

The hon. member, with his lengthy experience in law, in government and in parliamentary affairs knows that one cannot propose an amendment to a statute which is not before us. The hon. member's amendment is not to the bill before us but to the act which stands behind the bill, the Criminal Code itself. The hon. member's suggestion, and I know that he put this forward as argument in support of his proposition and perhaps was not 100 per cent convinced that it was right, was that we should accept the amendment because it relates to the subject of capital punishment. Because an amendment or motion refers generally to the subject of capital punishment does not make it automatically acceptable. If the amendment seeks not a modification to the bill before us but, rather, a change in the statute which the bill seeks to amend, the Chair has no alternative but to say it is not acceptable. It is for that reason that I hesitate very much to accept the hon. member's motion from the point of view of procedure.

I repeat, I have general doubts about the whole procedure which has been followed in connection with this bill in many respects. I should make a distinction to which I should refer. The hon. member referred to a report which would not be in order. We are not dealing here, of course, with a report, but with a bill which has come before us. It is not the report, but the bill which we have before us for consideration at this time. While it may be possible in some instances for the Chair to take exception to the form of a report which comes before us—and there are many precedents to justify such intervention on the part of the Chair—I suggest there are few, if any, precedents which would justify the intervention of the Chair in the case of a bill which comes before us in a certain form from a committee. For these reasons, I would have to rule that the hon. member's motion cannot be put.

Mr. Lawrence: Mr. Speaker, in accepting Your Honour's ruling, may I pose this question in regard to the bill as reported to the House? Perhaps now or at some future time, so that it may be clear, Your Honour would indicate for the benefit of generations yet to come your reasons for refusing to intervene at the report stage of the bill even though there might be serious doubts in your mind as to what has been done in committee itself.

● (1500)

Mr. Speaker: Of course, the Chair tries not to rule for generations to come. It is difficult enough to rule for this generation.

Some hon. Members: Hear, hear!

Mr. Speaker: I would hope that future generations would be easier to rule for than the present one. In any event, I suggest that whatever reasons, if any, can be gleaned from what I said a few moments ago should be sufficient for this moment; and if there is another occasion I may find other explanations, perhaps more valid, for ruling one way or the other.

Mr. MacEachen: I rise on a point of order related to that made by the hon. member for Winnipeg North Centre. I note the suggestion made by the hon. member that if any divisions are necessary on the proposed amendments at the report stage they should be deferred. I realize this is a

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matter for the Chair to decide but I would certainly support the desirability of that discretion being exercised in favour of deferring votes until all of them can be taken at the same time. However, this is merely an expression of opinion.

My second point is rather more important. Bearing in mind the type of bill with which we are dealing and the desirability that the maximum number of members be present in the House when a decision is taken, I wonder whether at this stage we could secure some sort of understanding between the parties that we would consult, and that the timing of any divisions would be mutually agreeable. I say this because there will be absentees from time to time on this side and on the other side, and if there are surprise votes we might reach decisions which are not expressive of the views of the total membership of the House. This is a serious point.

The third point I should like to make is this. I certainly would not raise points of order myself against those who might in the course of debate on the amendments stray from the rule of relevancy—if they wanted to make general speeches on what are, really, specific motions to amend the bill. I wish to make that clear, realizing there are a number of members who wish to speak on this subject. It would be unfortunate if they were prevented from doing so by insistence on the rule of relevancy.

Mr. Baldwin: I am taken by the second suggestion made by the President of the Privy Council, that there should be some mutually agreed time at which we would be called upon to make our decision. We might well, in the course of the next two or three weeks, specify, for example, that each Tuesday is the appropriate time at which votes can take place.

Mr. Prud'homme: Agreed. Every Tuesday from now on.

Mr. Knowles (Winnipeg North Centre): In this atmosphere of unanimity, may I support the suggestion put forward by the President of the Privy Council, namely that we seek to reach agreement among the House leaders as to when any votes on this issue will be taken. If there could be an understanding that there would be at least 24 hours, or preferably 48 hours, between the ending of debate and the taking of votes so that persons who might not be here can get here, it would be appreciated. At the moment I am joining with the hon. member for Peace River in the sensible part of what he said, supporting the idea that there should be agreement as to the timing of the votes.

An hon. Member: We would like to have Labour Day off.

Mr. Bell: I can see some difficulty about this, but providing we are only saying at the moment that we are trying to seek agreement, that is certainly all right.

[*Translation*]

Mr. Boisvert: Mr. Speaker, I also agree with my colleagues of the other parties. When the House will vote on the bill, it will have to be truly representative of hon. members.