

That reasoning is sound as far as it goes, but to my knowledge it has not been carried over to a resolution which simply gives second reading and reference to a committee of a bill which contains several parts, the theory being, first of all, that the motion is not in its own terms duplicate because the motion does one thing, although the bill may do several.

The second part of the reasoning against it is that the member has the opportunity in committee, presumably, to vote against or amend those parts which are distasteful to him, and similarly at the report stage to take some steps to bring the House to a vote with respect to those distasteful or disagreeable portions of the bill.

Therefore, the situations are quite different. However, it would be helpful if there were some extension of the flag resolution reasoning across to the second reading motion reasoning that we have traditionally followed, and if the hon. member has anything to add to what he has already said, I would be glad to hear him.

Mr. Leggatt: Thank you, Mr. Speaker, for inviting me to respond to your remarks. The point about the distinction between a resolution and a motion is, I submit, met by the principle contained within the original British parliamentary practice. The argument about this being a bill rather than a resolution is, I admit, a difficult one to face, but it still does not deal with the principle which has been enshrined in British parliamentary practice. I still say that the mere fact that it is a bill should not violate that fundamental principle, and if we need to set a precedent here and now, which Your Honour has full authority to do, and if we need to present for the first time this principle in this House dealing with a bill, it seems to me that we will go a long way toward improving the quality of this place. That is the first thing. I admit I could not find a precedent dealing with a bill specifically, but it seems to me that the principle is so well enshrined in parliamentary practice that Your Honour should apply it.

Mr. Baker (Grenville-Carleton): Mr. Speaker, on the last point Your Honour raised I have the same difficulty. I did the same search as the hon. member for New Westminster (Mr. Leggatt). I dropped my line over the same boat and came up with the same empty hook, as the hon. member described it. I confess that at the outset of my argument.

However, I think it is important to note that Bill C-51 does not deal merely with firearms control and electronic surveillance; it deals with dangerous offenders, custody, release of inmates and revisions to the Prisons and Reformatories Act. It deals not just with amendments to the Criminal Code of Canada but to other statutes as well.

With regard to the position of members of parliament and how they must deal with constituents and matters about which there might be conflicting opinions, I think the House should consider carefully what the hon. member for New Westminster has said. When a member has to vote aye on a bill when he really means nay, that has an effect on the business of the House. The practice of lumping bills together, which has developed in the Canadian House of Commons, has been a

long one. It provokes hon. members to speak and to explain their positions to their constituents, which they might not otherwise have to do.

Whether the practice is legal is one thing, but I think the President of the Privy Council (Mr. MacEachen) and his colleagues in the ministry ought to realize the effect this has upon private members in terms of the business of the House.

I have looked at some precedents regarding this practice. I would like to read into the record something which was not read into the record by the hon. member for New Westminster. Perhaps it was not read into the record because of the modesty and the shy and retiring nature of the hon. member for Winnipeg North Centre (Mr. Knowles).

Mr. Benjamin: Shy, but not retiring.

Mr. Baker (Grenville-Carleton): In the *Journals* of the House of Commons for Tuesday, January 26, 1971, there is a reference to this argument being raised in connection with a bill dealing with the organization of the government. It reorganized about seven departments of government and seven statutes, some of which might appeal to some members of parliament and others which might not appeal to the same group and so on. We had this horrible mixture of conflicting approaches to a particular bill, at least in the mind of any one member who might be in favour of one thing and against another.

● (2030)

At page 284 of the *Journals* of January 26, 1971, the hon. member for Winnipeg North Centre is quoted as saying:

"This procedure places the Members of the House in the situation of being faced with a resolution which deals with eight different matters. Naturally there are eight different principles involved under ordinary circumstances. As far as I can see from casual examination, most of these things are matters which perhaps everyone in the committee would agree with. When we hear more about them, that may not be so. In any event, it might very well be that amongst those eight amendments is one with which we would disagree violently and therefore feel called upon to vote against the resolution or particularly, after we have the bill and have the information, to vote against the bill because of that one matter."

It really puts this parliament in an invidious position.

I have examined the precedents referred to in this particular extract from the *Journals*—they go back a long way—and I regret to say that the precedent of this House seems to be that this practice is "acceptable" in the parliamentary sense. I think the best you can say about the practice is that it is legal. In terms of the operation of this House it is not reprehensible, it is not immoral, but it is certainly bad.

Mr. Ellis: It is cunning.

Mr. Baker (Grenville-Carleton): If I had a suspicious mind I would be tempted to adopt the words of the deputy opposition whip, that it smacks of some form of cunning in the approach to the legislative process.

I hope that representations will be made by those in charge of drafting legislation to the lions in the Department of Justice that they ought to carefully consider what they are doing, (a)