

Calgary North, that argument would be deferred until this time. I hope hon. members will agree that it would be appropriate to hear those arguments now in order to give the Chair an opportunity to reflect on them, so that when we return to Bill C-83 the Chair might be in a position to make a disposition of the question.

Some hon. Members: Agreed.

GOVERNMENT ORDERS

[English]

CRIMINAL LAW AMENDMENT ACT (NO. 1), 1976

MEASURES FOR BETTER PROTECTION OF CANADIAN SOCIETY AGAINST CRIME

On the order:

Resuming debate on the motion of the Minister of Justice that Bill C-83, for the better protection of Canadian society against perpetrators of violent and other crime, be read the second time and referred to the Standing Committee on Justice and Legal Affairs.

Mr. Eldon M. Woolliams (Calgary North): Mr. Speaker, perhaps I might begin by putting the words of my motion on record:

That all the words after "that" be deleted and the following substituted therefor:

"That Bill C-83 be not now read the second time but that the subject matter thereof be referred to the Standing Committee on Justice and Legal Affairs for the purpose of considering a more proper legislative division thereof."

Those of us who were preparing this motion realized at the time the difficulty of wording a motion which would be in order on second reading. Thus, we did give the matter considerable thought. I intend to begin by referring to two authorities, raising points which I shall deal with in the course of my submission. I wish to refer to the fourth edition of Beauchesne's Parliamentary Rules and Forms, page 278, citation 386. I wish to refer, also, to May's Parliamentary Practice, particularly page 487 where the subject of reasoned amendments is dealt with.

May I say that an amendment at second reading of a bill is an amendment to the second reading motion, not to the bill itself. For this reason, all the allowable forms of amendment at this stage eschew specific references to the provisions of the bill or to things which are not in the bill but which some members think ought to be. Citation 386(3) of Beauchesne's sets out this rule. It is also found in May's eighteenth edition, chapter 21. May states in part, at pages 487 and 488:

(i) The principle of relevancy in an amendment governs every such motion. The amendment must strictly relate to the bill which the House, by its order, has resolved upon considering.

(ii) The amendment must not be concerned in detail with the provisions of the bill upon which it is moved nor anticipate amendments thereto which may be moved in committee.

I would say, Mr. Speaker, that my proposed amendment certainly relates to the bill. My second point is that it does not deal in any way with the provisions of the bill. Clearly, if we followed the practice to which the quotation from May refers, the amendment would not even be questioned

Measures Against Crime

since it does not refer to matters in the bill or matters which are not in it, or to anything which might be dealt with in committee. It relates strictly to the progress of the bill and to the second reading motion itself.

I believe that even in light of Canadian practice there is nothing wrong with the motion. In fact, only under the most restrictive interpretation of practice which could be conjured up could a case be made against the amendment. Some contend that the addition of any words whatever to the end of a motion for referral of the subject matter to a committee—and the amendment asks that the bill be sent to the Standing Committee on Justice and Legal Affairs for the purpose of considering a more proper legislative division thereof—automatically means that the amendment is out of order. I would point out, again, that the amendment does not deal with any clause of the bill: it merely concerns itself with the division of the bill as to categories—for instance, gun control, wiretapping and provincial inquiries. Such an interpretation cannot be justified by anything which appears in our Standing Orders, in Beauchesne's in May's, in the practice of the House of Commons at Westminster, or here in Ottawa.

Where amendments of this type have been ruled out of order, it has been because the words added referred to the precise terms of the bill or introduced extraneous matters, not because there were words of any sort added after the name of the committee in the motion. To illustrate this I have three examples of referral amendments to which words were added without rejection by the Chair. On May 17, 1956, the hon. member for Prince Albert, as he then was, moved a referral in the usual terms, and Mr. Caldwell, seconded by the hon. member for Winnipeg North Centre, moved an amendment as follows:

That the amendment be amended by changing the period at the end thereof to a comma and by adding thereafter the following words:

"so that consideration might be given to the advisability of recommending the constructing and operating of a trans-Canada natural gas pipe line under public ownership."

That amendment was accepted without question. If there were a rule that no words could be added, it would have been struck out instantly. So the mere fact that we have put a phrase in the end should not rule out our amendment. I might say that when the amendment I have just quoted was accepted it was not a time at which the opposition parties got away with anything they were not entitled to get away with. I think things are a little easier today; I think there is more flexibility.

On September 28, 1964, a referral was moved which included at the end the words "for further study and report". Those words are rather innocuous, but so are the words I propose to add to the basic motion. In fact, the "further study" was added as a political attack, as the member who moved the motion had spent most of his speech saying that the bill before the House had been improperly prepared and insufficiently considered. The words were not there by accident. But without referring to the specific provisions, the mover gave the reason for the referral of the subject matter to a committee, and I am doing the same thing now, Mr. Speaker.