

(2) Some of the constituent parts of a bill are essential; some are optional. The title is an essential part; the preamble is not.

By suggesting, as you do in your preliminary ruling, Mr. Speaker, that any amendment which would alter provisions contained in the Bill as introduced so as to cause the agency to be brought under the responsibility of the RCMP is out of order is to state that no amendment would be acceptable and that the principle of a Bill rests not with its broad objective but with its specific provisions. In my view, such an interpretation is not consistent with our practices.

The question that you must ask when attempting to apply Citation 773(5) of *Beauchesne's* is this: Will the RCMP control, negate or reverse the principle that a Canadian security intelligence service should be created? The obvious answer to that question is no. Indeed, the fact that the committee felt that it was within its competence to consider such an amendment should be a compelling argument in favour of the acceptability of the motion at this stage and at this time.

For the reasons that I have just outlined, therefore, I would ask you to reconsider your preliminary ruling that Motion No. 11 and the motions that are consequential to it are out of order. These amendments as proposed are, in the words of Citation 712(2), "other methods of attaining (the) proposed objective" of Bill C-9.

Within that grouping, Mr. Speaker, you have included Motion No. 53 as listed on the Notice Paper as being entirely consequential to Motion No. 11. However, the Hon. Member for Vancouver South filed three separate motions, which were rewritten by the Journals Branch and consolidated into one motion. The fact is that had the Hon. Member's original drafting been left untouched, only one of the proposed motions would have fallen into the category of motions which are consequential to Motion No. 11. The other two proposed motions dealt with quite separate issues and should be allowed even if you rule that Motion No. 11 is out of order.

With respect to Motion No. 49, which is also partially consequential to Motion No. 11, I suggest with the greatest of deference, Sir, that your preliminary ruling is incorrectly based upon Citation 428(2). Citation 428(2) deals, as you know, with the question of the acceptability of amendments. What we have before us today, Mr. Speaker, are report stage motions—and I underline the word "motions"—which have the effect of amending a Bill but which are nonetheless separate questions laid before the House. Therefore, it would be more correct to cite Citation 424(5) which contains the same observations with respect to motions. However, Citation 424 also contains other important observations. Citation 424 reads as follows:

(1) When a Member hands a motion to the Speaker after having spoken in support of it, the Speaker may, before putting the question to the House, make such corrections as are necessary or advisable in order that it should conform with the usages of the House. *Journals*, April 28, 1924, pp. 186-8 . . .

(3) It is the Speaker's duty to call the attention of the mover and of the House to the irregularity of a motion; whereupon the motion is usually withdrawn or so modified as to be no longer objectionable. If the motion is of such a nature that objection cannot be removed, the Speaker may refuse to put the motion to the House. He treats it as a nullity.

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(4) The Speaker has the unquestioned authority to modify motions with respect to form. *Journals*, April 28, 1924, p. 186.

Thus, Mr. Speaker, you would seem to have the opportunity to correct the problem that may exist in Motions Nos. 49 and 53 in the event that you rule Motion No. 11 out of order. It would be a fairly simple task for you to exercise your authority to make any such corrections as might be required to bring the non-consequential portions of those motions into conformity with the usages of the House. In any event, you have the authority to correct the editorial decision undertaken by the Table with respect to Motion No. 53.

I might add, Mr. Speaker, that the editorial changes made by the Table could have been caught in time had the decision not also been made to not print the motions of the Hon. Member for Vancouver South on the day on which they were received. I alluded to that earlier. This resulted in their appearing on the Notice Paper on the same day as they were to be taken up in the House.

In conclusion, I would like to say that Your Honour is of course bound by the precedents, but there is an element of reasonable discretion in terms of the application of these strict rules. You sit as the first commoner and, as you have often stated yourself, you are a servant of the House. We are faced with an unusual set of circumstances here. I comment only on matters of which you will have received notice of the proceedings.

The motions that have been put by my colleague, the Hon. Member for Vancouver South, have all received attention during the committee stage and were all addressed at some length in second reading debate. If I may be permitted to say so, these motions do not introduce any new or novel propositions which have heretofore not been the subject of the consideration of this Parliament and of this House of Commons. Indeed, these propositions have been matters of such enormous interest and controversy that they have been the items upon which the main lines of battle have been drawn between the government Party and the members of the Opposition and they have been debated vigorously. Your Honour is aware of these facts.

I simply say that these motions are responsible, germane and relevant. My colleague has included in his motions propositions, for example, with respect to the whole question of the review of the Canadian security agency.

● (1630)

In your preliminary ruling, Mr. Speaker, you put the proposition that a parliamentary committee should be established to perform an overview or oversight responsibility on the Canadian security agency. That is something which is a new and novel proposition, and therefore it is not acceptable. In looking at the Bill from my perspective, it is a Bill which creates a Canadian security agency. The Solicitor General, who is a Minister of the Crown, has carried this Bill, as is his responsibility. He has devoted about 75 per cent of his time talking about the review capacity within the legislation. He has argued that the proposals which he has put forward with respect to—