

Government Orders

and I am pleased to be able to move it in his name and to speak briefly to the amendment.

This amendment would have the effect of bringing the French version into conformity with the English version so as to fully express the intent of Parliament in adopting the bill.

The English version states:

No count that charges an indictable offence other than murder shall be joined in an indictment to a count that charges murder unless

(a) the count that charges the offence other than murder arises out of the same transaction as a count that charges murder;

The present French translation of that is as follows:

• (1550)

[*Translation*]

New section 589.

589. No count that charges an indictable offence other than murder shall be joined in an indictment to a count that charges murder unless:

(a) both charges arise out of the same transaction;

The hon. member for York Centre (Mr. Kaplan) has proposed the following amendment to the French version of paragraph (a) only:

a) le chef d'accusation visant l'acte criminel autre que le meurtre découle de la même affaire qu'un chef d'accusation de meurtre;

Madam Speaker, the French text now is the same as the English text. That is not the case in the bill presented by the government and I ask the parliamentary secretary to support the motion by the hon. member for York Centre that I have the honour to present to the House this afternoon.

[*English*]

Mr. Benno Friesen (Parliamentary Secretary to Solicitor General of Canada): Madam Speaker, I recognize that this is a friendly amendment to do with translation rather than substance and does not propose any change in the substance of the subsection. It seeks to substitute for the present French version of the subsection a word for word translation from the English.

The wording of the present motion has been carefully considered by the legislative drafters. In their view, after considerable reflection, the French wording of the bill as passed in committee is still to be preferred.

I might add that when it comes to translation each version and each element of each version has to be read in its entire context in conformity with the normal rules applicable to each language. The French and the English text must be read vertically, and it is essential that no comparison be made horizontally between an element such as a paragraph, because the logical and grammatical structure might be different from one version to another.

In the present case the word *les* does not refer to all the counts that might be found in the indictment but to the counts that are specifically mentioned in the opening part of the proposed Section 589. Although taken out of their respective context, paragraph (a) and *alinéa a*) do not have the same content, their respective meaning comes not from a direct comparison of the two paragraphs, but from a reading of the entire section. Therefore, we feel that the amendment is superfluous.

Madam Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

Madam Deputy Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: No.

Some hon. members: On division.

Motion No. 2 (Mr. Kaplan) negatived.

Mr. Svend J. Robinson (Burnaby—Kingsway) moved:

Motion No. 3

That Bill C-54 be amended in Clause 2 by striking out lines 17 and 18 at page 1 and substituting the following therefor:

“transaction as the count that charges murder, and the additional count is either manslaughter, attempted murder or criminal negligence causing death; or”—

He said: Madam Speaker, this amendment would have the effect of deleting subsection (a) from the provisions of the proposed Section 589. That would mean that effectively the section would read: “No count that charges an indictable offence other than murder shall be joined in an indictment to a count that charges murder