

*Criminal Code*

open to any member, not just a member of the committee as I read the rules, after having given Your Honour 24 hours notice, to move any amendment relating to the general scope and ambit of the Criminal Code and related statutes as contained in this omnibus bill. So, the argument of the hon. member that unless you accept this amendment as admissible the members of this House of Commons are not going to be given the opportunity to express an opinion upon any individual clause just does not make sense.

Under the standing rules as they are now amended, both in the committee and particularly at the report stage, no member is denied the right to speak or vote on any particular clause of the bill. On this basis I would urge you, Mr. Speaker, to rule the amendment inadmissible as being redundant.

I think it is appropriate at this stage to recall the well-established principles applicable to second reading and which I submit have not been changed by the recent amendment to standing order 74. It is open to me to argue that these citations which used to apply to the old standing order 77 now apply to the new standing order 74.

According to Beauchesne's citation 381 and following there are only two types of amendments that can be made at this stage of our proceedings. One is a dilatory amendment; the hoist for six months, and the other, is what is called a reasoned amendment where the principle of the bill and only the principle may be opposed by way of a negative proposition.

I think the citations following 381 make it clear that amendments on second reading should not attempt to do what can be done directly in the committee. In other words, my second ground for opposing the admissibility of this amendment is that it anticipates the action of the committee and impinges upon its discretion. It should not be admitted by Your Honour for that reason.

I want to urge a third reason. I respectfully submit to Your Honour that you should not admit this motion for consideration in this house on this third ground as well. If we are to admit this type of amendment where would we stop? How finely could a committee divide its report on an individual statute no matter how complicated? How finely could we divide it? The hon. member suggests that we divide it into four parts, abortion, homosexuality, gross indecency and so on. If his principle were accepted, who is to say that we should not divide it even more finely?

[Mr. Turner (Ottawa-Carleton).]

Who is to say we could not deal with the gun law separately? Who is to say we should not separate that portion of the bill in relation to the Solicitor General—paroles, penitentiaries and reformatories? Who is to say we should not consider separately that part under the Minister of Consumer and Corporate Affairs (Mr. Basford)?

I am suggesting that this principle, taken to an extreme, would reduce the procedures of the House of Commons to absolute absurdity. I cannot find the exact citation of Beauchesne, but I do recall having read that it is the government's prerogative to introduce a bill based on the policy it intends to implement. It is the government's prerogative to present to parliament a piece of legislation, grouping together the parts of that legislation it deems consistent and ready for parliamentary scrutiny. It is within the constitutional jurisdiction of government, having regard to usage and the general practice, to enact distinct statutes for distinct branches of law. What my hon. friend from Calgary is attempting to do is suggest that the constitutional discretion of the government ought to be interfered with by reaching beyond parliament into the committee and dividing the bill.

I have another reason for opposing the admissibility of the amendment, Your Honour. I want to submit to you that this is an indirect attempt to try to do what cannot be done directly, namely, to divide the bill at the second reading stage. On a motion for second reading, the motions the Opposition may propose are now clearly defined, and so far as I can see they do not include the right to divide the bill. The amendment can be dilatory or it can be reasoned, and reasoned amendments must not be concerned in detail with the provisions of the bill. They must attack the principle of the bill. But the amendment introduced by the hon. member for Calgary North (Mr. Woolliams) reaches into the very details of the bill.

• (8:40 p.m.)

I want to say also that since there is no motion for a resolution before you, in my humble respect, and since the hon. member in his arguments is trying to get by the back door what he could not get by the front door, Your Honour should not feel himself bound by any precedent involving a motion to divide a resolution. I do not think the 1964 decision by Speaker Macnaughton on the flag resolution has any bearing here because second reading of a bill is distinct from the division of a resolution, particularly when the