

*Employment and Immigration*

**Hon. Bud Cullen (Minister of Manpower and Immigration):** Mr. Speaker, as you have indicated, the comments have gone a little beyond the procedural aspects of this particular clause, and I think it is appropriate that we deal primarily with procedural aspects since we have asked the Chair for guidance. I think, Mr. Speaker, that you are right on, and that this amendment goes beyond the scope of what is provided in clause 5. This clause spells out in clear terms that the powers and duties of the minister extend to and include all matters over which the parliament of Canada has jurisdiction not by law assigned to any other department. I think subclauses (3) and (4) of this amendment go beyond the scope of the section. I shall not go into the merits of them at the present time except to say that as far as subclause (4) is concerned, I have no particular difficulty. If Your Honour should find that it does go beyond the scope, and is prepared to accept subclause (4), I would have no problem. Later, if Your Honour should decide it is within the scope, I shall argue the merits of the section.

● (1140)

I think it is fair to comment that although we are in a position where we have many amendments, almost without exception the amendments before the House, and certainly the government's amendments, were known to the opposition. I tabled the actual wording of them so that this information would be available to members of the opposition. The hon. member for Hamilton West (Mr. Alexander) is prepared to concede that. I do not think we on the government side are unduly surprised by most of the amendments moved by the opposition, because they indicated during debate what they would be proposing. I think, rather than being embarrassed, that through the kind of competence Your Honour has displayed, what needs to be done has been done in that we will deal with five or six sections at the beginning and there will be time later to deal with the remainder.

There is no intention on the part of the government to ram these amendments through the House. Given the fact that members on both sides of the House hope not to sit throughout the summer, it seems to me that the earlier we could get through report stage of the bill and deal with the amendments, the better we would serve the people who are meant to be served by the legislation.

I have one other comment regarding consultation, Mr. Speaker. Even the hon. member for Battle River (Mr. Malone), who spoke last, indicated that the letters he receives show there has been consultation. I hardly think there is any government that would not like more consultation. But it is a two-way street. I have never received a letter from that particular hon. member or any other asking me about the consultation provided by the provinces when they initiate new programs dealing with manpower. To be fair, I think we should look into that area, too. The co-operation I have had from the provinces has been excellent, but that is not to say it could not have been better, as no doubt our own could. It does not make the case, however, that there has been no consultation other than to say that more could have been done.

In so far as the amendment is concerned, on a procedural basis I think it goes beyond the scope. In the interests of compromise, however, I would be prepared to accept subclause (4), which I assume in redoing it would read as subclause (3): the minister, with the approval of the governor in council may enter—

**Mr. Speaker:** The hon. minister has put forward the suggestion that hon. members might have time to explore this matter as the debate unfolds. I seek only to make a ruling with respect to the amendment as it is presented to me. If there is some agreement that might be explored, it could be presented to the Chair later. At the moment I have regard to the text of motion No. 1 as I have it before me, and the clear and well-established rule cited in May's nineteenth edition at page 521. It is well known of course, as indicated there, that an amendment is out of order if it goes beyond the scope of the clause which it seeks to amend. It is not even a question of its going beyond the scope of the general intent of the bill. That is another problem. An amendment to a particular clause must have relevance to the clause it seeks to amend, as well as to the bill in general. It, therefore, does not become a question of whether consultation—which is the basic thrust of the motion—is a good or bad idea within the framework of the piece of legislation with which we are dealing.

What the Chair has to decide is whether mandatory consultation by the minister with the provinces before implementation of a program is a new concept in respect of this particular clause. Reading the clause, one would have to come to the conclusion that the clause itself sets out the general powers the minister must have in order to assure responsibility under the legislation. The amendment would seek to introduce into that clause, not the powers of the minister but an obligation to consult with the provinces prior to the implementation of any program, according to subclause (3) of the amendment. I cannot help but feel that this amendment introduces into the general authority section of the minister an entirely new concept that was not contained or envisaged in the original. The idea of consultation, voluntary or mandatory, or consultation after authority from the governor in council, the power of the minister to enter into agreements which is envisaged in another section of the amendment, is one which I am sure will surface again in another part of the act and can be explored at that time in the way suggested by the minister.

I must find on technical grounds that motion No. 1 goes beyond the scope of clause 5 and, therefore, is out of order.

**Mr. Lincoln M. Alexander (Hamilton West):** Mr. Speaker, we on this side of the House are prepared to accept half a loaf rather than no loaf at all. I can now say that I appreciate the position the minister has put forward. At the same time, however, I would ask that the necessary consultations take place between the House leaders to see that the suggestion is discussed. With all due respect, Mr. Speaker, this House is its own master. I accept Your Honour's ruling, but the minister indicated to the Chair and to the House that he has some reservations with respect to the first part of motion No. 1. In keeping with the spirit of co-operation that usually exists in