

● (1600)

Mr. Speaker, I realize that every member of this House knows, and a lot of people outside this House know, my feelings about the substance of this bill. I know my views are not popular with most members of the House, but that is not the issue. I hope some, like the hon. member for Edmonton West and the hon. member for Peace River who disagree with me thoroughly on the substance, will support me on the procedure, that if we let this go this way we will have done great damage to the whole arrangement.

I have one other point to make. I ask you to consider the unfairness of the position in which we are put by the motion of the President of the Privy Council. I ask you to consider what happens when that motion is voted on. I make the point that the result would be the same either way. If the vote for the motion carries, then the wording in the name of the President of the Privy Council becomes part of the bill. But if that motion is defeated, we are back to the wording that was put in there by the committee, which is really the same wording. The numbering is different and one little clause having to do with a minor matter is left out, but whichever way the vote goes, the result is the same. We have no opportunity on the motion of the President of the Privy Council to say that we do not want this arrangement either way.

Let me put that again, Mr. Speaker: if the House votes for the motion of the President of the Privy Council, then his motion becomes part of the bill. If the House votes against it, the result is that the words introduced by the President of the Privy Council do not go into the bill and, instead, the words that are already there, put in by the committee, stand. It is the same either way. I submit that for the House to be put in the position where, whether it votes yea or nay, the situation is the same is hardly giving the House an opportunity for decision.

I may have things to say on other points of order, Mr. Speaker. I shall certainly have something to say on substance, but the basic point I am making now is, as you surmised when you gave me the floor, that the House should not be proceeding with this bill today. Let me say this: if Your Honour decides there is nothing wrong with the bill, that the committee was in order, then we can proceed—but even the President of the Privy Council admits there is something wrong, by his motion—but if it is found that the bill is defective, then it should not be before us; it should be sent back. To proceed with this bill at this time and to try to correct it, instead of going back and redoing what was wrong, would put the procedures of this House of Commons in serious jeopardy.

I hope you will find, therefore, that the bill that is before us is defective and cannot be considered at this report stage. If someone tries to argue that we are not amending the wording that was put in by the committee, we are really amending the wording that was put there in the first place, then we are in trouble—lines that are referred to in the amendment, and all that sort of thing: we are in real difficulty. I submit, despite the anxiety of many members of the House to get on with the legislation, despite the sensitive nature of the whole thing, that it ought to be done in the right way. This is the last piece of

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legislation about which parliament should cut any corners. I therefore hope it will be sent back to committee.

Hon. Mitchell Sharp (President of the Privy Council): Mr. Speaker, I submit that you should authorize the House to consider the bill that is before us, and particularly the amendments that have been put down. It is my submission that the question of whether the bill is in order cannot be decided at this juncture because there are, in fact, six notices of amendments. This indicates that the House will eventually be asked to concur in and pass the bill, maybe in a different form.

I followed with great interest the arguments of the House leader of the New Democratic Party and reviewed them in my mind. It is a difficult point, but I think the simple question that we have to consider now is whether we should proceed with consideration of the motions to amend the bill. The hon. member for Winnipeg North Centre (Mr. Knowles) makes the point that if we proceed with this bill it will be possible for members to amend bills, and somehow in this way to increase their opportunities of having the amendments approved even though they exceed the recommendation of the Governor General. It seems to me that if at any stage a committee were to exceed, inadvertently—and I think that may be the case in the instance before us—the royal recommendation, of course when the bill came before the House in its amended form it would be for Mr. Speaker to decide whether the bill did exceed the authority that had been granted for expenditure under the royal recommendation.

In this connection, on the point of whether the bill should be resubmitted I would draw Your Honour's attention to a ruling of Mr. Speaker Lamoureux, to be found at pages 499 and 500 of the House of Commons *Journals* for July 20, 1973, where he said:

There is no recent precedent that I know of even with the assistance of the advisers to the Chair at the Table, to indicate that the Chair could take this rather bold step of refusing, on behalf of the House, to accept a bill as amended in committee. I think that committees, to some extent, have to accept some responsibility, and return to the House bills which contain amendments which are procedurally correct.

If the Chair were to take the initiative and suggest that some of the amendments, particularly an amendment or amendments which in effect amend the Parole Act, cannot be accepted, I would be placing the Chair, and the committees, and the House, in the position that in every instance where a bill returns from a committee there might be an appeal from rulings of committee chairmen, to the effect that the ruling of a chairman on a procedural point, accepting or refusing an amendment, should be reviewed. I wonder whether this is the position in which hon. members would want to place the Chair. It would be a very difficult position. Maybe we should give the matter some thought.

If this bill were not a bill which, as I understand it, is not a government bill—a bill on which there is a cross-section of views on both sides of the House—there might be a tendency on the part of the Chair to take bolder action, refuse to accept the bill, and suggest that some of the amendments proposed should not be received. But in view of the character of the bill, in view of the nature of the discussion which has taken place, both in committee and in the House on second reading, I would very much hesitate to rule at this point that this bill should not be accepted, and that the many hours, days, and perhaps weeks of work spent by the committee in studying this matter, preparing amendments, and referring the bill to the House for third reading should be discounted. This is why at this point I would be prepared, on behalf of hon. members, to say that what we have before us is a bill with these amendments, and I will try to make my rulings on the motions now before us on the basis of the bill that we now have before us from the committee.