

Criminal Code

brush it aside because it is too great a problem. We may not in our lifetime here, or in the lifetime of future members of parliament, again deal with such important matters that affect the conscience. Give us an opportunity to express ourselves on the separate items. I would hate to think that because I felt deeply about one section of the bill I would have to vote against reform that must come.

I realize that in the heat of debate some of us say this, that and the other, but I believe I have always respected the Chair. So, with the greatest respect, I say that great judges make great law because they have the creative capacity to have the vision to see social needs. We only need think of Oliver Wendell Holmes to realize that great judges, great lawyers and great thinkers cut and carve new ideas and establish new precedents because they interpret conditions in broadest sense in the light of great changes. I have made the greatest plea to you I can possibly make as a member of parliament. If it is the will of parliament to vote down this amendment, I will accept parliament's will with grace. If the amendment should be set aside because it is out of order under the new rules I believe I will feel—and I say this with the greatest respect, Mr. Speaker—that I have been denied my time in court.

● (8:30 p.m.)

Mr. Speaker: Order, please. Before the Chair is called upon to make a ruling on the point of order which has been raised by the amendment proposed by the hon. member for Calgary North (Mr. Woolliams), I wonder whether hon. members would like to make suggestions and refer to authorities and citations for the guidance of the Chair.

Mr. Turner (Ottawa-Carleton): I should like to do that with your permission, Your Honour. I would not like my submission to be interpreted by the hon. member for Calgary North (Mr. Woolliams) as an attempt to deny him his day in court. As a matter of fact, when I listened to his speech it reminded me of Louis Nizer's "My Life in Court". Certainly he has had his day and evening in court.

The hon. member for Calgary North was right in one essential respect, that we are breaking new ground. We have to refer to the rules as amended, standing order 74, paragraphs (1) and (2) which state:

(1) Every public bill shall be read twice and referred to a committee before any amendment may be made thereto.

(2) Unless otherwise ordered, in giving a bill a second reading, the same shall be referred to a standing committee, but a bill may be referred to a special or a joint committee. A motion to refer a bill to a standing or a special committee shall be decided without amendment or debate.

There is little within the terms of this standing order to indicate whether in making a motion for reference it would be in order for the house to impose conditions on the manner in which the committee shall report back to the house. That, of course, is what the hon. member for Calgary North is attempting to do. He requires in the terms of his amendment that the standing committee be instructed to bring back into the house four separate reports; one referring to abortion, another to homosexuality and gross indecency, another referring to gambling and, according to his own omnibus motion, the other report would involve all the other clauses of the bill.

I submit to Your Honour that the reference to the committee under the main motion we are debating is not a question for any general discussion but relates to a particular bill. This is not a general question upon which the Committee on Justice and Legal Affairs is instructed to report from time to time, or to examine a general area such as electronic eavesdropping or wiretapping, but concerns the examination of a specific bill. What has been referred to the committee under the main motion is the bill itself.

That motion gives the committee the discretion, the ability and the capacity to analyze the bill clause by clause—all 120 of them. It gives the standing committee the opportunity of moving amendments to that bill, clause by clause, provided the amendments are relevant to the bill and within the general ambit of the overall amendments to the Criminal Code and the penal law.

The purpose stated by the hon. member in moving his amendment is to enable the house to declare itself severally on the four different aspects of the bill into which he would divide it. The very essence of the committee consideration relates not just to those four aspects, but to the bill itself and to every clause in it. Any amendment that is relevant to any of those clauses; any amendment that human ingenuity could devise that is relevant, may be decided upon by this committee during its clause by clause consideration of the bill.

What is more, under the rule as amended, standing order 75(5), when the committee report is brought back into the house, it is