

Members' Salaries

The hon. member for Winnipeg North Centre has pointed to motion No. 4 that is on the order paper in my name, and he argues that I have validated his case that the committee has in fact exceeded the royal recommendation. I do not know in fact whether the committee did exceed the royal recommendation. It is rather like the amendments that the hon. member and his colleagues have put down to amend this bill. He is not quite sure how Your Honour will rule, so he has put down amendments which would be operative if in fact Your Honour rules that we can proceed. That was the point of motion No. 4 that I put down, that one ought to proceed with an abundance of caution. It was on that basis I put forward my amendments and the accompanying royal recommendation.

● (1610)

I would point out that this amendment does more than change the order of the clauses. It introduces an amendment of very substantial importance, namely, the indexing of salaries and allowances of officials of this House, ministers, and so on. It would be quite in order, I submit, for Your Honour to permit the House to proceed with the amendments that are now before you. Accepting the case put forward by the hon. member for Winnipeg North Centre, if the bill as it emerges after these amendments is found to exceed the royal recommendation, then Your Honour would be in a position to say that we cannot proceed with the bill. That is not now the position, Mr. Speaker. In my submission we should proceed with the amendments and then Your Honour can consider whether the bill is in order. That cannot be decided at this juncture but only after we have dealt with the amendments.

Mr. G. W. Baldwin (Peace River): Mr. Speaker, I want to compliment the hon. member for Winnipeg North Centre (Mr. Knowles) on the brilliant and eloquent argument that he has put before this House. I am sure Your Honour has given it great credence. I am deeply sorry I am unable to accept the validity of his argument. He and I have fought many valiant battles together and we will probably fight some on the same side in the future. In this case, however, I am unable to follow him.

I am reinforced in my attitude toward the hon. member's position because of the way he conducted his case. The hon. member started off by telling the House he did not think he had to argue at any great length the question as to the fact the committee had exceeded its authority because the President of the Privy Council (Mr. Sharp), by bringing in the amendments in his name which appear on the order paper, has virtually admitted that. Having made that statement, the hon. member for Winnipeg North Centre proceeded to devote a large part of his case to demolishing the validity of what the committee had done. After saying he did not need to do that, he spent a great deal of time on the issue. There is an old legal phrase which Your Honour may remember: when you are weak on the law, you raise hell about the facts.

Some hon. Members: Hear, hear!

Mr. Baldwin: That is what the hon. member for Winnipeg North Centre did. Realizing that he did not have a very good case on the law, he really rode into the facts about what the committee had done. Maybe it was a

[Mr. Sharp.]

Freudian slip, but in asking that things be done to rectify the situation he appealed for a ruling of the House. I hope Your Honour will accept the position we will take, and that it will be left to the House to come to a decision on these matters later.

Let me get to the facts. First, there is a rule—if there isn't one, there should be—that those who live by the rule book should perish by it.

Some hon. Members: Hear, hear!

Mr. Baldwin: I am sorry if I am a little slow: I am unaccustomed to getting applause from both sides of the House. The hon. member for Winnipeg North Centre should have taken the position he has today last Friday when the report was received. It would be my submission, if I were going to rely purely on the technical aspects of this important issue, that once the report of the committee has been received, the House is seized of jurisdiction. What is now left to decide in due course is whether the House should divide on the motion to concur in the report—which, of course, is something we come to after we dispose of the amendments.

I also bring to Your Honour's attention and the attention of the House that there is another very interesting legal phrase, namely, that you could turn to on the question of the jurisdiction. The hon. member for Winnipeg North Centre—he made a special plea in this regard by putting down his amendments and in then referring to wording in the reprinted bill which is before the House—obviously attorned turned to the jurisdiction and accepted the fact that this report is properly before the House. However, I have other, more valid arguments to rely on than this.

Mr. Knowles (Winnipeg North Centre): I hope so.

Mr. Baldwin: We, in this party, prefer to do more than play around with technicalities: we like to go to the substance. I suggest there is a very stringent rule, unless the Chair is satisfied there are clear and major defects, that there is a presumption that the Chair should come down on the side of regularity. I have argued the same thing before on the question of amendments; this is not the first time I have put it forward.

The Chair has to have a discretion; that discretion should, as far as possible without doing violence to the rules of this House, come down on the side of allowing amendments to be put, debates to take place and members of this House to divide on issues in respect of which questions need to be put and decisions made. I suggest that is a valid point Your Honour should bear in mind should you approach this very difficult and novel—almost completely new—issue with some doubt in your mind. I ask Your Honour to exercise that principle, to come down on the side of regularity and permit the House to come to a decision. This is a salutary rule which should be observed more and more now that appeals from rulings of the Speaker have been abolished. I never objected to that. However, that being the case, there is an onus upon the Chair, where there is doubt, to come down on the side of regularity.