

Measures Against Crime

The Parliamentary Secretary to the President of the Privy Council suggested that the hon. member for Calgary North (Mr. Woolliams) had two options: he could move a hoist, or move a reasoned amendment. I suggest the hon. member for Calgary North has a third choice. He can move a hoist, a reasoned amendment, or avail himself of citation 386 of Beauchesne's fourth edition to move a motion calling for the bill not to be read a second time but for the subject matter to be referred to the standing committee. That, I suggest, the hon. member has done, and he is perfectly within his rights. But he ran into trouble, as he himself knows, by not making the motion a simple reference of the subject matter to the standing committee. He added a phrase which seems to call for the bill itself to be referred to committee "for the purpose of considering a more proper legislative division thereof"—in other words, a more proper legislative division of the subject matter of the bill. The latter wording is the trouble, as my hon. friend agrees. I think the hon. member's purpose would be served if the motion were to end with the words "Justice and Legal Affairs". I hope Your Honour will so find.

The parliamentary secretary's suggestion that the hon. member should not be permitted so to change his motion is the ultimate in being ridiculous. The hon. member need merely ask the next Conservative speaker to move that the bill be not read the second time but that the subject matter be referred to the Standing Committee on Justice and Legal Affairs, so why not let him alter his amendment accordingly? I do not support the substance of that amendment. I think the bill should go to the committee and the committee should work on the bill. But I defend strongly the right of the hon. member for Calgary North to move the motion ending with the words "Standing Committee on Justice and Legal Affairs".

● (1530)

Hon. Ron Basford (Minister of Justice): Mr. Speaker, with all the learned members who have entered this debate, I hesitate to enter it. However, I wish to bring to your attention the fact that I consider the amendment moved by the hon. member for Calgary North (Mr. Woolliams) out of order for the reasons stated by the parliamentary secretary to the House leader. I also wish to bring to your attention Standing Order 46, which states very clearly that when a question is under debate no motion is received unless to amend it; to postpone it to a day certain; for the previous question; for reading the orders of the day; for proceeding to another order; to adjourn the debate; to continue or extend a sitting of the House; or for the adjournment of the House.

Quite clearly, the hon. member's motion falls within the first category, namely, a motion to amend it. However, the motion before the House is that the bill be not now read the second time. The motion to amend, even if the House agrees with the hon. member's deletion of the words that he may require, in substance is that the bill be not now read the second time. I would refer Your Honour to Beauchesne's citation 202(12) which states that an amendment proposing a direct negative, though it may be covered up by verbiage, is out of order. The motion before the House is that this bill be now read the second time. The motion of the hon. member for Calgary North is a direct negative of that motion, and by reason thereof is out of order.

[Mr. Knowles (Winnipeg North Centre).]

Mr. Robert McCleave (Halifax-East Hants): Mr. Speaker, I shall not go over all the ground so ably covered by the hon. member for Calgary North (Mr. Woolliams) and the hon. member for Winnipeg North Centre (Mr. Knowles), but I certainly want to go over some of the ground that the Minister of Justice (Mr. Basford) just now attempted to foist upon Your Honour when he made the argument that the motion put forward by the hon. member for Calgary North in effect is a direct negative to the second reading of the bill. I suggest that is not so. I suggest the purpose that would appear from the full version, which may not be accepted, is to have a very polyglot measure dealing with five or six items of law sorted out so that it can come back to us in some form in which members could give it an intelligent vote. I suggest it is that simple.

The Minister of Justice did not argue the point for very long. I think perhaps the reason is that he did not have any long argument to make. Obviously, it is not a direct negative. I believe the argument of the parliamentary secretary has been shot down very well by the hon. member for Winnipeg North Centre, but I will take my own shot at the lame duck as it approaches the ground. I suggest there are only two possible ways one may change motions for second reading and referral of bills to committees. One is the principle of the reasoned amendment; the other is the hoist. The parliamentary secretary, I think, made the error of saying that the vote on second reading must always be against the principle of the bill. Certainly we must agree, in respect of the case of anyone who has been lucky enough to get a reasoned amendment accepted by the Chair, that this situation obviously suggests that the bill should not be read the second time. So obviously the reasoned amendment is against the principle of the bill.

However, a hoist may be considered as much a matter of substance or procedure; that is, it may be considered a device operating against the principle of a bill; but it may also, I would suggest to Your Honour be considered as a device to get a contentious issue out of the way in a particular parliament and have it come back again at a future time. Members may have two very different motives for voting for a hoist. The third point the parliamentary secretary did not mention, but which the hon. member for Winnipeg North Centre did mention, is the use of the procedure under citation 386.

I suggest there are no closed categories with regard to the type of motion that can be presented on second reading. It can be against the principle being discussed. It can be against the type of the bill by way of a reasoned amendment. It can be against dealing with the bill immediately by way of the six months' hoist, and it can also be, as the hon. member for Calgary North brought in, by a measure to have it taken out and looked at by a committee and somehow brought back in more intelligible form and then the vote can start on whether the bill or portions of it should be read the second time.

Mr. Speaker: Order, please. I do not propose to deal with the matter definitively now, but there are some matters which I believe I can clear up. I do not think there is any difficulty in understanding the motive behind the amendment. It is an omnibus measure, and frequently when such measures are put before the House there is an attempt in one way or another to either split the bill directly by way