

Criminal Code

We are simply asking the Chair to accept an amendment which would set a very desirable precedent under the new rules by allowing the house to retain control over the manner in which measures are sent to committees and to retain the freedom of hon. members to vote on questions which come back from the committees after the subject matter has been referred.

Hon. Donald S. Macdonald (President of the Privy Council): It seems to me I can immediately assist the hon. member for Yukon (Mr. Nielsen) in his dilemma if all he is concerned about is the opportunity to vote separately on one or two of the questions which concern him and his hon. friends. I can do this by drawing his attention, as did my colleague the Minister of Justice (Mr. Turner), to the terms of standing order 75(5) which states:

If, not later than 24 hours prior to the consideration of a report stage, written notice is given of any motion to amend, delete, insert or restore any clause in a bill, it shall be printed on the notice paper.

Paragraph eight of the same standing order says:

When the order of the day for the consideration of a report stage is called, any amendment of which notice has been given in accordance with section (5) of this order shall be open to debate and amendment.

Any hon. member of the house, including the hon. member for the Yukon, therefore has an opportunity to move an amendment at the report stage to any one of the 120 clauses of this bill.

An hon. Member: Is a recorded vote taken?

Mr. Macdonald (Rosedale): Yes, a recorded vote with Mr. Speaker in the chair.

Mr. Lewis: And it does not split the bill in any way.

Mr. Macdonald (Rosedale): The point is that hon. members will have an opportunity to record their dissent and to suggest changes in the bill. If this is all hon. members opposite are asking for, their argument is met in one stroke by the change in the rules which was made on December 20.

Mr. Melvin McQuaid (Cardigan): May I be permitted to make one or two observations on the point of order? With all respect, it seems to me that both the Minister of Justice (Mr. Turner) and the leader of the house have misread the motion. They have based their

arguments on the assumption that the motion asks that the bill be split. The motion does not ask for that at all. It simply asks that the standing committee be instructed to bring in four separate reports. We are not asking the committee to change the form of the bill, but to bring in reports upon which we can vote separately. One of those reports would refer to abortion. Those who wished to vote one way or another on this matter would have an opportunity to do so according to their consciences when that particular report was under consideration.

Mr. Speaker: I wish to thank hon. members who have taken part in the procedural debate, the hon. member for Yukon (Mr. Nielsen), the hon. member for Calgary North (Mr. Williams), the hon. member for Cardigan (Mr. McQuaid), and the hon. ministers who were good enough to enlighten the Chair on the important point of order raised this afternoon and this evening by the hon. member for Calgary North. The Chair particularly appreciates the consideration shown by the hon. member for Calgary North in giving early notice of his intended amendment. I am not sure whether this has helped his cause or not, but at any rate it provided an opportunity to study the main aspects of the interesting procedural point raised by the proposed amendment.

It is hardly necessary to remind hon. members that the Chair cannot rule on the merits of the hon. member's proposal as opposed to the method supported by the minister in the presentation of the bill. It is not for the Chair to determine whether it is proper or appropriate or politic for the government to present this legislation in the form of an omnibus bill. The only ruling which is within the competence of the Chair is whether the hon. member's amendment is procedurally correct and acceptable at this stage.

What we have to determine is whether it is possible under our rules to move an amendment at this stage which in effect is an instruction to a committee, and whether the effect of this amendment, if allowed, would constitute an instruction to divide or split the bill.

● (9:00 p.m.)

The hon. member for Calgary North argued at length this afternoon, and with great force, that hon. members should not be called upon to vote for or against a motion which contains two or more distinct propositions. The bill would then be divided in so many different motions so that the sense of the house could