

*Capital Punishment*

It is not, by any means, that the amendment put forward by the hon. member for Oxford offends the provisions regarding motions at the report stage: far from it. Had it been put forward as a motion under Standing Order 75, upon 24-hour notice, there is no doubt in the Chair's mind that it would have been extremely relevant and very much in order from the procedural point of view.

The only question that concerns the Chair at this time is this. If hon. members are required to give 24 hours' notice of an amendment which introduces a substantial change to a bill, how would it be possible or fair to allow other members to move subsequent amendments to one of the motions which is not in any way to be construed as a simple explanation or alteration of the language or a change in some of its terms, but must be taken to introduce an important new concept?

I am sure that the hon. member for Oxford agrees that this amendment introduces an important new concept, otherwise he would not have bothered to move it. It is a very important concept, one that would have been a worthy subject for consideration. However, in fairness, if there is to be justice and equality under Standing Order 75 which provides that 24-hour notice must be given by members who seek to make this kind of change in a bill, surely it would be improper to allow, by way of what is, in effect, a subamendment, the introduction of a rather important new concept into the whole debate and to ask hon. members to vote in that regard without having had the benefit of study and examination of the question that is provided by the 24 hours' notice rule.

● (1410)

In respect of paragraph (a.1) of the proposed amendment by the hon. member for Oxford, I would rule it out of order now on a different ground. The passage last night of motion No. 12 in the name of the hon. member for Northumberland-Durham (Mr. Lawrence) in effect redefined the definition of first-degree murder so that a second offender does, if I understand the amendment correctly, become liable to prosecution for first-degree murder.

That being the case, paragraph (a.1) of the proposed amendment of the hon. member for Oxford would seem to be covered as it is in respect of a second offender and a more severe penalty being imposed. To a certain extent, therefore, it is redundant to the motion of the hon. member for Northumberland-Durham. However, it is only redundant to a point, because it does not accomplish the full change envisaged by the hon. member for Oxford, and that is "life imprisonment" meaning imprisonment for one's natural life, without eligibility for parole.

Therefore, I would have to rule that both paragraphs, in the final analysis, are out of order on procedural grounds because they ought to have been put forward as a substantive amendment to the bill under the ordinary 24 hours' notice provision of Standing Order 75(5). I think it would be unfair and improper to put them in this way because they introduce a substantive, new concept into the definition of "life imprisonment".

I would not want to comment again as to whether the hon. member might be in order in changing the language of the clause to read "50 years" from "25 years"; whether he could do that or get someone else to attempt to do it for

him. This is a decision I would prefer to make only if and when such a step is taken by the hon. member for Oxford or others.

I should like to add one other word. The House should remember that this is a bill amending the Criminal Code. There is absolutely no restriction at any time on the right of the hon. member for Oxford or any other member to put forward a bill amending the Criminal Code in respect of the definition of "life imprisonment" after careful consideration and refinement of the ideas that have been put forward and discussed in respect of this particular amendment. Nor is there any restriction on the right of the hon. member to put forward a notice of motion which would call on the government to take into consideration such an amendment. In any case, there is no reason to believe, if there is merit to the amendment that is proposed, that the Solicitor General (Mr. Allmand) or others who would be responsible for such an amendment could not be persuaded privately that such an amendment might be put forward by the government.

Therefore, I rule out of order the proposed amendment by the hon. member for Oxford. Is the House ready for the question on motion No. 36?

**Mr. Stevens:** Mr. Speaker, I rise on a point of order. There have been discussions in respect of motion No. 36. I am not sure whether the Solicitor General is prepared to say anything yet, but if he were given the opportunity to add to this debate we might defer the putting of the question until later this afternoon.

**Mr. Allmand:** Mr. Speaker, I have sought advice from the penitentiary service and the parole board in respect of the hon. member's proposals in motion No. 36. While I have some of that opinion, I have not been able to reach all those I was seeking to consult, and I would be willing to suggest that we agree to the hon. member's request that we postpone putting the question on motion 36 until later this afternoon. Maybe after we have dealt with a few other motions I will have heard from the Commissioner of Penitentiaries.

**Mr. Speaker:** Is the House agreed.

**Some hon. Members:** Agreed.

**Mr. Speaker:** We will now proceed to motion No. 37. Is the House ready for the question?

**Some hon. Members:** Question.

**Mr. Speaker:** The motion is in the name of the hon. member for Lotbinière (Mr. Fortin). Is it the pleasure of the House to adopt the said motion?

**Some hon. Members:** Agreed.

**Some hon. Members:** No.

**Mr. Speaker:** All those in favour of the motion will please say yea.

**Some hon. Members:** Yea.

**Mr. Speaker:** All those opposed will please say nay.

**Some hon. Members:** Nay.