

Capital Punishment

principle of bill itself are in order. If the principle of interpretation that you applied to the words "to amend" applies to the words "to amend" it must all the more apply to the words "to delete" because if the other interpretation were accepted that would mean that all motions "to amend" a bill would be in order in the same way as all motions "to delete" a clause.

But, once again, if you say that certain motions to amend are not in order because they go against the principle accepted on second reading, the same ruling must apply to the words "to delete" which immediately after the words "to amend" and only the motions "to delete" clauses of the bill, that is motions which do not go against the principle adopted on second reading, must be accepted.

Mr. Yvon Pinard (Drummond): Mr. Speaker, this afternoon, I listed the clauses of the bill one by one to show that each clause had a direct relation with the abolition of the death penalty and with the principle of the bill.

In my opinion, Mr. Speaker, you could use this same argument this evening for not having made a ruling allowing to do indirectly what you have forbidden to do directly. By your ruling, Mr. Speaker, you have ruled out amending the bill in such a way that the principle would be affected. Whether the principle is affected by amendment or simply by the deletion of a clause, the result is the same. The proof of this, Mr. Speaker, is that the amendments, the provisions, the clauses that would be deleted from the bill are clauses 1, 2, 3, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20 and 24. I do not want to repeat everything I said this afternoon, but what I say holds for every one of the clauses that would be deleted. If you accept the deletion of clause 8, for instance, you allow section 535 of the Criminal Code, which deals with the death penalty, to remain. This creates an absurd situation.

I therefore agree completely with the two previous speakers to interpret Standing Order 75 (5) in the following way. If it has been decided that during the report stage of the bill, the bill cannot be amended in such a way as to change its principle, I do not see why the deletion of a clause from the same bill should be allowed if the results are the same.

In other words, Mr. Speaker, what is important here, the principle that we want to protect is the following: It is essential not to change the principle of the bill. You have just made a ruling on this matter. We must determine by what means it cannot be changed, and I believe that it cannot be changed either by amendment, or indirectly by the deletion of clauses of the bill which would keep in the Criminal Code sections which would still provide for the death penalty in certain cases.

In closing, Mr. Speaker, as I am convinced that you do not want to allow to be done indirectly what you have just ordered not to be done directly, and that you do not want to create an absurd situation, I believe that the logical and reasonable way to interpret Standing Order 75 (5) is the following: To proceed so as to insure that this rule is applied without changing the principle of the bill by amending or deleting clauses.

[Mr. Fox.]

● (2100)

[English]

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

Some hon. Members: Hear, hear!

Mr. Speaker: 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 out of the House and sending it to a standing committee. Therefore the House never really pronounced itself on clause by clause votes. That 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 counterbalancing 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 hon. member for York-Simcoe, extend to hon. 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 here 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 who put down a motion to delete would lose that right. It seems to be going far too extensively beyond the Standing Orders to suggest that, because the effect may be in sum or in their collectivity to change the principle of the bill, every member who wants to put down a motion to delete at this stage ought to be deprived of that right. I cannot accept that.

I must say again that there is an area here of some uncertainty as to what the rights are at this stage. In my opinion that uncertainty ought to be cleared up by the Standing Committee on Procedure and Organization. In the meantime the benefit of the doubt will be given to the member who wishes to put down a motion at the report stage.

Some hon. Members: Hear, hear!

Mr. Speaker: It would be my proposal to find procedurally acceptable all of those motions pursuant to Standing