

*Measures Against Crime*

**Some hon. Members:** Agreed.

**Some hon. Members:** No.

**Mr. Speaker:** The motion is not debatable. I declare the motion carried on division.

Motion agreed to.

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**CRIMINAL LAW AMENDMENT ACT (NO. 1), 1976****MEASURES FOR BETTER PROTECTION OF CANADIAN SOCIETY AGAINST CRIME**

On the order:

Resuming the adjourned debate on the motion of Mr. Basford:—That Bill C-83, for the better protection of Canadian society against perpetrators of violence and other crime, be now read a second time and referred to the Standing Committee on Justice and Legal Affairs.

**Mr. Speaker:** As I indicated earlier, I would be prepared to dispose of the point of order with respect to the bill that was before us and on which I understand debate will resume at eight o'clock this evening. However, I do not want to interfere with private members' hour if it is understood that is going ahead. If there is no understanding about proceeding with it, perhaps I can deal with the very interesting point of order that was raised late this afternoon with respect to the proposed amendment put forward by the hon. member for Calgary North (Mr. Woolliams).

**Mr. Woolliams:** Mr. Speaker, I had some conversations with reference to this motion. I am prepared to withdraw the words:

—for the purpose of considering a more proper legislative division thereof.

I ask the consent of the House to make that withdrawal. I understand it will be given.

**Mr. Basford:** Yes, Mr. Speaker, that was the agreement reached with me. What is in effect is the motion in front of you with those words attached.

**Mr. Speaker:** I might say, with respect to the action of the hon. members involved, that they probably anticipated pretty accurately what the position of the Chair would have to be in this regard. After some careful consideration I have in any case reached that conclusion.

These, of course, are unsolicited remarks by the Chair at this stage. However, my decision would have been to encourage very much a strict interpretation of the language to be used in the second reading amendment, and to recognize that since this was effectively the first time that any hon. member put before me this kind of motion, it would have been expected in accordance with previous practice, at least the first time a new Speaker had been called upon to make a ruling.

Having found those words to be of some procedural difficulty, I would have earnestly asked the House to grant the request now sought to delete those words, and permit the amendment standing in the name of the hon. member for Calgary North (Mr. Woolliams), as opposed to any other, to be reduced to the words "That Bill C-83 be not

[Mr. Speaker.]

now read a second time but that the subject matter thereof be referred to the Standing Committee on Justice and Legal Affairs."

**Some hon. Members:** Agreed.

**Mr. Speaker:** Consent having been so given, the hon. member has the permission of the House to change the words following "That." Therefore the motion as I have just read it will stand in the name of the hon. member for Calgary North and the House will resume debate on that amendment in the name of the hon. member for Calgary North at eight o'clock this evening. It is so ordered.

**Mr. Basford:** Mr. Speaker, I am sure that the hon. member for Calgary North (Mr. Woolliams) and I regret that our agreement has deprived the House of hearing your views on the subject.

Order stands.

**Mr. Speaker:** I understand there is some disposition that the House will now move to private members' hour and Order No. 41 standing in the name of the hon. member for Toronto-Lakeshore (Mr. Robinson).

**PRIVATE MEMBERS' PUBLIC BILLS**

[English]

**CRIMINAL CODE****AMENDMENT RESPECTING PUNISHMENT FOR CRUELTY TO ANIMALS**

**Mr. W. Kenneth Robinson (Toronto-Lakeshore)** moved that Bill C-241, to amend the Criminal Code (cruelty to animals), be read the second time and referred to the Standing Committee on Justice and Legal Affairs.

He said: Mr. Speaker, the purpose of this bill as spelled out in the explanatory notes is simply to enable a magistrate, who has imposed a sentence upon a person convicted of an offence of cruelty to animals, also to prohibit such a person from owning, harbouring or otherwise possessing an animal or a bird for a stated period of time, as part of the sentence.

Presently magistrates are limited to fining or jailing any person convicted of cruelty to animals. The vast majority of magistrates are most reluctant ever to impose a jail sentence for this type of crime, and a fine is often an unsuitable punishment since lack of funds may very well have contributed to the cruel treatment which the animals receive in the first place. This kind of provision, prohibiting possession of animals, is a means of meeting this problem.

I am aware that Bill C-71, the Criminal Law Amendment Act, which was passed by this House in January and is currently before the Senate Legal and Constitutional Affairs Committee, contains in clause 35 an amendment to the Criminal Code which, by and large, achieves the same objective as my bill. However, in debate on Bill C-71, debate in which I took part as a member of the Justice and Legal Affairs Committee, the attention of members was