

A copy of the relevant Minutes of Proceedings and Evidence (*Issue No. 11*) is tabled.

(*The Minutes of Proceedings and Evidence accompanying the Report recorded as Appendix No. 37 to the Journals*).

Debate was resumed on the motion of Mr. Sharp, seconded by Mr. MacEachen,—That Bill C-44, An Act to amend the Senate and House of Commons Act, the Salaries Act and the Parliamentary Secretaries Act, be now read a second time and referred to the Standing Committee on Miscellaneous Estimates.

And on the proposed motion of Mr. Broadbent, seconded by Mr. Brewin, in amendment thereto,—That Bill C-44 be not now read a second time, but that it be resolved that in the opinion of this House the subject of salaries and allowances of Members of Parliament and Cabinet Ministers should be referred by the Government to an independent commission.

And debate continuing;

RULING BY MR. SPEAKER

MR. SPEAKER: As I indicated earlier, I have had a moment to reflect on the very interesting arguments and precedents which were quoted to me about the orderliness of the amendment put forward to the second reading motion of this Bill. Examination of the precedents only requires a cursory study to realize that it is most difficult to draft a procedurally acceptable amendment to a second reading motion. The reason, of course, is simply that the motion is that the Bill progress one step, and the opportunity to resist that step is given to honourable Members simply by the casting of a negative vote against that motion.

In addition, I repeat an earlier remark, that the opportunity not only to resist that step but to comment on the reasons for resisting that step or suggestions that might come forward with respect to the subject-matter under consideration occurs during debate.

I have examined the precedents quoted to me and a good many others and I cannot overlook the most basic of all principles that seem to recur in all the comments on second reading amendments, and that is that a second reading amendment must not introduce a new proposition or new principle to the bill under study.

I do not know of any variants to some of the views expressed by many learned participants on procedure in previous parliaments, but I feel most strongly that the concept of retarding the progress of a bill in what has been referred to frankly by those who have supported the argument and the amendment as “this most sovereign body”—the idea to me of retarding the progress of a bill in this Parliament until such time as some outside body

has examined the subject-matter or examined some of the elements of the subject-matter and dealt with it is, to me, the most fundamental expression of a new concept in relation to the Bill that this Parliament seeks to deal with.

However, I must recognize that against that background certain forms of second reading amendments have become accepted—for example that the bill be not now read a second time but that the subject-matter—and those words are words of careful preparation—be referred to some existing body.

It is not for me to speculate on why the amendment put before us does not use the words “the subject-matter of the bill” but, rather, chooses to use some other language—a point which the honourable member for Timiskaming (Mr. Peters) said was a picayune objection to it. However, it is more than simply the language that is involved. In order to broaden the acceptability of a second reading amendment by permitting the mover of a second reading amendment to use his or her description or impression of what is the subject-matter of a bill, rather than to use the specific term “the subject-matter of the bill”, can only open the question of what is in fact the subject-matter of the bill to interpretation, discussion, and in fact disagreement.

I would have to hold that the term “the subject-matter of the bill” is a very important term indeed. Secondly, precedents have been discussed in the recent past, as referred to by the honourable Member for Peace River (Mr. Baldwin), with reference to the subject-matter of a bill being not now read a second time but that the subject-matter be referred to some existing committee. The fact that the commission which is described in the motion is not in existence may not, to me, be as important as the fact that the words “independent commission” raise again a question of interpretation. For indeed, when is it possible to satisfy Members of the House that the commission, if it were to be appointed in the future, is in fact really an independent commission? It may be capable of definition; on the other hand it may not. What might in the opinion of one Member of the House be a totally independent commission might not be satisfactory in the mind of another Member.

Both the term “subject-matter of the bill” and the words substituted therefor, “independent commission”, raise questions which would have to be agreed upon and decided. The honourable Member for Winnipeg North Centre (Mr. Knowles) made reference to one precedent where the second reading amendment was accepted when the resolution contained in it was that a referendum on the principle of the bill be held. I would refer him to Erskine May's procedure, the eighteenth edition, page 510, subparagraph (10), which will indicate to him that while he may be able to point to occasions on which that kind of second reading amendment has been accepted, this paragraph points to occasions on which the very identical amendment to which he has referred has been rejected.