

Criminal Code

immediate adoption and the hon. member for Winnipeg North Centre (Mr. Knowles) suggested that the minister put his motion on *Hansard* anyway, and that was done. Following that, on the understanding that the minister had made all the remarks he had to make, the hon. member for Grey North (Mr. Bennett) was taken as having adjourned the debate. With the explanation that the minister, if he were now to make a statement, would repeat with respect to it what he has already said on the motion for second reading of an act to amend the Criminal Code, we ought to consider the matter cleared up.

Mr. E. D. Fulton (Kamloops): If the minister does not wish to make a statement, and if we are to proceed on that basis and on the basis that you have just outlined, sir, I want to point out to him, if we are to be taken as continuing a debate which commenced on the evening of December 15, that actually at that time, as Your Honour will recall, it was after ten o'clock, so that except by unanimous consent no further proceedings could be carried on in the house. However, at that time we did not wish to take that technical position and thereby prevent the minister from even laying before the house what his motion would contain.

The device suggested by the hon. member for Winnipeg North Centre, and to which Your Honour has already referred, was that the minister would move his motion so that it would be on the record, and then adjourn the debate. I think it should be said that we are now in the position, it is true, where the minister technically—and if he wishes to rely upon that technicality, of course he can do so—cannot speak without being taken as closing the debate. In order to avoid taking advantage on our part of a technicality—it was then after ten o'clock—we said, "All right, go ahead; put your motion so that it will be in *Hansard*, and then you can adjourn the debate and speak again"; and it is a little unfortunate that, having made that concession on the basis of that understanding, we are now to be placed in the position where the minister is not going to vouchsafe further information to the house on the government's intention with respect to this matter.

In making a motion of this sort to set up a special committee to consider a subject of this importance and of this complexity, it is usual that the government should indicate at some length the procedure which it suggests should be followed in that committee. It is true of course that a committee once constituted is master of its own proceedings within the limits of the rules of the house, and that the government frequently says: "We cannot

tell the committee what to do; it is for the committee to decide." Nevertheless a suggestion from the government, and particularly an expression of intention on the part of the responsible minister as to how he thinks the matter should be dealt with and in what respects his department will be prepared to co-operate, what information, what statistical tables and matters of that nature the department intends to prepare or would be willing to prepare to lay before the committee, whether or not it is to be suggested that the committee be invited to hear representations, and if so from what sorts of bodies and how many, is of great help to the committee. It is always helpful if the minister indicates at the time he makes his motion and is speaking in support of that motion just how it is intended to proceed.

Therefore, it is unfortunate that a technicality is in effect being raised at this time to deprive us of the benefit of that information from the government as to how it proposes to proceed in this matter. We have not got it, however, and we cannot force the minister to speak. Therefore I will take this opportunity, Mr. Speaker, to lay before the house some considerations which I feel should be borne in mind by the committee now to be set up, if this motion passes.

I should like to say at once that in what I have to say on matters of detail with respect to the matters to be referred to the committee I do not wish to be taken as in any way attempting to make a statement of policy with respect to the attitude of the Conservative party or of the official opposition, because it must be realized that in matters of this kind, particularly where matters of such far-reaching importance for the whole welfare and conduct of the nation with respect to its criminal law are concerned, matters which are so controversial, matters in which differences of opinion with respect to the local and national consequences of a certain course of action have no relation to differences of opinion between parties, it would be unwise and indeed impossible to attempt to draw any party lines with respect to them.

It seems to me that the only feasible and constructive approach to problems of this sort will be for each individual member of the house and each individual member of the committee to express his personal conviction, and it is in that spirit that I venture to make these few remarks in connection with the motion now before us.

This motion invites the formation of a committee to consider whether the criminal law of Canada should be amended with