

Members' Salaries

something to hide, and if so I wonder whether they would tell me what they are hiding.

Mr. Speaker: Order, please. Orders of the day.

GOVERNMENT ORDERS

[English]

THE SENATE AND HOUSE OF COMMONS ACT, THE SALARIES ACT AND THE PARLIAMENTARY SECRETARIES ACT

AMENDMENTS RESPECTING SALARIES AND ALLOWANCES

On the order:

Consideration of report stage of Bill C-44, an act to amend the Senate and House of Commons Act, the Salaries Act and the Parliamentary Secretaries Act, as reported (with amendments) from the Standing Committee on Miscellaneous Estimates.—The President of the Privy Council.

Mr. Speaker: Order, please. I have had an indication of two points of order. I suspect the one by the hon. member for Winnipeg North Centre (Mr. Knowles) has to do with proceeding with the report stage consideration of this bill, and that the other by the Parliamentary Secretary to the President of the Privy Council (Mr. Reid) has to do with the manner in which we should proceed if we do proceed. If I am incorrect in my assumption, I stand to be corrected. If I am correct, it would seem proper to take first the hon. member for Winnipeg North Centre.

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, Your Honour is quite correct. The point of order I wish to raise at this time deals with the question of whether we should be proceeding at all today with the report stage of Bill C-44. The basic reason for my questioning the right of the House to proceed today with the report stage of Bill C-44 lies in the fact that in my submission the committee on miscellaneous estimates which dealt with Bill C-44 and reported it to the House included in the bill amendments which the committee did not have the authority to make. Therefore, sir, I contend that the bill as reported to us is defective in form, that Your Honour should so rule and that Your Honour should instruct that the bill be referred back to the committee so that the committee may make any amendments it wishes in accordance with the rules. This would not prevent the committee making recommendations to the House concerning matters that it could not write into the bill itself.

Prior to my seeing the order paper this morning, which contains the report stage amendment in the name of the President of the Privy Council (Mr. Sharp), I had faced the fact that I might have to argue at length concerning the rules that were broken by the standing committee. Any such lengthy argument, I suggest, is now not necessary because the motion put down in the name of the President of the Privy Council is an admission that certain amendments that were made in the committee should not have been made at that stage. Even so, I think that two or three of the citations that bear on the point should be put on the record in this procedural debate. I draw your

[Mr. Paproski.]

attention, sir, in particular to citation 246(3) of Beauchesne's Fourth Edition which reads as follows:

● (1540)

The guiding principle in determining the effect of an amendment upon the financial initiative of the Crown is that the communication, to which the royal demand of recommendation is attached, must be treated as laying down once for all (unless withdrawn and replaced) not only the amount of a charge, but also its objectives, purposes, conditions and qualifications. In relation to the standard thereby fixed, an amendment infringes the financial initiative of the Crown, not only if it increases the amount, but also if it extends the objects and purposes, or relaxes the conditions and qualifications expressed in the communication by which the Crown has demanded or recommended a charge. And this standard is binding not only on private members but also on ministers whose only advantage is that, as advisers of the Crown, they can present new or supplementary estimates or secure the royal recommendation to new or supplementary resolutions.

The same point was spelled out in citation 249(1). I should like to read just the first two sentences, which are as follows:

"No cases can be found of any private member in the Canadian Commons receiving the authority of the Crown, through a minister, to propose a motion involving the expenditure of public money. No principle is better understood than the constitutional obligation that rest upon the executive government, of alone initiating measures imposing charges upon the public exchequer—

Likewise, citation 250(4) says it again. It reads:

The fundamental terms of a money resolution submitted to the House with the Governor General's recommendation upon which a Committee of the Whole is set up cannot be amended.

I interpolate to suggest that the same applies to a standing committee. It continues to read:

Amendments will only be in order if they fall within the terms of the resolution. The procedure in committee on those resolutions follows in principle the procedure of the Committee of Supply, and amendments are out of order if they are proposed with a view to substituting an alternative scheme to that proposed with the royal recommendation.

The recommendation in the name of the Governor General that was attached to Bill C-44 when it was first brought in last December provided for certain indemnities, salaries and allowances for members of parliament, members of the Senate, cabinet ministers, and so on. The committee studying the bill brought in amendments reducing those figures in some cases. There is certainly no quarrel with that, speaking procedurally or in any other way, so far as that goes. There is no question from the precedents that an amendment can be moved calling for a lesser expenditure than was set out in the Governor General's recommendation. But the Governor General's recommendation provided for a fixed indemnity, allowance or salary which in all cases, was to remain at a set amount for the duration of the thirtieth parliament. There was no authority in the Governor General's recommendation for any scheme of indexing or escalating any salaries, allowances or indemnities in the thirtieth parliament. The committee studying this bill recommended an indexing or escalating formula that would apply in this parliament to all the indemnities, salaries and allowances referred to in this bill.

I make the point that if that indexing is applied—compounding it as called for—the result at the end of this parliament would be higher salaries and allowances than would have been the case under the old bill. But even if that were not true, it is an alternative scheme; it is some-