

Criminal Code

If you couple that with the decision of Mr. Speaker Macnaughton, a decision the government did not like because it seemed to challenge its right to put down any motion it wanted, the result, I suggest, is that there seems to be support for the proposition, which is still in vogue at Westminster and which May's 19th edition refers to, that no member, not even one, should be asked to vote on a question which is so complicated that, in order to say yes to something he likes in the bill, he must also say yes to something he does not like in it, and vice-versa. I think, therefore, that Your Honour having made these other decisions about bills being contrary to the rules and privileges of the House, you should consider very carefully whether this bill with these two completely disparate subjects in it does not contravene our rights and privileges, in which case Your Honour ought to order, or at least suggest, that it be split so that there can be two separate bills enabling hon. members to vote on the different subjects.

● (2050)

Mr. Benjamin: Mr. Speaker, as an amateur in this field I hesitate to rise, but having long established my amateur standing I should like to say one or two words on this point of order as an amateur backbencher or as a backbencher who is an amateur.

My hon. friend from Winnipeg North Centre said this was a mixture of complicated questions. The hon. member for Ottawa-Carleton (Mrs. Pigott) noted that the bill seeks to combine measures dealing with wire tapping, gun control, the customs tariff, the Parole Act, the Penitentiaries Act, and the Prisons and Reformatories Act. I do not know how the customs tariff got in the middle there, but it is a mixture of complicated questions, as my hon. friend from Winnipeg North Centre said.

As I understand it, the House considers, on second reading, the principle of the measure before it. The vote on second reading is directed to the principle involved. I gather, however, that members are now being asked to vote for or against two measures in particular which, in principle, are entirely different.

In relation to gun control it seems to me we are dealing with the question of whether citizens may own and bear arms and, if so, under what conditions, whereas the provisions related to wire tapping concern civil rights and civil liberties in terms of the invasion of privacy, watching and besetting, and so on. Some members may agree with the proposals concerning gun control while disagreeing with the way in which citizens rights are dealt with in the area of wire tapping and the ensurance of privacy. On the other hand, certain members may disagree with the principle advanced with respect to gun control measures while agreeing with that part of the bill which involves the rights of citizens with respect to privacy.

It seems to me we are being asked to vote on two quite opposite principles. One has to do with the privileges of citizens, and the other concerns the fundamental rights of citizens. I suspect that opinions in the House on these two measures vary a great deal, to say nothing of what they might

[Mr. Knowles (Winnipeg North Centre).]

be about the other five portions of the bill. I hope Your Honour will allow members to vote separately at least on the principles of the two major items to which I have referred, namely, gun control and wire tapping. It seems to me there is such a wide difference between the principles involved in these two measures that it is unfair to ask us to vote "all or nothing" on second reading.

If I may add to what my hon. friend said, I should like to touch on another aspect—it occurred to me when the Solicitor General (Mr. Fox) mentioned third reading. No matter what happens to amendments in committee we can still be faced with voting "all or nothing" on third reading. Surely that is not good enough. I myself would be agreeable to the bill being divided into seven parts, although I admit there may be grounds for combining three or four into one, since they affect only the privileges of our citizens. If people are dangerous offenders, then they obviously lost some of the rights the rest of us enjoy when they became dangerous offenders. Others lost some of their rights under the provisions of the Parole Act or under the other acts to which the hon. member for Grenville-Carleton referred. This reinforces my main argument. To ask hon. members to vote "all or nothing" on a matter which affects the privileges of citizens in conjunction with a principle which affects the rights of citizens is unacceptable, because the two principles are incompatible. I hope Your Honour will rule that the bill should be separated, at least in the areas of gun control and wire tapping, so that we may vote on these issues separately.

Mr. Goodale: Mr. Speaker, I do not intend to belabour the points which have been made in the course of this discussion. I think it has been an interesting and worth-while discussion about an important point. I simply wish to underline two considerations which have been advanced. One, of course, is the distinction which Your Honour has drawn between the rules relating to resolutions and the rules relating to legislation. This is a valid distinction and one which serves to support our proceeding with Bill C-51 as it presently stands. Moreover, it tends to minimize the value of the precedents which have been cited to support the argument put forward by the hon. member for New Westminster (Mr. Leggatt) and others.

Further, I should like to underline the suggestion made by the House leader for the official opposition who indicated that this approach to legislation is legal and not improper, and that while he might wish to complain about omnibus bills in specific cases the practice was an acceptable one and well established and recognized under our rules.

Mr. Baker (Grenville-Carleton): Not acceptable, but recognized.

Mr. Goodale: I would want to check that phrase. I believe the word "acceptable" was used, but I shall stand to be corrected when I see *Hansard* tomorrow.

What members of the NDP are complaining is the complexity of legislation. This is a problem which faces all mem-