

Measures Against Crime

● (1510)

Finally, on Thursday, November 16, 1967—this is more recent—an amendment was moved in relation to the abolition of capital punishment bill as follows:

That this bill be not now read a second time, but that the subject matter thereof be referred to the Standing Committee on Justice and Legal Affairs—

So far, that is exactly the same as my motion.

—for its examination in the light of studies made of the penitentiary system in general and, in particular, the rehabilitation of inmates.

The very points we are discussing today were raised. Mr. Speaker Lamoureux, who had a reputation for being extremely strict on this type of amendment, ruled as follows:

I assume the hon. member for Lafontaine would want to argue in favour of his amendment. I must tell him that after reflection, and in spite of the difficulties to which the Registrar General referred, I believe the amendment should be accepted. It is a reasoned amendment. Normally reasoned amendments suggesting that a subject matter be referred do not go beyond referring the subject matter to a committee. Additional considerations are embraced in the amendment proposed by the hon. member, but I do not think they are irrelevant. In view of these considerations I suggest to the House that from the procedural standpoint the amendment should be accepted.

I am arguing my case to Your Honour as if I were presenting a legal argument in a courtroom, and I would say, with respect, that the only possible objection that Your honour could take are to the words “for the purpose of considering a more proper legislative division thereof”. In the examples I have referred to, they went even further than that. I suggest that, if anything, the amendment that I proposed yesterday is easier to accept than the one Mr. Speaker Lamoureux accepted.

In conclusion, Mr. Speaker, I think the amendment should be accepted. It does not refer to the subject matter of the bill, it does not anticipate the committee stage, and it does not refer to matters beyond the scope of the bill. Acceptable reasoned amendments of this variety do occasionally have words which, to quote the ruling I have just referred to—I must say, Mr. Speaker, it is very difficult to argue a case with so much noise and I would appreciate a little more order—go beyond referring the subject matter to a committee, and this amendment is even more circum-spect than most of those. I want to come back to my point about a reasoned amendment. According to May, page 487, under the heading “Reasoned amendment”:

It is also competent for a member who desires to place on record any special reasons for not agreeing to the second reading of a bill, to move what is known as a “reasoned amendment”.

I contend that is what I have done.

This amendment is to leave out all the words in the main question after the word “that” and to add other words; and the question proposed upon the amendment is, that the amendment be made. A reasoned amendment is placed on the paper in the form of a motion and may fall into one of several categories.

(1) It may be declaratory of some principle adverse to, or differing from, the principles, policy or provisions of the bill.

(2) It may express opinions as to any circumstances connected with the introduction or prosecution of the bill, or otherwise opposed to its progress.

(3) It may seek further information in relation to the bill by committees . . .

Such amendments have tended in modern times to become rather stereotyped and are confined generally to the first two categories; and

[Mr. Woolliams.]

amendments selected by the Speaker for discussion have commonly included the words, “this House declines to give a second reading”—

Those words have not interfered with the substance of the motion.

I do not think I need spend much time on Beauchesne’s because this has been covered in my argument. Citation 386 provides:

On the second reading of a bill, the House may decide to refer the subject matter thereof to a commission—

That is basically the same as a committee; if it were referred to a committee it would be in order. I should now like to make a suggestion to Your Honour. I gave this matter considerable thought yesterday before I moved the motion. It was not a case of making the motion and then trying to find arguments to back it up; we did our homework before the motion was moved. If Your Honour feels that the words “for the purpose of considering a more proper legislative division thereof” puts us in difficulty, I suggest that we are still in the ball park, but if we have knocked the ball out and it is a foul ball under these rules, then I hope the House will allow me to withdraw those words and move the motion in its pure and plain sense instead of perhaps establishing a precedent for the future. May I thank Your Honour for the kind attention I know you have given me. I know you will give my argument the consideration that I have experienced in the past.

Mr. J.-J. Blais (Parliamentary Secretary to President of the Privy Council): Mr. Speaker, with all due respect to the hon. member for Calgary North (Mr. Woolliams), I think his last comment is perhaps the most revealing. He finds himself in serious difficulty with regard to this motion and he is trying to salvage a pretty bad deal from the beginning.

There are two major defects with respect to this amendment. The first is that it goes against all previous precedents in that this particular motion does not oppose the principle of the bill. Your Honour knows that there are two major types of amendment that are permitted on second reading. The first is what is commonly referred to as a hoist—namely, that second reading should not now be given but that it be given at a future time. In such event, the session might have ended by the time the three or six months had expired. Evidently the hon. member for Calgary North is not attempting to do this.

The second type is what is referred to as a reasoned amendment. This is subject to a number of precedents dating back to 1947, and if the hon. member for Calgary North is to be successful, he must come within that particular definition. The cases are quite clear. Decisions rendered by various Speakers on reasoned amendments are also clear. In order that a reasoned amendment can be allowed, it has to oppose in principle the bill or any of its provisions. In this particular instance the motion presented by my hon. friend deals with the form and not with the principle of the bill. He seeks, as he has admitted, to have the matter referred to a committee so that the committee might consider a better form.

I should like to refer Your Honour to the *Journals* for Friday, May 7, 1971. On that occasion the Deputy Speaker at that time ruled on a motion moved by Mr. Gleave and seconded by Mrs. MacInnis. The motion moved that a bill