

Election Expenses Bill

[English]

GOVERNMENT ORDERS

ELECTION EXPENSES BILL

AMENDMENTS TO CANADA ELECTIONS ACT AND INCOME TAX ACT

The House resumed, from Thursday, May 18, consideration of the motion of Mr. MacEachen that Bill C-211, to amend the Canada Elections Act and the Income Tax Act, be read the second time and referred to the Standing Committee on Privileges and Elections, and on the amendment thereto of Mr. Macquarrie (p. 2412).

Mr. Speaker: Is the hon. member rising on a point of order?

Mr. Baldwin: Mr. Speaker, I was wondering what the wish of the Chair was with respect to the discussion which Your Honour invited on the admissibility of the amendment offered by the hon. member for Hillsborough (Mr. Macquarrie). At any time Your Honour would wish to designate, we would be prepared to argue it.

Mr. Speaker: I might say that the Chair is under some difficulty. Perhaps I might advise hon. members that in the course of discussions the hon. deputy to the Deputy Speaker has briefed himself considerably and at length on the subject to the extent that he appears to be an expert on reasoned amendments. He is quite familiar with the circumstances of this case and he would be prepared to hear argument at this time if hon. members feel this would be the right moment to discuss the procedural point. I would invite him to replace me, because from now on he will be the recognized expert on this subject.

Mr. Baldwin: Mr. Speaker, in view of the description which His Honour has given of your being the recognized expert we will know where not to direct our reasoned amendments from now on.

Mr. Speaker, I want to direct your attention to the amendment which was offered by the hon. member for Hillsborough yesterday. First of all, I wish to observe that on last September 13 at page 7760 of *Hansard* and the next few pages, this whole question was debated and a decision given. At that time Mr. Speaker indicated that, so far as reasoned amendments were concerned, he was in a quandary about the whole issue and he invited suggestions as to some way in which hon. members of the House might in due course indicate their views. I think it is a great pity, Mr. Speaker, and I say this advisedly that this session and probably this parliament is whimpering to a close without this being done. I am not going to blame my hon. friend, the President of the Privy Council (Mr. MacEachen). I know he is quite eager and concerned that this and other issues be dealt with, but I do think that when hon. members from this side, from the other side and the Chair have brought to the attention of the House a number of anomalies and difficulties with regard to the operation of the new rules as altered in light of changing circumstances, it is a great pity that we are not able to leave as a legacy to the next parliament certain views on

[Mr. Speaker.]

procedural requirements and this, of course, is one of them.

Having said that, Mr. Speaker, I want to turn my attention directly to this particular amendment. I realize that Your Honour will be considering the provisions of citation 382. This is the text on which most decisions have been based, and it, in turn, goes back to many of the old precedents in the United Kingdom. As an expert, Your Honour probably knows the citation by heart but I should like to put it on record. Citation 382 of Beauchesne's Fourth Edition reads in part:

It is also competent to a member who desires to place on record any special reasons for not agreeing to the second reading of a bill, to move as an amendment to the question, a resolution declaratory of some principle adverse to, or differing from, the principles, policy, or provisions of the bill—

I repeat those last words, Mr. Speaker.

—the principles, policy, or provisions of the bill—

I find I must repeat those words because yesterday His Honour, Mr. Speaker, in taking a preliminary view of this issue, limited himself to this statement, and I am now quoting from yesterday's *Hansard*, the left side of page 2412:

The so-called reasoned amendment is intended to give a member an opportunity to place on the record the reason he is opposed to the principle of a bill—

I want to make it as crystal clear as I can, Mr. Speaker, that while I agree with him as far as he goes we must read into that and add to it the words that I have quoted, not only the principles, but the policy, or provisions of the bill. In other words, it is competent for a member, in attempting to move a reasoned amendment, to place on the record the reasons for his opposition to the principle of the bill, to the policy in the bill or to the provisions of the bill, because that is the only way there can be an acceptance of what is set out in citation 382.

There is a reason for that, Mr. Speaker. It goes back to the practices, the precedents, the rules and the operation of the House at Westminster over some centuries. But I think, Mr. Speaker, that we in this House and certainly the Chair, must take judicial notice, if I may use that expression, of the fact that the type of legislation with which this House as well as the House in Westminster is now dealing is different from the type of measure that contains a simple declaration of principle to which the clauses of the bill were limited. The cases in which we find that today are rare. Instead, we find that government bills are a composite of various subject matters. The subject matters, for example, embraced by certain tax bills and money bills are as far apart as the north and south poles. I am not stressing that. I insist, however, that in considering this issue it is important for us to remember now, as well as in future, that the types of bills we are examining these days are entirely different from the sorts of measures that this House or the House of Commons in the United Kingdom considered even 20 years ago.

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Second, the Chair, in considering the reasons underlying its decision, cannot ignore the changes which have crept into the proceedings of the House as a result of the rules we adopted four years ago. This is neither the time