

*Capital Punishment*

principle of the bill, as I said, is not to establish a mode of punishment, but rather to catalog and specify a type of crime and give the government tools to fight that crime. That is why I am moving this kind of amendment to give the government an additional tool, a serious tool—the death penalty.

● (1640)

[English]

**Mr. Sinclair Stevens (York-Simcoe):** In speaking on the admissibility of the amendments which are before you, I would draw Your Honour's attention to two facts. One of them has already been referred to by the hon. member for Calgary North (Mr. Woolliams). First, the impression hon. members may have that this is an abolitionist bill, in the true sense, is not a sound one. This is a bill to amend two existing statutes, the Criminal Code and the Fugitive Offenders Act. I refer to the schedule on page 16. Though it amends those two acts, it specifically does not amend the National Defence Act, and the National Defence Act does contain extensive provisions covering situations where the death penalty applies in the event a person is convicted of certain stated offences—and I am referring to literally dozens of cases under the National Defence Act where the death penalty can apply.

It is, therefore, my submission that this bill is simply a modification of existing law with respect to the death penalty; it merely suggests that the death penalty with respect to certain offences be removed. On the other hand, the offences referred to in the National Defence Act are not covered. In short, it is simply a question of degree. In these circumstances I maintain that the argument put forward by various hon. members that the principle of the bill being abolition, the Chair cannot accept any amendment which goes against that principle, falls to the ground. To strengthen this contention I would draw attention to a bill presently before parliament, Bill S-23, introduced for first reading on March 13, 1975. That bill, I suggest, is a true abolitionist bill. It is entitled "an act to amend the National Defence Act and the Criminal Code (total abolition of capital punishment)". We are in an odd position in that we do have a truly abolitionist bill before parliament at the same time as a limited retentionist bill or a limited abolitionist bill. Any amendment to the limited abolitionist bill, C-84, should be found by Your Honour to be in order.

● (1650)

I will go further and refer Your Honour to a ruling of your predecessor that appears in the House of Commons *Journals* for February 13, 1969. That is a ruling which turned on an amendment proposed by the hon. member for Waterloo-Cambridge (Mr. Saltsman). In those proceedings he proposed that a private bill, known as S-6, which was then before the House be amended by deleting clause 1. The odd fact was that that was the only clause in the bill.

There was a lengthy debate on the issue, to which I hope Your Honour will refer, as reported in the Debates for February 13, setting out the arguments pro and con as to whether it was in fact in order to delete a clause which, in effect, negated the whole bill. During the argument, the hon. member for Winnipeg North Centre (Mr. Knowles), who is still with us, very effectively argued that it was

[Mr. Fortin.]

quite in order that this deletion be proceeded with, and he won his case. If I may, I should like to refer to certain observations made by the Speaker in his ruling. I point out that this ruling was given shortly after the rules that now exist were agreed upon. The paragraph in the existing Standing Orders which was referred to was Standing Order 75(5).

**Mr. Speaker:** Order, please. The hon. member for York-Simcoe (Mr. Stevens) is now, it seems to me, on a point which will be more relevant to the next argument that we are going to face since we have a number of amendments deleting clauses in the bill which have the effect of re-establishing clauses that now exist in the Criminal Code, obviously without the effect of the amending statute. The problem that now arises is one that the Chair is very much aware of, and it was referred to by the hon. member for Edmonton West (Mr. Lambert), if I recall his words, as being an expanded negative.

As I say, that point is one that we will face in the motions to delete clauses. I understand that the hon. member is drawing a parallel to the effect that if you can do it that way, you ought to be able to do it in the way that is now before the House. I appreciate the point, but in terms of a full development of the point I would ask for further argument since there is a series of amendments before us which proposes to do precisely what the hon. member is referring to.

**Mr. Stevens:** If I may, Mr. Speaker, the main thrust of my argument is that I hope that the ruling by your predecessor to which I have referred will be considered a precedent to follow in regard to motions 7, 11, 13, 36, and possibly others. In addition to that, if we read the full wording of the Speaker at that time, I think that what is before us today in regard to all these amendments is equally true, and that that precedent can be used not only to indicate that motions Nos. 7, 11, 13 and 36, which delete clauses, are in order but to justify Your Honour's finding all of the amendments before you in fact in order.

**Mr. Stanley Knowles (Winnipeg North Centre):** Mr. Speaker, I agree with Your Honour that the question of how the Chair should rule on report stage amendments that seek to delete certain clauses of the bill is a separate issue from the one before us at the present time. The issue that has been raised at this time is a fundamental one, namely, whether it is in order to move amendments that seek to set aside a decision which is the main thrust of the bill.

I recognize that the hon. member for Calgary North (Mr. Woolliams) and the hon. member for Edmonton West (Mr. Lambert) in particular have argued that what we have before us is not an abolition bill but a bill to amend the Criminal Code. I should like to remind them and Your Honour of the title of the bill, which reads, "an act to amend the Criminal Code in relation to the punishment for murder and certain other serious offences".

I submit to Your Honour that Bill C-84 is not just a bill containing routine amendments to the Criminal Code. That argument might have been made about Bill C-83, but it certainly does not apply to Bill C-84. Bill C-84 is directed