

Capital Punishment

CORRESPONDENCE WITH PRESIDENT OF C.T.C.

Question No. 5,695—**Mr. Brisco:**

1. Did the Honourable Edgar Benson, P.C., President of Canadian Transport Commission receive a letter from the honourable Member for Kootenay West on April 9, 1976 and a further letter on May 5?

2. Has the CTC acknowledged or replied to the letters and, if not, can the Commission give an indication as to how long it routinely takes to respond to correspondence from Members of Parliament?

Mr. Ralph E. Goodale (Parliamentary Secretary to Minister of Transport): The Canadian Transport Commission advises as follows: 1. Yes.

2. The letters were replied to June 4, 1976. It is not possible to estimate how long it may take to respond to correspondence on a subject (as in the case in point) which bears on questions of jurisdiction and constitutionality.

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● (1610)

[English]

MESSAGE FROM THE SENATE

Mr. Speaker: I have the honour to inform the House that a message has been received from the Senate informing this House that the Senate has passed Bill C-94, an act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1977.

And also, a message informing this House that the Senate has passed Bill C-93, an act granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1977.

GOVERNMENT ORDERS

[English]

CRIMINAL CODE

MEASURES RESPECTING PUNISHMENT FOR MURDER AND OTHER SERIOUS OFFENCES

The House proceeded to the consideration of Bill C-84, to amend the Criminal Code in relation to the punishment for murder and certain other serious offences, as reported (with amendments) from the Standing Committee on Justice and Legal Affairs.

Mr. Speaker: Order, please. May I point out to the House that in the short time that was available, one motion, motion No. 1, was placed on the special order paper in error. It stands in the name of the hon. member for Burnaby-Richmond-Delta (Mr. Reynolds). It was never his intention to move an amendment to delete clause 1 of the bill; therefore, the motion has no status whatsoever and ought simply to be deleted from the order paper. Is it agreed?

Some hon. Members: Agreed.

[Miss Campbell (South Western Nova).]

Mr. Speaker: Rather than renumber all the motions on the order paper, I wonder if we might simply agree that motion No. 1 has been withdrawn and that we will therefore proceed to take the rest of the motions as they are presently numbered, without changing any of the numbers?

Some hon. Members: Agreed.

Mr. Speaker: The obvious point, before proceeding with all the report stage motions, is that a glance will indicate that a number of them would propose to reinstate or return to the Criminal Code some form of death penalty under different circumstances or to make amendments which would in some way relate to the death penalty. Before getting into report stage, setting up the amendment for discussion and ordering any discussion and vote, surely the first point the House ought to address itself to, and certainly that the Chair would want to hear argument upon, is whether any amendment—this being a bill which has the effect of eliminating capital punishment from the Criminal Code—which would in fact re-establish capital punishment, in any sense contravenes the principle of the bill. That is the point at issue.

If the Chair were to find an amendment in this way contravene the principle of the bill, obviously the order of arguing and dealing with amendments would be drastically affected. There are so many of them that I would feel it quite proper to call upon any member interested in developing arguments in that respect to do so now. Then perhaps I will have an opportunity to carefully consider such arguments and reserve decision while the House goes on with some other amendment, and I shall deliver the decision as soon as possible.

Mr. Eldon M. Woolliams (Calgary North): Mr. Speaker, the amendments, which now amount to 45, one having been deleted, concern the question of the penalty for various kinds of murder—whether the sentence or punishment should be a life sentence or in some cases, in reference to the amendments, the death penalty. I should like, first of all, to develop the argument of whether the amendments are against the principle of the bill. In developing the first argument, may I refer to the title of the bill which is as follows: "Bill C-84, an act to amend the Criminal Code in relation to the punishment for murder and certain other serious offences". I should like to draw attention to the fact that this bill, like many other bills in reference to part retention and part abolition and abolition or retention, is an amendment to the Criminal Code. The big point in reference to the principle of the bill is in relation to the punishment for murder.

My first point is whether the punishment for certain kinds of murder—whether it be first-degree murder, second-degree murder, or whether it is categorized as capital murder or non-capital murder—should be life imprisonment or the penalty of death. I say that the title of the bill itself, which says "punishment for murder and certain other serious offences" shows that punishment for murder could be life imprisonment, could be a term certain, or could be death, and therefore I say at the outset that it does not change the principle of the bill.