

punishment for murder and certain other serious offences, as reported (with amendments) from the Standing Committee on Justice and Legal Affairs;

RULING BY MR. SPEAKER

MR. SPEAKER: The question now is the determination pursuant to Standing Order 75 of the procedural acceptability of motions introduced at the report stage of Bill C-84.

This afternoon I indicated some difficulty with the long-accepted axiom of the House which was referred to so frequently and clearly in arguments put forward this afternoon. I will point out for the sake of clarity that it is stated on page 509 of May's Eighteenth Edition that:

"An amendment which is equivalent to a negative of the bill, or which would reverse the principle of the bill as agreed to on second reading, is not admissible."

We have before us a number of amendments at the report stage of Bill C-84 and the Chair indicated this afternoon some difficulty with those amendments which would reintroduce into the Criminal Code some form of the death penalty, because of the proposition that had been put forward in the committee and discussed quite generally that the principle of the Bill was to abolish the death penalty, any amendment which would propose to reinstate the death penalty would contravene the axiom to which I just referred.

Many honourable Members participated in the discussion this afternoon which lasted until almost six o'clock. There were interesting contributions from Members on both sides of the question, although not so much on both sides of the House. Many argued that the principle of the Bill was different from that which had been suggested by others, namely, that the principle was the abolition of the death penalty. The discussions were interesting and the contributions were well prepared and well thought out, but in the final analysis the question reduces itself to whether, when the House pronounced itself upon second reading of the Bill, it pronounced itself on a question of principle and, if so, what that principle was.

With the greatest respect for all the arguments to the contrary, I have tried to conclude that the principle of the Bill is other than the abolition of capital punishment for crime under the Criminal Code. However, I cannot come to that conclusion.

It seems to me, in respect of all the speeches and comments that have been made, that many Members have addressed themselves, in the agony they feel in making this decision, to the fact that for the first time a bill has been put before the House which is different from those which have been put before the House in the past which have retained capital punishment for certain offences and have been for a temporary period. The distinctive feature of this Bill, which has caused so much concern and so much agony of decision, is that it proposes the total abolition of capital punishment for crimes described in the Criminal Code.

There is a rule that amendments after second reading cannot contravene the principle adopted by the House on second reading, but I know that in the past all the precedents, which strongly and clearly set out that axiom give absolutely no assistance in attempting to define what is the principle of a bill. It may be wise and intelligent, and certainly I accept the admonition and will in no way attempt to generalize on that proposition. In other words, I have to decide whether this Bill has a central principle and, if so, what it is. Having regard to all the debates and comments and all the circumstances of this bill at second reading, I can come to no other conclusion than that this Bill has a central principle, it being the abolition of the death penalty for crimes described in the Criminal Code. Therefore, I must conclude that any amendments at this stage which seek to reintroduce the death penalty under any circumstances contravene the principle and are out of order.

I have made reference to the precedent cited this afternoon by the honourable Member for York-Simcoe (Mr. Stevens) in which a one clause bill was met with a motion to delete. I listened carefully to the arguments by the Parliamentary Secretary to the President of the Privy Council (Mr. Blais) and the honourable Member for Drummond (Mr. Pinard) who, incidentally, made a very effective and direct presentation in contribution to the debate on the point this afternoon.

I would be prepared to accede to those arguments against motions to delete were it not for the fact that Standing Order 75(5) appears to give them a sanctity that does not extend to other motions.

It may be that that provision was inserted originally because the changes in the procedures adopted along with that provision had the effect of taking the committee of the whole stage of the bill in a standing committee. Therefore, the House never really pronounced itself on clause-by-clause votes.

The provision may very well have been inserted in the Standing Orders because of the power to introduce amendments at the committee stage. That power required a counter-balancing power of the House, really for the government I suppose, to introduce motions which would delete amendments which had been added to the bill in the committee stage. That is idle speculation at this point.

What I have to determine is whether Standing Order 75(5) and the precedents, particularly the precedent cited this afternoon by the honourable Member for York-Simcoe, extend to honourable Members who seek the opportunity to put motions to delete at the report stage.

If I were to rule out motions to delete at this stage on arguments that have been presented, namely that they have the effect of contravening the principle of the Bill, I would face a situation where, for example, one Member has put down only one motion to delete. Other Members have put down several motions to delete.

If I were to take those collectively and say that their effect is to change the principle of the Bill, one Member