

*Criminal Code*

If one were to stop there, then one must conclude on the strict reading of that subsection, that there is no amendment possible at this stage and that the bill must be read a second time and immediately referred to the committee.

The Minister of Justice, however, did not go on to read the second subsection of that new rule which stipulates.

Unless otherwise ordered, in giving a bill a second reading, the same shall be referred to a standing committee—

Unless otherwise ordered!

I submit to Your Honour that those preliminary words permit the Chair to make an order qualifying the reference to the committee. The Minister of Justice attempted to make a case against the proposition that any possible amendment with respect to the reference is possible at this stage, but if Your Honour will refer to item 40 on today's order paper he will see that under the date of December 19, 1968, the following wording appears:

Second reading and reference to the Standing Committee on Justice and Legal Affairs—

Here we have an item placed on the government order paper which combines not only a motion for the second reading but also a motion for reference to the Standing Committee on Justice and Legal Affairs. This seems to be in keeping with the interpretation with standing order 74 (2) which I have read to Your Honour.

There might be some doubt left in that regard, and I might refer Your Honour to the proceedings which have taken place before in this session and which are reported in *Votes and Proceedings* for November 15, for example. I am sure that other instances could be selected at random from *Votes and Proceedings* of this session. At page 228 we find the following:

The Order being read for the second reading of Bill C-8, an Act to amend the Canada Elections Act (Qualifications of Voters and Candidates);

Mr. Stanbury, seconded by Mr. Borrie, moved—That the said bill be now read a second time.

And debate arising thereon;

Mr. Macdonald (Rosedale), seconded by Mr. Pepin, moved—

That the motion be amended by deleting therefrom all the words after the word "that" and substituting therefor the following:

That the said bill be not now read the second time but that the subject matter be referred to the standing committee on privileges and elections.

[Mr. Nielsen.]

• (8:50 p.m.)

Mr. Lewis: What does that prove?

Mr. Nielsen: It proves there is power at this stage for an amendment to be put to the motion which purports to send a bill to a committee. An amendment is permissible in this regard, and if my submission with respect to 74 (2) of the new rules is acceptable, the motion is subject to variation.

The minister put forward the argument that the precedents attached to standing order 77 would restrict any amendment under the new standing order 74, to giving a bill a six month hoist and to negating the principle. Speaking for this side of the house my hon. friend made it very clear that we are not moving an amendment to give the bill a six months hoist, or one that is designed to negate the principle. He was advancing an amendment which would give hon. members an opportunity to vote independently on those aspects of the bill which strike deeply at the consciences of all of us.

While the minister dealt at some length with the prerogative of the committee, I suggest that the overwhelming interest here is the prerogative of hon. members of this house and of the house itself. Surely, Your Honour, at this stage the house has direction over what it intends to ask a committee to consider. When I recall what the Minister of Justice had to say, I doubt very much whether he could have put forward that argument in all seriousness. He referred, for instance, to the responsibilities of the department in respect to the Penitentiary Act, the legislation controlling reformatories and the several other acts which are affected by this bill. But if his argument in that regard is acceptable, what is to prevent any minister introducing a bill which deals with the Department of Transport, the Department of National Health and Welfare and the Departments of Defence and Defence Production, and lumping them all together to be sent to the committee on estimates with an instruction that it should bring back a miscellaneous report on an omnibus government bill.

I believe there are many hon. members who are especially concerned about at least two of the principles in this bill. I, for one, would like to have the opportunity to exercise an isolated vote on these subjects because I have some strong views on each of them, as have other hon. members. I do not like to be compelled to vote yes or no on a measure which is all embracing without any opportunity to discriminate.