

Capital Punishment

procedural point I will hear them. Otherwise I will conclude that the basic principle the Chair ought to follow is that the right of members to put motions before the House ought to be interpreted in favour of those who want to put such motions forward.

I have already ruled a number of amendments to be out of order because there is a clear precedent that motions which offend the principle of a bill after the House has pronounced itself on that principle on second reading are out of order. I have said that the principle of the bill is the abolition of capital punishment. Do the motions put forward by the hon. member for Oxford impose capital punishment when the House has decided in principle against it? I would have to say, no.

There may be many arguments on the merits, but that is another question. I have to decide whether the motions offend the principle of the bill, and because they vest in the convicted person the option to ask the state that he or she be put to death it seems to me that the principle that the state does not impose capital punishment of its own will is not offended, and therefore I have to conclude that the amendments in the name of the hon. member for Oxford are procedurally regular.

These are motions Nos. 4, 9 and 38, I believe—I want to be sure that those are the only three motions to which he has addressed himself. I believe that motion No. 38 is consequential.

An hon. Member: Motion No. 18.

Mr. Speaker: So there are four in all. It is certain we have now brought ourselves to the threshold of motion No. 4, which obviously must be grouped with motions Nos. 9, 18 and 38. All those motions should be grouped and voted on together. If the House is prepared to turn to the discussion of motions Nos. 4, 9, 18 and 38, they could be considered. That would give the Chair the opportunity to give some thought to the grouping of the remaining amendments.

Mr. Benjamin: On a point of order, I appreciate Your Honour's ruling but on looking over motion No. 4 and the subsequent motions proposed by the hon. member for Oxford I have difficulty in understanding how that motion does not contravene the principle of the bill since in the last line it contains the words "shall be sentenced to death". Even if a person chooses—

Mr. Speaker: Those may be arguments upon the merits. The fact is that the amendment put forward by the hon. member for Oxford contains the words "if the person so chooses" and this appears to avoid a course contrary to the principle of the bill. It seems to me that the principle of the bill is not offended when the thrust of the amendment is that the person himself should have the option. I have so ruled, and the discussion on that matter is concluded.

Mr. Knowles (Winnipeg North Centre): When Your Honour grouped motions 4, 9, 18 and 38 did you group them both for debate and voting purposes?

Mr. Speaker: Yes. All are founded on the same basic principle and they should therefore be grouped together for discussion and dealt with in one vote. The hon. member for Oxford.

[Mr. Speaker.]

Mr. Bruce Halliday (Oxford): Thank you, Mr. Speaker. I again commend you on your decision. I wish to preface my remarks by saying that for a long time I have been an abolitionist and that I still am. I do not want to be misunderstood. In the second place I want to acknowledge the fact that parliament has a responsibility to protect the citizens of this country. Because of this, I feel this motion must be introduced this evening. The third—

● (2120)

Mr. Deputy Speaker: Order, please. Perhaps I should take this opportunity, while the hon. member is referring to the introduction of his motion to bring to the attention of the House the fact that the motions of the hon. member have not been really been put. Perhaps I should put them at this time and then let the hon. member complete his speech.

The hon. member for Oxford (Mr. Halliday) moves:

Motion No. 4.

That Bill C-84, an act to amend the Criminal Code in relation to the punishment for murder and certain other serious offences, be amended in Clause 2 by striking out lines 37 to 45 at page 2 and lines 1 to 17 at page 3 and substituting the following therefor:

"shall be sentenced to imprisonment for life or, if the convicted person so chooses, shall be sentenced to death."

Motion No. 9.

That Bill C-84, an act to amend the Criminal Code in relation to the punishment for murder and certain other serious offences, be amended in Clause 3 by striking out lines 23 to 24 at page 3 and substituting the following therefor:

"able offence and shall be sentenced to imprisonment for life, or if the convicted person so chooses, shall be sentenced to death."

Motion No. 18.

That Bill C-84, an act to amend the Criminal Code in relation to the punishment for murder and certain other serious offences, be amended in Clause 5 by striking out lines 34 to 38 at page 4 and substituting the following therefor:

"guilty of an indictable offence and shall,

(a) for a first offence, be sentenced to imprisonment for life, and

(b) for a second offence, be sentenced to imprisonment for life or, if the convicted person so chooses, be sentenced to death."

Motion No. 38.

That Bill C-84, an act to amend the Criminal Code in relation to the punishment for murder and certain other serious offences, be amended in Clause 21 by adding, immediately after line 43 at page 8 the following new subsection:

"(2) The sentence to be pronounced against a person who is sentenced to death shall not be that he be hanged by the neck until dead but shall be in conformity with any humane method of execution as the Governor in Council may establish by regulation."

Mr. Halliday: Mr. Speaker, you have now put us on the right legal track so that the rest of the discussion will be in order. I was referring to the fact that my theory behind these four amendments is based on the recognition of several basic premises. The first is that I am an abolitionist; I favour the abolition of capital punishment. Secondly, parliament has a responsibility to protect Canadian citizens, and I feel that this bill fails to do this in certain respects.

The third point I want to make is that it is claimed by many people that absolute life imprisonment, that is, imprisonment for the remaining days of one's life, is indeed worse than death. I am not here to judge whether or not that is so, but I am prepared to accept that that might