

Capital Punishment

● (1230)

The Chair would be prepared to entertain discussion at this time on why it should not rule the motions which I just enumerated, along with motions Nos. 40 and 41 which relate to commutation, as being procedurally out of order on the ground that since they are consequential upon the existence of the death penalty, the death penalty not being part of the bill they are completely irrelevant to the bill. Therefore, it would be my disposition, if there is no argument to the contrary, to rule them all out of order.

[Translation]

Mr. Fortin: Considering your explanations, Mr. Speaker, with them in mind, I agree.

[English]

Mr. Lawrence: Mr. Speaker, I rise on a point of order. As the mover of a number of motions, I would agree that a number of them are strictly consequential. I do not care how we dispose of them, whether with the unanimous consent of the House they are withdrawn or whether you rule them out of order; it does not matter how it is done. I point out to the Chair that two motions are not consequential but are substantive and should be considered at the report stage.

Mr. Speaker: Order, please. Our review this morning would indicate that the two motions now before the House, Nos. 36 and 37, would remain for consideration. Motions Nos. 45 and 46 are not in any way related to the death penalty, and motion No. 42 relates to the transitional provisions. I could entertain discussion on whether it is related to the death penalty. It would appear from our review that motions Nos. 42, 45 and 46 remain to be discussed. Motions Nos. 36 and 37, now before the House, also remain to be discussed, and the remaining motions which have not been voted on up to this time would be ruled out of order by the Chair. I so order at the present time, because all such motions are consequential upon the existence in the Criminal Code, or this amended statute, of the death penalty and as a result of last night's vote that does not exist.

Therefore, there is no sense, procedurally, in accepting any such motions. The simplest course would be, rather than seeking consent to withdraw such motions, to put them to a quick vote. The Chair ought to take the decisive step; therefore, I order all such motions to be procedurally unacceptable.

Some hon. Members: Agreed.

Mr. Speaker: This is not to indicate that motion No. 45, in the name of the hon. member for York-Simcoe (Mr. Stevens), is not without procedural difficulty. However, no argument has been made on the procedural regularity of that motion.

Motions Nos. 42, 45 and 46 have not been called. Their calling is without prejudice, in other words, to the right to raise any procedural argument which may be raised when such motions are called.

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, may I ask a question about the deferred division on motion No. 38 in the name of the hon. member for Oxford (Mr. Halliday). I do not raise the matter in any argumentative

[Mr. Speaker.]

sense. I am concerned about the procedural difficulty in which we may find ourselves if there is still listed a deferred division on motion No. 38—

Mr. Speaker: Order, please. I thank the hon. member for Winnipeg North Centre (Mr. Knowles) for bringing that to my attention. That motion is equally out of order, I would think, as a result of last evening's votes. The hon. member for Oxford (Mr. Halliday), the mover of the motion, is in the House; I see him assenting to that decision. I should have included motion No. 38 in that ruling along with the others because it is consequential upon the imposition of the death penalty under the statute, and that is no longer possible as a result of last night's votes. Although discussion was completed on that motion and there was an order that the vote be deferred, I now rule, unless there is objection or argument to the contrary, that that motion is also out of order and therefore the possibility of a future vote on it ought not to be considered.

Some hon. Members: Agreed.

Mr. Blais: Mr. Speaker, in order to avoid confusion on my side of the House, may I raise a question? I understand that the motions still left for debate are Nos. 36, 37, 42, 45 and 46.

Mr. Speaker: That is correct. The debate now is on motion No. 36.

Mr. Perrin Beatty (Wellington-Grey-Dufferin-Waterloo): Mr. Speaker, I rise to speak in support of motion No. 36 moved by my colleague from York-Simcoe (Mr. Stevens). I shall try to keep my remarks brief. I think the House ought to give serious consideration to the worthwhile motion moved by my colleague. I think the amendment would, if passed, provide greater protection to the Canadian public and assure our people that the process whereby we grant absences with escort to those convicted of serious crimes will not be abused.

From my conversations with Canadians I have learned that many are concerned about abuses which occur with respect to absences, with or without escort, from prison. Sometimes prisoners who have been sentenced to long prison terms are allowed to be absent, with or without escort, and some of them have not returned and have violated the conditions under which they were allowed to be absent. The amendment which the hon. member has proposed would ensure that no absence with escort for humanitarian or rehabilitative purposes may be authorized under the Penitentiary Act without the approval of the National Parole Board.

At present it is possible for such leave to be granted by the Commissioner of Penitentiaries on the say-so of the director of the jail wherein the person is imprisoned, or in the case of a person who has been referred to a provincial mental hospital, on the say-so of the director of that provincial mental hospital. I feel that the present procedures to which I have referred are too loose, and suggest that the bill should be amended in this regard. Canadians are entitled to be reassured that the present procedures will be tightened.

Because the government has done little to reassure Canadians that it takes seriously the fight against violent