

Bill C-2 in the House that it was my intention, along with my colleague the hon. member for Saint-Denis, to put forward certain amendments, and I gave the basis of those amendments then. Several days earlier I, together with my colleague, announced my intention to the press. I also spoke to colleague on both sides of the House who I felt had some sympathy with our point of view.

Having done that, over a period of some five months speeches were made in a lengthy debate in the House and amendments or proposals to come before the committee were supported by some members and rejected by others. Never over that period of five months during first and second reading of the bill in the House, and then in committee, was there any suggestion of any procedural problem or inappropriateness in the approach until there was some question about the amendments and it was suggested that they would not be appropriate for consideration by the House. If I have erred in not checking with the table officials and asking for their opinion at an early stage back in January, I also erred in my conclusions regarding the committee meetings in 1967 when amendments, which included total abolition, were put forward, without challenge, and then defeated.

I would not be putting forward these amendments had I not balanced total abolition with another aspect ensuring severity of punishment, and that is the next point I want to make. What is the principle in the bill, and is it indeed challenged? Are we attempting to change the principle with the amendments I have put forward? In committee, while the chairman of the committee ruled that to alter the one extreme of punishment in the bill, that is, for certain categories the penalty of hanging, would be to change the principle, there was no such ruling and an amendment was accepted for consideration to change the other extreme in the bill, that is, the ten-year minimum sentence by reducing it.

I am trying to argue: What is the principle, versus what are the specifics in the bill? I am saying that if the chairman of the committee ruled that the death penalty abolition changes the principle of the bill, then I fail to understand how the other extreme regarding a ten-year minimum sentence for the most heinous crime does not also change the principle. I agree that the principle of Bill C-2 cannot be altered, but I argue that the principle is the provision of an appropriate punishment for various categories of murder; it is not the specific punishment but the principle of appropriate punishment.

Whatever amendments have been offered either in the committee or now in the House, the principle of the bill, that is punishment for the crime of murder, has not been removed, nor do amendments put forward in committee or here suggest that that principle of appropriate punishment be removed. If the principle were based on death or no death as a specific, rather than general principle, of severe punishment many people might argue that a definite 25 years of incarceration more terrible than death. Whatever those arguments, my amendments to the existing contents of the bill or the contents of the original bill continuing to deal with the specifics of punishment all maintain the principle of the bill, which is punishment and the deterrence of this terrible crime.

### *Capital Punishment*

I should like to summarize my arguments. It was the will of parliament as expressed during the second reading debate that real changes be made in the type of punishment in the committee and, if not there, that they be made here during the report stage, especially in the area of the degree of punishment. Also, in those speeches the possibility was mentioned of the removal or harshening of the death penalty factor. It was also the will of the House that the principle of severe punishment be maintained. Certainly that was the general feeling during the second reading stage. I feel that my amendments live up to that principle.

Very early in the debate on this bill notice was given of my intention, along with that of the hon. member for Saint-Denis, and during the five months this was not challenged. In fact, it was accepted as material for debate during second reading. The amendments were expected to be presented in committee, and they were found acceptable when they reached committee and voted upon. It is quite possible that a tight procedural interpretation may jeopardize the admissibility of these amendments, but I would like you to consider, sir, the free vote status of this bill, the lengthy notice given and the general acceptance of parliament over the months that these alternatives would be acceptable for consideration in committee. Surely this justifies their admissibility if parliament is to make a responsible decision on such a controversial matter without the constraints of party discipline.

**Mr. Lawrence:** Mr. Speaker, did I understand you to indicate that you also may have some doubts about amendment No. 11?

● (1430)

**Mr. Speaker:** The remarks which I made a moment ago were only to the amendments which stand in the name of the hon. member for York West (Mr. Fleming). I thank the hon. member for York West for the considerations which he has just put forth for examination by the Chair. Hon. members will appreciate the difficulty with which I am faced at the present time. I might say that the main difficulty with which I am faced results from the form in which the bill which is before us has been returned from the committee.

I have serious doubts as to the procedural admissibility of some of the amendments which were made in committee, but at the same time I wonder whether the Chair ought to exercise the initiative required to refuse to accept a bill as it has come to this House from the justice committee, and ask that it be returned to the committee for further consideration. There is no recent precedent that I know of, even with the assistance of the advisers to the Chair at the table, to indicate that the Chair could take this rather bold step of refusing, on behalf of the House, to accept a bill as amended in committee. I think that committees to some extent have to accept some responsibility and return to the House bills which contain amendments which are procedurally correct.

If the Chair were to take the initiative and suggest that some of the amendments, particularly an amendment or amendments which in effect amend the Parole Act, cannot be accepted, I would be placing the Chair, the committees and the House in the position that in every instance where