

State Pensions

Special Joint Committee on Employer-Employee Relations in the Public Service, and of Motion No. 1 (Mr. Chrétien).

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, as I indicated yesterday, I feel there is a point of order that should be raised in respect of several, indeed almost all, of the nine report stage amendments that have been put down with respect to Bill C-52. Lest my friends around the House get the notion that, because I refer to nine report stage amendments, I am going to make nine speeches on procedure, let me assure them that I am going to condense them all into one.

Some hon. Members: Hear, hear!

Mr. Knowles (Winnipeg North Centre): It is wonderful what the Christmas spirit will do. One does hesitate at this stage of a session to raise a procedural argument, but rules are rules and it seems to me they should be observed.

I have in mind a rule that is frequently quoted and applied when members of the opposition seek to do what these amendments aim to do today. I hope, therefore, that the same strict application of the rule that is applied to opposition members of the House will be applied today to the government. The rule I have in mind stems from the rule of relevancy and, in particular, it gets down to this, that when there is before the House a bill that amends an act, it is clearly established that amendments to that amending bill must be relevant to the bill, must deal with matters that are in the bill. In other words, if one tries to put into an amending bill a clause that will have the effect of going behind the bill to the act itself, a clause that in effect tries to amend the act in particulars that are not before us, such amendments are out of order.

● (1530)

If I may go through the nine motions at one time, may I point out that motion No. 1 in the name of the President of the Treasury Board (Mr. Chrétien) seeks to amend section 2 of the Public Service Superannuation Act.

Mr. Speaker: I hesitate to interrupt the hon. member, but may I save him and the House some time by indicating that on examination of the nine motions which propose to amend the amending bill at this stage, only motion No. 3 would appear to have some claim to validity. It would appear that the remaining motions are directed to the statute. That is subject to arguments in their defence, but I only want to caution the hon. member for Winnipeg North Centre (Mr. Knowles) that he should not spend a great deal of time developing that argument. That is the initial reaction of the Chair. I may be persuaded otherwise by representatives of those who put forward the amendments, but basically we must start from the premise that eight out of the nine amendments appear to go beyond the amending bill and directly to the statute, which would offend a principle that is well established and that has been alluded to by the hon. member. The question is, where do we go from here?

Some hon. Members: Oh, oh!

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, I believe I still have the floor. I welcome the comment that you have just made. It will greatly shorten my remarks

[Mr. Breau.]

because I have come to precisely the same conclusion, namely, that possibly a case can be made for motion No. 3, but I see no possibility of a case being made for the other eight motions.

It did strike me that it would be useful to put on the record very quickly what they do. As I say, motion No. 1 seems to amend section 2 of the Public Service Superannuation Act which is not before us. Motion No. 2 is consequential upon motion No. 1, and if motion No. 1 falls, so would motion No. 2.

Motion No. 3 seeks to add something to an amending clause which is in the amending bill, which calls for a Governor General's recommendation, and we now have that, so it would seem to be all right.

Motion No. 4 seeks to amend section 31(1) of the Canadian Forces Superannuation Act, whereas that subsection of section 31 is not before us.

Motion No. 5 likewise seeks to amend section 31(1) of the Canadian Forces Superannuation Act, but only section 36 is before us at that point.

Motions Nos. 6, 7 and 8 all attempt to amend the Members of Parliament Retirement Allowances Act, and I suggest that these motions are doubly offensive to the rules in that they go beyond what is before us in the amending bill, and they would also involve an expenditure of money, and I see no Governor General's recommendation attached to these motions.

Motion No. 9 seeks to amend section 4 of the Supplementary Retirement Benefits Act, but only section 6 of that act is before us.

May I emphasize that in all these cases it is not just that an attempt is being made to amend a section of the act that is not before us, it is not just a numbers game, but rather that in all cases the motions introduce something that is new in substance to what is before us in the amending bill. Therefore it seems to me that if the rules are to be observed, the initial comment that you have made should stand, that although a case could be made for motion No. 3, a case cannot be made for the other eight. With respect to some of them—and at this point I am refraining from any points of substance—it seems to me they are desirable amendments and the House might be willing to give consent to waive the rule about notice. But of course when we come to those that involve an extra expenditure of money, without there being a Governor General's recommendation, I do not see how the House could waive that rule, not even by leave.

May I point out that in the special joint committee to which Bill C-52 was referred all of these amendments were proposed by the parliamentary secretary. I am sorry, those which are now proposed by the President of the Treasury Board were proposed by his parliamentary secretary, and on some points he argued that they did not involve the expenditure of money. At any rate, now that they are recommendations of the Governor General, my concern is to have it established that it is not possible to correct one abuse by another.

● (1540)

If these amendments offend against the ruling that we cannot go behind the bill to the act, surely it is not