

*Members' Salaries*

● (2040)

There is another aspect that I put before Your Honour. For some years there has been an accepted practice that when there is some feeling that a bill is not in a form acceptable to the House, its subject matter may be referred to a committee and there considered. I think that is the practice, but it has been laid down by a number of precedents and decisions. There is some comparison here, because this alleged reasoned amendment purports to say that there should be a reference to a task force or group yet to be established.

I suggest, arguing in *pari materia*, that decisions of the Chair relative to references of a subject matter to a committee have some bearing on the issue. In several decisions it has been held that it is not possible on a motion to refer the subject matter of a bill unless the reference is to an established entity—to a committee of the House or some other established entity. That was a decision in 1971.

On that particular occasion the House was dealing with a bill to amend the Northern Canada Power Commission Act, and the hon. member for Yukon (Mr. Nielsen), seconded by myself, moved that the bill be not now read a second time but that the subject matter of the recommendation in relation to the bill be referred to a committee of the whole House. The ruling was given by Mr. Deputy Speaker, and I refer to *Votes and Proceedings* for Thursday, January 21, 1971:

Earlier this afternoon the honourable Member for Yukon (Mr. Nielsen), seconded by the honourable Member for Peace River (Mr. Baldwin), put a motion before the House. At that time I asked the House for an opportunity to consider it and to look at the authorities.

Having given valid reasons during the course of his decision, what happened was that we substituted another amendment. But the ruling of the Speaker made it absolutely plain that a bill, especially in relation to its subject matter, could not be referred to a body not then in existence.

Another amendment was moved during debate on the Young Offenders Act which the House was debating on January 13, 1971. The hon. member for Broadview (Mr. Gilbert) moved that Bill C-192 be not now read a second time but that the subject matter thereof be referred to a task force appointed under the Inquiries Act. The Deputy Speaker, I think it was, for precisely the same reasons, held that as the reference had not been to a standing committee, or to a body regularly constituted and in being, the reference could not be made.

Then there was another precedent. When the House was dealing with the same bill, the Young Offenders Act, the hon. member for Calgary North (Mr. Woolliams) moved that the bill be not now read a second time but that the subject matter thereof be referred to a task force appointed under the Inquiries Act by the Governor in Council after consultation with the leaders of the opposition parties of this House. We argued the point, and the Deputy Speaker was about to make a ruling and indicated pretty plainly that, for the reasons I have already assigned, his ruling would be against the validity of the amendment because it had reference to a task force or body not then in existence. In recognition of that, and in recognition of what the rules were, the hon. member for Calgary North

[Mr. Baldwin.]

withdrew his motion, and we put in its place reference to a body that was then in existence.

While there is some difference between the types of amendment, the reasoning given in the various decisions is very simply that there cannot be a reference of the subject matter of a bill, or of the bill itself, to a body not in existence at the time. For this reason I would suggest that, interesting though this amendment might be, in our view we in this party, as we always try to do, should stay within the four corners of the rules, and therefore I submit that the amendment is not valid.

**Mr. Speaker:** The hon. member for Winnipeg North Centre.

**Some hon. Members:** Oh, oh!

**Mr. Peters:** If you will shut up I will move one that is in order.

**Mr. Stanley Knowles (Winnipeg North Centre):** Mr. Speaker, just because this House is discussing a pay raise, the place does not need to go mad.

**Mr. Speaker:** Order, please. I invited comment from hon. members on a procedural point of some interest, and I think I should be able to hear the hon. member for Winnipeg North Centre.

**Mr. Knowles (Winnipeg North Centre):** Mr. Speaker, with one point made by the hon. member for Peace River (Mr. Baldwin) I thoroughly agree, and that is that the subject of reasoned amendments on the second reading of a bill is a very difficult one. I have been here long enough to see the practice change one way and another. I have seen amendments which were allowed in one decade disallowed in the next, and so on. But I submit that if one turns to the authorities, such as Beauchesne in his fourth edition and to the eighteenth edition of Erskine May's *Parliamentary Practice*, one will find the general principles regarding reasoned amendments, and there is nothing in the citations in those books that prevents reference to a body not actually in existence.

The implication in the amendment moved by my leader, the hon. member for Oshawa-Whitby (Mr. Broadbent), is there in the use of small letters rather than capitals; namely, that the subject of the salaries and allowances of members of parliament and cabinet ministers should be referred to an independent commission. When I refer to small letters, I refer to "independent commission" being in small letters. The implication is that in the opinion of this House, that being the governing phrase in the amendment, such a commission should be appointed for this purpose.

I draw your attention to citation 381 of Beauchesne's fourth edition. Actually citation 381 does not need to be read because it is a prelude to 382, which is as follows:

It is also competent to a member who desires to place on record any special reasons for not agreeing to the second reading of a Bill, to move as an amendment to the question, a resolution declaratory of some principle adverse to, or differing from, the principles, policy, or provisions of the bill, or expressing opinions as to any circumstances connected with its introduction, or prosecution; or otherwise opposed to its progress; or seeking further information in relation to the Bill by Committees, Commissioners, the production of papers or other evidence or the opinion of Judges.