

## [Translation]

And I realize the procedure has changed somewhat since then.

## [English]

—there is not one clause or one part of the bill that cannot be brought into question by way of an amendment proposing that the particular clause or section be referred back to committee. I think this gives every hon. member an opportunity to vote either for or against, or to express his views in the House either for or against, a particular clause of the bill, and to do so by way of a recorded vote. Accordingly there still is a measure of protection afforded hon. members.

## [Translation]

To sum up, Mr. Speaker, I would say there must be a number of precedents particularly in matters concerning criminal law. Moreover, we do find a single theme throughout this bill since its real purpose is to offer Canadian society better protection against violent offenders and other criminals.

To conclude, Mr. Speaker, as we can see in the quotation I just made from the official report, hon. members will have the opportunity in committee and at the third reading stage to move an amendments and to vote for or against the proposals of the bill. I say, Mr. Speaker, that the bill has been proposed according to the Standing Orders of the House. There is no abuse of the privileges of hon. members of the House.

## [English]

**Mr. Knowles (Winnipeg North Centre):** Mr. Speaker, I recognize that the question you must decide is not an easy one, and I also recognize the validity of the points already raised by the Chair in response to the hon. member for New Westminster (Mr. Leggatt). However, one or two other things can be said, to which I hope Your Honour will give consideration.

First, I suggest that the argument just now advanced by the Solicitor General (Mr. Fox), which was similar to the point Your Honour made about second reading, does meet the point. The right, after second reading, either in committee of the whole or in a standing committee to vote against some clause of the bill, does not alter the fact that such a vote is separate and distinct from a vote on second reading. On the second reading vote, the hon. member has only one vote to cast on the whole bill and all that is in it. The same applies at third reading.

The Solicitor General suggested that at third reading a member could move an amendment to refer the bill back to committee for the consideration of any clause thereof, and thus put his position on record with respect to any such clause. But on the assumption that all such amendments are defeated, we are left with the third reading vote on the bill. The member casts one vote for or against all the propositions contained in the bill, for the individual member has only one vote. So I think that side of the argument is not cut and dried.

However, since Your Honour is responsible for procedure you must decide whether this argument applies to the bill in the same way as it applied to a resolution. I should like to read a few sentences from May's 19th edition, at page 380. I have read the same things in earlier editions, and they are also to be found somewhere in Beuchesne. May says:

*Criminal Code*

The ancient rule that when a complicated question is proposed to the House, the House may order such question to be divided, has been variously interpreted at different periods. Originally the division of such a question appears to have required an order of the House, and in 1770 a motion 'That it is the rule of this House, that a complicated question which prevents any member from giving his free assent or dissent to any part thereof ought, if required, to be divided,' was negatived on a division . . . As late as 1883—

**We are coming to modern times:**

—it was generally held that an individual member had no right to insist upon the division of a complicated question. In 1888, however, the Speaker ruled that two propositions which were then before the House in one motion could be taken separately if any member—

**In other words, any one member:**

—objected to their being taken together . . .

That was the ruling of 1888. I am reading from May's 19th edition, the latest edition.

**Mr. Baker (Grenville-Carleton):** It still has the dust covers on it.

**Mr. Knowles (Winnipeg North Centre):** Yes. I continue:

. . . Although this ruling does not appear to have been based on any previous decision, it has since remained unchallenged. A complicated question can, however, only be divided if each part is capable of standing on its own.

The practice at present seems to be clear. At one time it was done by a vote. Then, at one point the Speaker seemed to make the decision. Then he said that a member cannot require the splitting of a proposition. Finally he said that if one member wants a division because of a complicated question, division of the proposal into its separate parts has to take place.

Having said all this and having mentioned ancient dates, may I point out that there is a footnote (a) which applies to the sentence ending "it has since remained unchallenged." That footnote (a) at the bottom of the page, in print so tiny I can hardly read it, seems to refer to things which have happened as late as 1968 and 1969. There is a reference to page 1313 concerning amendments to bills.

At Westminster the practice has become established. May contains such a reference with respect to bills. I know that in our records there is no case of the Speaker ordering a bill to be split because of two different propositions contained in that bill, but there is Mr. Speaker Macnaughton's ruling of 1964, when, as my hon. friend said, I raised a point of order, that the flag motion ought to be split.

There are also precedents that are relevant or parallel. They have arisen since Your Honour took the Chair. I say this since on two or three or occasions Your Honour has ordered changes in bills. There was that famous bill I always like to mention about the pay of members of parliament which was amended a certain way in committee, with the approval of the government. Your Honour ordered that bill to be sent back. Then we had one or two supply bills where, because the rules had not been adhered to, Your Honour ordered changes. Your Honour has ordered things like that to be done. I therefore suggest that the question of whether Your Honour has the right to look at a bill and order that something ought to be done to it has been established by no less distinguished a person than the present occupant of the chair.