

*Capital Punishment*

discussion was initiated this afternoon by the hon. member for Edmonton West (Mr. Lambert), or at least I think it was first mentioned by him, that in fact clauses to delete in those circumstances may be no more than an expanded negative. Reference was also made by many others who participated in the discussion this afternoon. Although almost precisely opposed to the view that I began with this afternoon, it is true that in many cases a motion to delete at this stage is in fact nothing more than a procedure requiring that a vote be made on an individual clause. It is in fact a negative, and the precedents clearly indicate if such a motion were to be put forward in the standing committee to delete a clause, the motion would be struck out on procedural grounds because it would be the reverse proposition of the carriage of the clause.

In standing committee, however, the clauses have to be voted one at a time. At report stage the clauses are not voted one at a time and Standing Order 75, particularly in subsection (5) says that means motions to amend or delete—the language is there. The whole of Standing Order 75 describes the report stage process, and therefore while motions to delete at this stage may in fact be simply a negative of the clause in question, and in fact by defeating or proposing the defeat of the amendment to a clause would have the effect of returning to the original clause in the Criminal Code which has in its provisions the imposition of the death penalty, therefore would accomplish what has already been struck down in the ruling I have just made. Be that as it may, the fact is that Standing Order 75(5) says that motions to delete are in order at this stage, and therefore while they may offend some other precedents they are in line with the Standing Order in that paragraph.

I would have the greatest difficulty in attempting to rule aside motions to delete, particularly in face of the precedent cited by the hon. member for York-Simcoe this afternoon which seems to me to be the extreme of this case, that is, at report stage a one clause bill was met with a motion to delete the one clause.

The motion to delete is envisaged clearly in the Standing Order. It may be that if the rule were abused the procedural committee might want to recommend an amendment to the Standing Orders or the deletion of Standing Order 75(5) so that it could not be used in an abusive way.

My duty is to apply the Standing Orders as they appear. Therefore, notwithstanding a number of inconsistencies with the precedents I have just cited in the ruling I have just made, motions to delete pursuant to Standing Order 75 appear to me to be in order.

I have some considerable sympathy with the argument put forward by the hon. member for Burnaby-Richmond Delta (Mr. Reynolds), which was that it would be a pity to strike out the amendments—which I have just done—because it would deprive hon. members of addressing themselves to the motion on an individual basis. The fact is, whether it was intended to be so or not, that the effect of motions to delete at this stage is to do that very thing. I therefore would be inclined again to sympathize with the right of hon. members to take advantage of Standing Order 75(5) to put down motions to delete to force the House to go to a vote at report stage. Again I say if it is the wish of the House that the procedure be changed—then change it.

[Mr. Speaker.]

The duty of the Chair is to enforce it as it exists, subject to argument which I will now invite. That is my initial indication.

**Mr. J.-J. Blais (Parliamentary Secretary to President of the Privy Council):** Mr. Speaker, I would agree with you on that interpretation of Standing Order 75 (5) if the word “delete” were not accompanied by the words “amend” and “insert or restore”. Mr. Speaker, there is no question but that any motion to amend at report stage that would seek to amend by introducing a principle which is foreign to the bill, would not be held by Your Honour to be in order. Your Honour has just ruled a number of amendments to be out of order because it was your finding that those amendments sought to reintroduce in the bill something which was repugnant to the principle of the bill at second reading.

If that is the case with reference to amendments, surely that should be the case with reference to deletion as well. When we are speaking of deletion, if the effect of that deletion is to bring back into the bill something which is repugnant to the bill at second reading, surely that deletion ought not to be allowed in the same way.

**Some hon. Members:** Hear, hear!

**Mr. Blais:** If there were an attempt to restore an amendment that had been defeated in committee or that had been overruled in committee on the basis that it was unacceptable as being repugnant to the principle of the bill, surely that restoration or attempted restoration could be ruled upon on the basis of its acceptability.

My argument therefore is that Your Honour ought not to be bound simply by the wording of subsection (5) of Standing Order 75. Your Honour ought not to be prevented from making a ruling on the acceptability simply because of the use of the word “delete”. “Delete” itself has no absolute magic. It must be construed as a procedural word in the same way as “amend” and in the same way as “restore”.

**Some hon. Members:** Hear, hear!

**Mr. Blais:** Therefore in itself it cannot have this concept of orderliness. To my mind that is self-evident. I know Your Honour is not served by a number of precedents in this matter, but I suggest that the report stage provisions in the Standing Orders are extremely difficult. That is my first argument. I point out that if my argument is accepted, clauses 2, 3, 4, 10, 12, 18, 19, 20, 21 and 23 all dealing with the principle of the death penalty in the original statute which the present bill seeks to repeal seek to make amendments in principle by way of deletion and therefore ought not to be allowed on the ground that they are out of order.

● (2050)

My second point may be unnecessary, since I am persuaded of the validity of my first point. I argue, Mr. Speaker, that wide discretion is given Your Honour under Standing Order 75 relating to the report stage. There is wide discretion with respect to the moving of motions, vote to be held, and so on. That discretion ought also to be exercised in cases of evident abuse of our procedures. It has been recognized in all parliamentary proceedings that,