

Point of Order—Mr. Malone

suggestion if the bill were still before the committee, but what has happened is that Bill S-8 has silently died. The committee held one meeting at which Liberal members, and I mentioned them as being the hon. member for Vancouver-Kingsway (Mrs. Holt) and the hon. member for Toronto-Lakeshore (Mr. Robinson), agreed with my point of view.

I want to read this clause because I think it is very important. If someone was guilty of murder or treason in Britain for shooting the monarch and had come here, they would be released, because the clause states:

(2) Where, pursuant to subsection (1), the minister refuses to order the surrender of a fugitive offender, he shall order the discharge of the fugitive offender—

This does not say “may”, it says “shall”. I am not suggesting for one moment that those Liberal members on the committee are wrong, but I am saying that when the minister suggests members of the committee did not understand the clause, he is not correct. The measure is very clear. But with the greatest respect to you, sir, that bill died in committee and we do not know where it is. I hope that the minister will see his way clear to proposing the amendment suggested by his own members when I put the problem to the committee. It is those Liberal members who opposed the minister after I brought this anomaly to the floor of the committee. The minister says they do not understand the law. I am sure the minister knows what “shall” means. In this case it means “shall surrender the offender.” Do we want Charlie Mason or the Son of Sam, if either of them escaped and came here, to be released in our communities? This does not say “may”, but rather says “the minister . . . shall”. I ask the minister very seriously to consider this.

I referred a very serious problem to his attention and he did not explain. He said we misunderstood the clause. There can be no misunderstanding of that wording, and the minister knows that. He also knows that his own members believe this is a complete anomaly in the law, and I would hope that if the minister brings this bill back to the committee he will amend, change, or delete that clause. It does not matter how he tries to slide over the words, or what he suggests; this is what it says very clearly, and what is spelled out in the bill.

Hon. Ron Basford (Minister of Justice): Mr. Speaker, without entering the debate on the matter may I just say that subsection (1) contains the word “may”. Someone such as Charlie Manson would be returned to the United States. The bill has been before the committee and has been dealt with. The scheduling of business is undoubtedly a responsibility of the chairman and the steering committee, and that is where the matter is now.

MR. MALONE—SUPPLEMENTARY QUESTIONS

Mr. Arnold Malone (Battle River): Mr. Speaker, I reluctantly rise on a point of order, not to challenge your ruling, but rather to seek clarification regarding supplementary questions during the question period. I had a question for the Minister of Finance (Mr. Chrétien) today which was of considerable

[Mr. Woolliams.]

importance. My supplementary would have been directed to the Acting Minister of National Revenue. My supplementary question is related to the fact that the Commerce Clearing House of Canada Limited is at present giving rulings across Canada which say that people who operate outside a family corporation, through a sale from a sibling, end up in a situation in which they are in fact unable to collect the tax supposed to be relieved by the minister's budget of April 10.

● (1512)

I would like to have clarification of what makes a supplementary question out of order. Is it simply the statement that the minister makes when that statement is yet unclear, or is there some automatic rule that means a person does not get a supplementary when asking a preliminary question?

Mr. Speaker: The hon. member raises a very valid point of concern and one that gives the Chair great difficulty. In the question period today, and on many other days, there were and are occasions on which I grant members supplementary questions, and some which I do not. In the hon. member's case a question was put which clearly sought an opinion on an interpretation of a section of the law, and it is very difficult to permit such a matter to be followed up when in fact the minister recognizes and indicates that advice will have to be taken before an answer can be given.

It is very difficult for the Chair to grant a supplementary question on an answer that is to be deferred until some other time. On occasions where a minister has said it is a matter of investigation, not so much legal advice but merely investigation, I extend the benefit of the doubt to the member because I know that the member will want to say, “While the minister is undertaking the investigation which he has promised to the House, will he please pursue certain specifics that I have in mind?” Even at that point I will allow it to be pursued, but in today's case the hon. member put a question which clearly sought an opinion from the minister, and the minister's response was that he would have to obtain advice for the opinion. It is very difficult for me to permit that matter to be followed.

If the hon. member, in fact, had had a specific question about a particular bulletin—and I do say this to members generally—often members are tempted to try to set up a question of a specific nature with a question of a general nature. That may be a temptation for some purposes which members have in mind. In fact, in terms of the limited time available in the question period, it is a very counter productive practice.

If the hon. member's main concern today was a bulletin of a specific nature in the authority of the hon. minister for revenue, it might have been more advisable to make that the preliminary question which clearly would have been the subject of a supplementary. However, he began with a question seeking an opinion, and the minister indicated he would have to take advice before giving the opinion. Therefore, it seemed to me I did not have the choice to permit him to pursue it in that particular way.