

Old Age Security Act

Considering the eloquence displayed by the hon. member for Peace River (Mr. Baldwin), that of the hon. member for Winnipeg North Centre (Mr. Knowles) as well as their competence in this matter and their excellent work in the Committee on Procedure and Organization, I do not think I have to repeat what they have said. I would like to recall not a precedent but something that was done yesterday when the House was considering a motion to refer a bill back to the committee on third reading. That motion was as follows:

That Bill C-2 be not now read a third time, but that it be referred back to the Standing Committee on Justice and Legal Affairs for the purpose of reviewing clause 44 and particularly paragraph (a).

That amendment was accepted by the Chair, which shows that, in his argument, the Parliamentary Secretary to the President of the Privy Council (Mr. Jerome) does not take into account as the hon. member for Winnipeg North Centre said, the right of an hon. member to move such an amendment on third reading, in accordance with section 415 (1) and (2) of Beauchesne's Parliamentary Rules and Forms.

Mr. Speaker, the amendment we moved yesterday was substantive and tended to give quite detailed instructions to the committee. It even attacked the principle and contents of clause 44. If one refers to yesterday's debates, the Chair with the House's consent had accepted that amendment which has been put to vote today. I would think therefore that the parliamentary secretary's argument that the hon. member should be refused the right to bring in this amendment because it is a substantive amendment with detailed instructions has now been refuted in less than 24 hours.

[*English*]

The Acting Speaker (Mr. Laniel): Order, please. I thank hon. members for their contribution in helping the Chair make a decision. I agree that the amendment before us is well drafted in that it could be looked at as a proper case.

I listened to the arguments of the hon. member for Peace River (Mr. Baldwin) that statistics from Statistics Canada might not correspond to the consumer price index for all kinds of reasons. This was getting into the debate itself which the Chair cannot do and cannot use as an argument.

In my opinion, the decision that has to be rendered at this time is based on two points. The first point is to try to determine whether the amendment departs from the principle adopted on second reading. The hon. member for Lotbinière (Mr. Fortin) referred to an amendment that was accepted by the Chair last night. That amendment proposed to refer a bill back to committee to amend one particular clause. Over the years, it has been the practice to accept a six-month hoist amendment or refer a bill back to a committee for the purpose of reconsidering one particular clause.

• (1700)

In this case, the Chair is wondering whether the amendment would not tend to change the principle which has been approved on second reading. The hon. member for Winnipeg North Centre (Mr. Knowles) referred to citation 415 of Beauchesne at page 287. He even read paragraph

[Mr. Fortin.]

four of that citation which, to my mind, is very clear. I might perhaps repeat it:

On the third reading of a bill an amendment to refer back to the Committee of the Whole must not tend to change the principle approved on second reading.

Basing myself on this paragraph, I find myself wondering whether the committee itself would have the power to deal with such an amendment. In the opinion of the Chair the amendment which has been proposed is really one which brings in a new subject, a new approach, if one considers the debate which has taken place and the study which has been carried out at the earlier stages.

Again, if we read citation 418, we find a similar thought expressed in the following terms:

The question for the third reading is put immediately after the report from the Committee of the Whole. All amendments which may be moved on a second reading of a bill may be moved on the third reading with the restriction that they cannot deal with any matter which is not contained in the bill.

The Chair is wondering whether the proposal made in this amendment does not involve a new matter, a new approach to the bill itself.

Hon. members might also refer to Beauchesne at the bottom of page 275 where the rules which govern reasoned amendments are set out. We find that the first principle to be taken into consideration when drafting or accepting an amendment is the rule of relevancy.

There is another aspect with which the Chair has to be concerned. It is the financial aspect. I wonder whether the amendment, in the form in which it is presented, is not seeking to do indirectly what the hon. member cannot do directly. Citation 246(3) of Beauchesne, 4th edition, makes it clear that hon. members should not try to do indirectly what they cannot do directly. I think I should read this paragraph:

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 or recommendation is attached must be treated as laying down once for all (unless withdrawn and replaced) not only the amount of the charge, but also its objects, 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.

Although the other citations from Beauchesne, 415 and 418, made me hesitate about accepting the amendment before us, having regard to the rule of relevancy, my decision is confirmed by what is contained in Citation 246. Looking again at the amendment I can only conclude that it puts forward a new financial proposition, one which I cannot accept at this time.

[*Translation*]

Mr. Fortin: Mr. Speaker, Bill C-207, An Act to amend the Old Age Security Act, involves all the outdated social security system that we know.

Social security in Canada costs increasingly more to all governments and therefore to the Canadian taxpayers who assume the charge through their taxes. In spite of all the speeches from government members, social disparities persist. In spite of the investment of billions of dol-