

*Criminal Code*

[Text]

## PENSIONS—COPY OF LETTER OF CONDOLENCE ON DEATH OF SPOUSE

## Motion No. 75—Mr. Knowles (Winnipeg North Centre):

That an Order of the House do issue for a copy of the letter of condolence the Department of National Health and Welfare sends to a woman, who has been in receipt of the Spouse's Allowance, following the death of her husband before she has reached age 65, including the portion of the said letter that tells her that her Spouse's Allowance is being discontinued.

Motion agreed to.

## GOVERNMENT ORDERS

[English]

## CRIMINAL LAW AMENDMENT ACT, 1977

## AMENDMENTS TO CRIMINAL CODE

On the order:

Second reading and reference to the Standing Committee on Justice and Legal Affairs of Bill C-51, an Act to amend the Criminal Code, the Customs Tariff, the Parole Act, the Penitentiary Act and the Prisons and Reformatories Act—The Minister of Justice.

**Mr. Speaker:** Order. The hon. member for New Westminster (Mr. Leggatt), by way of a point of order, seeks an order of the Chair that Bill C-51 be divided because it is an omnibus bill containing a number of amendments to the Criminal Code. It is the hon. member's contention that no member of parliament should be compelled to decide with one vote on one motion several questions which, even though not contradictory, are quite independent from one and another, except perhaps for their connection to the criminal law.

The hon. member makes two arguments, the first by analogy to the well-established rights of a member of parliament to force a division of a motion which contains distinct propositions. The second is that even if the practice in respect of motions has not previously extended itself into a practice in respect of bills, the reasoning is essentially the same, and therefore a member ought to enjoy the same right to force the division of bills.

● (1520)

The argument of the government is under three headings: first, that the Criminal Code is itself an omnibus piece of legislation for the obvious reason and advantage of attempting to collect the criminal law under one statute and is properly, therefore, amended by an omnibus bill; second, that the nature and impact of substantive motions is quite distinct from those motions relating only to the progress of a bill, so that both the practices and principles must remain separate and distinct. In that sense the several stages and the procedures and practices surrounding the several stages of a bill afford to hon. members ample opportunity to put forward the different views they may have in respect of the various clauses of the bill, whereas that

[Mr. Goodale.]

does not exist in the case of a substantive motion which must be taken upon one decision.

Third, the government argues that the use of omnibus amending bills is a well-established practice in our House, notwithstanding the numerous attacks which have been made upon it in the past.

Indeed there is no shortage of precedents, for the same situation has arisen several times in the past, with all of the same arguments having been made, and obviously, judging by the rulings, carefully considered. I refer to two very thorough rulings by my distinguished predecessor, the Hon. Lucien Lamoureux, one on January 26, 1971, which is reported at page 283 of the *Journals* having to do with the government reorganization bill, and the second on January 23, 1969, which is found at page 616 of the *Journals* and which dealt again with an omnibus amending bill to the Criminal Code. Except for the wiretapping legislation which is, of course, a bill which has been passed since that time, all of the same statutes plus a few more were included in the amending bill.

All hon. members who took part in this discussion obviously studied these decisions very carefully and recognized the usual impeccable reasoning and precise expression of the Hon. Lucien Lamoureux. There is no need to repeat his language. His decision is crystal clear, and there can be no doubt that a motion containing two or more substantive provisions is quite distinct from a procedural motion or a motion which is generally described as having only the effect of dealing with the progress of a bill. The practice in respect of substantive motions has never been extended to those motions which relate to the progress of a bill. The use of the omnibus amending bill is well enshrined in our practices, and I really can find no reason to set aside my predecessor's very clear and sound reasoning, or the practice. Nor can I find any authority which would support an order of the Chair at this second reading stage that the bill be divided.

I should emphasize as well that the remedy sought by the hon. member is not to divide the bill according to the separate statutes to be amended but by subject matter. Were that to be attempted, it would place before the Chair, it seems to me, questions of interpretation and responsibility for the drafting of an extremely complex order, which in my opinion the Chair ought not to attempt.

I suppose there is no need to speculate on whether circumstances might arise in the future in which such a remedy might be available. However, I certainly am bound by the clear language of our precedent rulings and previous practices to reject the point of order of the hon. member for New Westminster, and I decline to make the order which he requests.

This still leaves, as it has in the past every time this kind of argument has been put forward, some very deep concern about whether our practices in respect of bills do in fact provide a remedy for the very legitimate complaint of the hon. member that a bill of this kind gives the government, under our practices, the right to demand one decision on a number of quite different, although related, subjects.