

*Judges Act*

However, in terms of procedure I think that it is perhaps important that I read the amendment that was moved on February 6 by the hon. member for Northumberland-Durham (Mr. Lawrence) before I read it, may I point out that two days prior to that the hon. member for Edmonton West (Mr. Lambert) had moved an amendment which sought to express an opinion both ways. It said that the House was not opposed to the bill in its entirety but it did not want to vote for it because it did not have certain cuts in it. It was ruled out of order on the grounds that one could not have it both ways.

My friend, the hon. member for Northumberland-Durham, therefore came back on February 6, as recorded in *Hansard* at page 2977, and moved, seconded by the hon. member for Calgary South (Mr. Bawden):

That all the words after "That" be struck out and the following substituted therefor:

"This House declines to give second reading to Bill C-49 because it fails to provide for a further 5 per cent reduction in personal income tax in 1975 and subsequent taxation years despite unprecedented government revenues and the resulting overtaxation by the government."

I point out that that was a case of the House being asked to decline to proceed with the bill. In my amendment I propose precisely the same thing. The hon. member for Kenora-Rainy River (Mr. Reid) suggests that I could achieve my object by voting against the bill on second reading. The hon. member for Northumberland-Durham could have achieved his object by voting against the bill on second reading. The hon. member for Kenora-Rainy River suggests that there are no government proposals. Well, that is a debatable point, but I suggest that no exception was taken to the references made by the hon. member for Northumberland-Durham to unprecedented government revenues and resulting overtaxation by the government. The fact that the government did not agree that it is indulging in overtaxation was not advanced as a procedural argument.

When one puts this in the context of the citations on reasoned amendments, notably citation 382 of Beauchesne's fourth edition, which most of us involved in procedural affairs know by heart, which speaks of a resolution declaratory of some principle opposed to a bill, one finds that this amendment states opposition to the bill—it does not ask for it both ways—and it gives reasons for that opposition, our reason being that it fails to limit the salary increases provided therein to a specific set of principles, namely, that the increases should not be more than 12 per cent a year or \$2,400 a year, whichever is the lesser. Because my amendment is in accordance with citation 382, because it is in the same form as the only reasoned amendment that has been accepted in this parliament, I hope that it will also be accepted by Your Honour.

**Mr. Lang:** Mr. Speaker, I should just like to draw Your Honour's attention to the fact that the very thing which is sought in the amendment could be attempted in the committee and that it is in fact a specific item in relation to a specific matter. I believe the hon. member for Winnipeg North Centre (Mr. Knowles) said that he did not even argue against the proposition or the principle that some increases for judges were required, and I would have said that that was the principle involved at this point. The bill

includes many other issues and elements, and I take it again that the hon. member who has moved this amendment himself approves a good number of them. He said so in regard to some of them, if not in regard to all of them.

● (2020)

Since this matter could very specifically be dealt with in the committee, it really follows exactly along the lines which the hon. member for Calgary North (Mr. Woolliams) discussed earlier in suggesting that he saw this exact distinction of favouring the principle of increases but not necessarily the specifics. It strikes me that we would be, in second reading, dealing clause by clause with every item if we allowed amendments of this sort, because clearly there could be amendments of this sort in regard to every single element and detail of every single clause, and that in itself should be good reason for falling back upon the long standing precedent that reasoned amendments are indeed very difficult to make.

**Mr. Benjamin:** As a non expert in this matter, Mr. Speaker, may I urge that you make your decision in terms of this being a reasoned amendment and not in terms of what I choose to believe are spurious points raised by my two colleagues on the other side of the House. The hon. member for Winnipeg North Centre (Mr. Knowles) has gone to extra lengths and effort to meet decisions of the Chair in arriving at both the wording and content of a reasoned amendment, and it seems to me that is the area upon which Your Honour has to make a decision, and not any other area of the contents of the bill.

**Mr. Speaker:** Order, please. If there are no others who wish to make a contribution to this very interesting procedural point, I am afraid that I will have to give the matter some thought. I suppose it would be difficult to receive guidance from hon. members at this time as to whether this stage of this bill is likely to conclude this evening.

**Mr. Woolliams:** Yes, it will.

**Mr. Speaker:** It is likely to conclude this evening, in which case it is certainly desirable, if not absolutely essential, that the period of reservation of the decision not be very long. In any case I would like some time to think about it. I will return to the chair perhaps right after the next speaker, in the hope that I can give a decision.

**Mr. James A. McGrath (St. John's East):** Mr. Speaker, it is not my intention to enter into arguments regarding the principle of the bill. These arguments have been very clearly, concisely, and learnedly put forward by my colleague, the hon. member for Calgary North (Mr. Woolliams). There is a part of this bill which has obviously escaped the attention of the hon. member for Winnipeg North Centre (Mr. Knowles), and that deals with the provision of salaries which would provide for the appointment of judges for the newly created appellate courts of Prince Edward Island and Newfoundland. For that reason I do hope that Your Honour will take that matter into consideration before the ruling of the Chair is made.

On April 30 I asked the Minister of Justice (Mr. Lang) a question—it can be found at page 5332 of *Hansard*—with respect to the vacancy in the Supreme Court of Newfound-