

Some hon. Members: Hear, hear!

Mr. Speaker: I think an hon. member of the House ought to have the right to compel the House to vote on each separate question. Previous rulings have made reference to several devices open to hon. members under our proceedings regarding bills, but it seems to me that each which has been mentioned in the past suffers from at least one weakness.

For example, it has been suggested that motions by way of an instruction to the committee, once the bill is in the standing committee, that the bill be divided, might be applicable. This is a practice which has been rather prevalent in the British House, but in our procedures it raises a very great number of serious and unanswered procedural questions, and in any case it has never really been successful. It has been suggested that hon. members have an opportunity to vote clause by clause in the committee and, of course, to persuade other hon. members to do the same, but even if that can be effective it still does not constitute an expression of the entire House.

It has been said that at the report stage hon. members can isolate clauses by tabling, with the appropriate notice, motions to amend, but even there it seems to me the point is not answered, as equally it is not answered by the suggestion that at third reading stage hon. members can put down motions to refer the bill back to the committee for reconsideration of certain clauses. I say that those two remedies do not answer the point fully because it may very well be that an hon. member might take the position that the law is fine the way it is and that he ought not to be put under the burden of contriving some kind of amendment or seeking further study when in fact he does not want further study. What he really wants to express is that the law is fine the way it is and that it ought to be left alone. It seems to me that he ought to be entitled to put that point at least at some stage in our proceedings, and furthermore, to require other people to come to a vote on that proposition.

Therefore, I think that in the past when attention has been directed to these remedies, not enough has been said about one device which does rest in the hands of hon. members, at least in my opinion, and that is a motion to delete pursuant to Standing Order 75(5). The reason this has not been developed fully in rulings in the past is that in the most recent rulings—the two I have cited, one in 1969 and the other in 1971, when the new procedures of the House were under discussion, and in the latter case when they were really rather fresh—I do not think the full impact of the motion to delete was recognized at that time.

Hon. members will recall that this subject of motions to delete pursuant to Standing Order 75(5) was very much before us when the House debated Bill C-84, the bill to abolish capital punishment of several offences. Opponents of the abolition of capital punishment sought to introduce in the House, at report stage, motions of two kinds. They sought to introduce motions to amend, which had the effect of reinstating the law by way of an amendment of one kind or another, and I ruled that those amendments, because they offended the basic principle of the bill, were out of order. However, there were also

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motions to delete the effective clauses pursuant to Standing Order 75(5). There could be no question but that those motions to delete equally offended the principle of the bill as those motions to amend, for in fact the effect of deletion would have been to have restored the law which was, in fact, to impose capital punishment for those offences, and it posed a great problem for the Chair.

I dealt differently with the motions to delete because I felt that we clearly were not subject to the same restrictions as those precedents relating to amendments only, because the motion to delete was enshrined in a specific Standing Order, and whether it had been the intention of the drafters of that Standing Order to hand this power to the private member was irrelevant to me. The fact was that it was in our Standing Orders, and it seemed to me that if there was doubt as to the extent to which the private member could take advantage of that Standing Order, that doubt ought to have been resolved—and in my opinion was resolved—in favour of the private member having the opportunity to use that motion to delete to bring the House to a vote in that situation.

I felt that there was some discrepancy between the two rulings, one having to do with amendments which contravened the principle, and the other having to do with motions to delete which might—and I stress might—have offended the principle of the bill, and in the course of that ruling I asked that the Standing Committee on Procedure and Organization examine that discrepancy and attempt to resolve it for the House.

● (1530)

It also seems to me, however, that even if the greatest respect is paid to the principle and to the classic reasoning that we have applied in the past to amendments when we are dealing with motions to delete—in other words even if the greatest respect is paid to the principle that motions at the report stage are circumscribed in their procedural inability to offend the principle of the bill, it still seems to me that in most cases it is likely open, and certainly in this case it would likely be open to an hon. member who seeks to do what the hon. member for New Westminster and other hon. members have said they ought to be able to do, a point with which I have some sympathy, that is to say, that where a bill is presented—and certainly it is the right of the government to present such a bill—which contains amendments to several different areas of the law although all connected to the criminal law, a member ought to be able to use some procedure at some stage of the bill to cause the House to make separate decisions on those very subject matters.

Therefore, while I carefully guard the specific rulings on the contradiction between the principles of the bill and the motions that might be put forward until the actual stage arises, because we are speculating as to what the cases may be, it seems to me in advance that in a bill of this sort where several subject matters of the criminal law are sought to be amended in one statute, which is proper in our practice, a member ought to be able, if he wishes, to attempt through motions to delete under Standing Order 75(5) to isolate those sections which he