(b) striking the word "and" at the end of paragraph (b) of the substituted text and substituting therefor the word "or", and

(c) adding immediately after the word "that" in paragraph (c) of the substituted text the following:

", in the case of evidence, other than the private communication itself,"

The effect of this amendment, Mr. Speaker, would be to allow the judge to admit evidence which is relevant and which is needed, in the interests of justice, in the case of a technical defect—very generally—and in the case of evidence other than where there was a technical defect in the application or authorization where he does, in the interests of justice, consider it necessary taking into consideration both the case before him and the value of the deterrence of not admitting the evidence and not ever the private communication, in those circumstances only the evidence that might have been obtained as a result of it. He would therefore be able to allow justice to be done in those circumstances and would be able to allow the evidence to go in when he felt it was essential that it be admitted.

I take it the thrust of the section, as it would then stand, would be a general rule of not admitting evidence that was related to an illegal wiretap, but with certain exceptions that the judge could focus on when he felt it necessary. I do not think the judge would ignore the fact that the primary rule was to keep it out unless it was needed in, and that we would have an important variation in the rule of evidence in this regard. I commend the amendment to the House, Mr. Speaker.

Mr. Speaker: Is the hon. member rising on a point of order?

Mr. Erik Nielsen (Yukon): Yes, Mr. Speaker. I have some reservations about the right of the minister to move what, in effect, is an amendment to an amendment to an amendment.

Mr. Knowles (Winnipeg North Centre): No.

Mr. Nielsen: The hon. member for Winnipeg North Centre (Mr. Knowles) says no, but I do not treat the motion to amend that was originally advanced by the minister as other than an amemdment. Perhaps he does. The question before the House, before the minister's motion was placed before us, was whether or not the section should be accepted in its present form. The minister chose to move that that section be amended, and then the hon. member for St. Paul's (Mr. Atkey) advanced an amendment to the amendment that was placed before us by the minister. There has to be a limit to amendments, and it would appear that Beauchesne's Fourth Edition, 1958, at page 169, citation 202(1), (2) and (3) confirms this. I shall read that citation for the record:

(1) To an amendment, when proposed from the Chair—

I suggest to the Chair that the amendment here described is that which was moved by the minister in the first instance.

—an amendment may be moved—

That phrase would refer to the amendment of the hon. member for St. Paul's.

—but only two amendments can be proposed at the same time to a question. Some limit is necessary, and the usage has grown into law that an amendment to an amendment is allowable, but that no motion to amend further can be entertained until one of the two amendments is disposed of. There is no limit, however, to the number of amendments to a question provided they come within this principle.

That is to say, if I read the rule correctly, that there is no reason why the minister cannot move his amendment; but he must wait, in my submission, for the disposition of the amendment that is before us made by the hon. member for St. Paul's. Paragraph (2) of that citation reads:

(2) As the proposal of an amendment to an amendment originates a fresh subject for consideration, the new question thus created must, to prevent confusion, be disposed of by itself. An amendment, when undergoing alteration, is therefore treated throughout, as if it were a substantive motion upon which an amendment has been moved. The original motion, accordingly, is laid aside; and the amendment becomes for the time a separate question to be dealt with, until its terms are settled.

I take it this is what the hon. member for Winnipeg North Centre (Mr. Knowles) was referring to. Paragraph (3) of that citation reads:

—the purpose of a subamendment is to alter the amendment, it should not enlarge upon the scope of the amendment but it should deal with matters that are not covered by the amendment; if it is intended to bring up matters foreign to the amendment, the member should wait until the amendment is disposed of and move a new amendment.

That, Sir, is what I suggest to the minister. I do not question his right to move the amendment which he seeks to move. I question his timing. In my submission, the amendment of the hon. member for St. Paul's must be disposed of before the minister can defend his amendment. That submission, of course, is based on the premise that the minister's original motion is in effect a motion to amend, the substantive question before the House being the clause in the bill itself. In those circumstances we would have before us three amendments, if the amendment now being proposed by the minister were to be accepted.

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, at the appropriate moment one of my colleagues, or I might do it myself, will be indicating opposition to the substance of the minister's proposed subamendment; but at this point I should like to suggest, in the minister's defence, that he does have the right to move what seems to me to be a subamendment.

There are times, for example, when we have amending bills—but nevertheless a motion to pass an amending bill is a main motion. Standing Order 75(5) provides for putting down motions at the report stage. Third reading is not before us. The only thing that is before us at the report stage is a motion. I submit, therefore, that the rule that there cannot be more than two amendments does not apply in this case, because in practice what we do at the report stage is to deal with a motion. Of course, a motion can be amended and subamended. My interest is not only in defending the minister, but also the right of all members to move subamendments in cases like this.

Mr. Nielsen: I wonder if Your Honour would recognize me for a moment, in order that I may fill in a point that I neglected to make.