Mr. Knowles (Winnipeg North Centre).]

enacted by the legislature of the province in question. I have taken the exact words the minister uses in paragraph (b) and asked him to put them in paragraph (a). In other words, I have asked him to go along with the procedure which he himself has advocated in connection with this legislation; I have asked him to provide that as far as federal state lotteries are concerned it should be recognized that the law would remove them from any criminality, but that any law providing for the holding of a lottery should come before parliament itself.

I thank the house for its attention to this matter. I do not try to hide my concern with regard to the economic and social effects of such lotteries. I think they are wrong. But parliament has made its decision on that point. Over and above that issue is the question of the authority of parliament over the executive, and I call upon every member of this house who believes parliament should be supreme to support my amendment and, by doing so, to declare that lotteries which, we say, may be held by the federal government, may be held only when the government comes to parliament for the necessary authority.

Mr. Deputy Speaker: Before putting the amendment, may I say I have had an opportunity to consider it. It would seem to me that the most fundamental objection to it was discussed by the hon. member for Winnipeg North Centre, namely, whether it raises a matter which has been previously disposed of at the report stage.

I see that the Minister of Justice is anxious to rise. I must say that having considered the amendment I do not see that an objection on this ground can be held in the present case. However, I am open to argument and if the minister is anxious to rise I will hear from him.

Mr. Turner (Ottawa-Carleton): With the greatest respect, Your Honour, I was hoping you might have held that point open until I had been given an opportunity to argue it. However, in case you are open to second thought or, if I may say so with respect, to more mature thought on this subject, I would be glad to address myself to what I believe to be the fundamental objection to the admissibility of this amendment, reserving my comments as to the substance of the proposal; at this stage I do not wish to engage in a debate on the substance, though I shall be prepared to do so later if necessary.