

*Criminal Code*

be taken on each of the propositions individually.

The many aspects of the division of a complicated question were discussed and subsequently ruled on by Mr. Speaker Macnaughton during the flag debate. As pointed out a moment ago by the hon. member for Yukon, on that occasion Mr. Speaker did divide the complicated resolution which was then before the house for consideration. However, as hon. members know, and as was indicated, I believe, by the Minister of Justice in the course of his argument in support of his own point of view, what was before the house when Mr. Speaker Macnaughton reached his decision was not a straightforward motion for the reading of a bill but a complex motion. The purpose of the amendment was to divide a resolution; it was not an amendment to divide a bill. I am not forgetting the very important point raised by the hon. member for Cardigan in this regard and I will come to it in a moment.

There may, of course, be considerable justification for dividing a complicated question stated in a motion as distinct from a bill, because such a motion is essentially a one step proceeding with the Speaker in the chair. There is then no opportunity for the house to consider and to vote separately and individually on the propositions which constitute the proposed resolution.

Again, I repeat that the procedural position is entirely different in the case of a motion for the second reading of a bill. As I stated at the outset, a close scrutiny of precedents and authorities I suggest to hon. members in all humility, leads to the conclusion that a motion to divide a bill by way of an instruction to a committee cannot be entertained at this particular stage of the house proceedings.

In fact, standing order 74 (1) precludes such a motion. It reads as follows:

Every public bill shall be read twice and referred to a committee before any amendment may be made thereto.

There are well accepted forms that can be used to amend not the bill itself but the motion for second reading of the bill. In particular, it is open to hon. members to move a reasoned amendment; that is, a resolution declaratory of some principle adverse to or differing from the principles, policy or provisions of the bill, or otherwise opposing the progress of the bill. The amendment proposed by the hon. member for Calgary North, as he has said himself, is not a reasoned amendment but an instruction to the committee to which the bill is to be referred.

[Mr. Speaker.]

On this point, I would like to refer hon. members to citation 222 of Beauchesne's fourth edition, which deals with the division of bills by instructions to a committee. The citation reads, in part:

—the right theory is not that the instruction should be given whilst the bill is still in the possession of the house, but rather after it has come in the possession of the committee.

There is, of course, an opportunity to vote on individual propositions when the bill is considered in committee. I readily recognize the objection raised to this point by the hon. member for Yukon, the hon. member for Cardigan and the hon. member for Calgary North. It is not the same thing to vote on the individual propositions in committee as to vote against or for the individual propositions in the house itself.

However, what is much more significant is that under the new standing order the house itself—as distinct from the committee—is given an opportunity to debate, to amend, to oppose or to reject any particular clause of a bill. This is the point that has been made by the President of the Privy Council (Mr. Macdonald). This new procedure is made possible under the provisions of standing order 75. Thus, every proposition in a bill can be submitted to the house itself for the purpose of obtaining a direct and specific vote on any individual proposition. This decision is taken by the house as distinct from the committee, and it seems to me that in some measure this answers the objection raised by the hon. member for Yukon.

The hon. member for Calgary North has advanced the suggestion that the significance of second reading has been altered by the new rules, and he expounded this view in a very interesting way this afternoon. Although this is not clear from the rules themselves, I would think this is a fair interpretation of the new relevant standing orders. The vote on second reading is less a vote on the principle of the bill and more a decision of the house to send the bill on for further consideration at subsequent stages of proceedings. If this interpretation is correct, it seems it should now be even less difficult for hon. members to vote either for or against the main motion, since such vote would not constitute either approval of, or opposition to, the principle of the several propositions contained in the omnibus bill.

In view of the precedents, citations and rules by which the Chair is bound, I must therefore conclude that the hon. member's motion cannot be put to the house at this