

Unemployment Insurance Act

Mr. Deputy Speaker: In my opinion the nays have it.

Some hon. Members: On division.

Mr. Deputy Speaker: I declare the motion lost on division. This disposes of motion No. 5 at the same time. Is that agreed?

Some hon. Members: Agreed.

Mr. Deputy Speaker: I would at this time be ready to receive some argument as to the acceptability of motions Nos. 4 and 6, as suggested by Mr. Speaker in his comments at the opening of report stage on this bill, or any other suggestion, unless hon. members prefer that we suspend the consideration of motions Nos. 4 and 6. I leave it to hon. members.

Mr. Blais: Mr. Speaker, I rise on a point of order. It seems that the arguments are not too prolonged and could be disposed of at this time. I see that the mover of this motion is here.

Mr. John Rodriguez (Nickel Belt): Mr. Speaker, what I have attempted to do with Section 18 of the act is to extend and expand the classes to which the extension of the clarifying period would apply. This is not foreign to this particular section.

Those on legal strike or attempting to go into self employment and fail were covered with this section prior to the 1971 changes. As the minister stated about those who are incarcerated, these people were left out when the new act came into being in 1971. What I am attempting to do is put back into Section 18 something which had been included prior to 1971.

I cannot quote reams and reams of Beauchesne and back it up with procedural arguments. I am asking that this motion be allowed to be debated and voted. Surely the members of this House can decide whether they would like those two groups included in Section 18. If members are permitted to move motions to delete certain classes, it is only logical that they be permitted to add classes. This ought to be a two-edged sword that can cut both ways for members of parliament.

● (1740)

I do not hold myself to be an expert on parliamentary procedure. I prefer to leave those matters to my hon. friend from Winnipeg North Centre. Nevertheless it seems only common sense that if we can move to take out certain classes from the bill we ought to be permitted to move motions to add classes.

Mr. Andras: Mr. Speaker, it seems to me the hon. member for Nickel Belt (Mr. Rodriguez) has just established what is unacceptable about this motion. He says quite candidly that it adds classes extending the Unemployment Insurance Act as amended in 1971—classes which were certainly not contemplated in Bill C-69. In his opening comments about the admissibility of certain of these motions the Speaker referred to citation 246(3) of Beauchesne's fourth edition. I believe this citation clearly demonstrates that the motion is unacceptable on the

[Mr. Deputy Speaker.]

ground that it does add classes and constitutes an additional financial burden. Beauchesne reads as follows:

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 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.

On those grounds, Mr. Speaker, motions No. 4 and 6 are not acceptable.

Mr. Deputy Speaker: Order. I would first of all bring it to the attention of the hon. member for Nickel Belt (Mr. Rodriguez) that it is not the responsibility of the Chair to change the rules. It is the duty of the Chair to apply the standing orders and to abide by the precedents and practices established. I have no objection to the hon. member making the point that the powers which private members enjoy might be extended, but I would point out that to accomplish this the basic rules of the House would have to be changed, even the constitution, since the proposal the hon. member puts forward would seem to imply setting aside precedents which have been followed for many, many years, and the provisions of the BNA Act.

The hon. minister, it seems to me, has correctly cited the precedents. Citation 246 in Beauchesne is clear on the subject, and if the hon. member wishes to consult another author he might read Erskine May, page 508 in the eighteenth edition, where it is stated that an amendment is out of order if it is irrelevant to the subject matter or goes beyond the scope of a bill.

The hon. member knows that in accordance with our practice any expenditure of money has to be accompanied by a Royal recommendation. When one looks at the bill one finds that the Royal recommendation does not specify the enumeration of persons to be included or excluded but is attached to a measure in which one finds these specifications. So even if the hon. member is tempted to make the argument that the Royal recommendation is sufficiently open to include the persons he wishes to include by his amendment, in my view the Royal recommendation is limited by the bill, the hon. member's proposal would go beyond the bill, and would create an additional burden on the finances of the country.

I would refer the hon. member also to page 510 of May, eighteenth edition, paragraph 12, where it is stated that amendments or new clauses creating public charges cannot be proposed.

In the light of all these considerations the Chair must reject the motions as proposed by the hon. member. Motions four and six cannot be accepted.

As suggested by Mr. Speaker, we should now proceed to the consideration of motions 7, 8, 14 and 15. It was suggested that these be debated together and that they might be disposed of by a division on motion No. 7. Is this agreed?

Some hon. Members: Agreed.