

Canada Corporations Act

order in respect of amendment No. 2, may I say that I think from the words of the hon. member for Waterloo (Mr. Saltsman) two things probably are apparent. The first is that he is not satisfied with the original scope of the bill and, second, in putting this motion he is attempting to expand the original scope of the bill by what he has referred to as a fundamental change. It would seem to me, having made those two admissions, that he has acknowledged that the amendment as proposed in Motion No. 2 does go beyond the scope of the bill and therefore is out of order.

Mr. Speaker: I must tell the hon. member for Waterloo that I feel very unhappy about having to reach the conclusion that the amendment should not be put. I suspect it is the result of considerable work. It would appear to be a drafting masterpiece. In fact, after studying the hon. member's amendment, the impression I have is that it is in essence a legislative proposal which stands on its own two feet and might very well be the subject of a private bill sponsored by the hon. member. To my way of thinking, this amendment goes considerably beyond the purpose and purport of the bill before us. As the President of the Privy Council has indicated, the hon. member for Waterloo himself has indicated that he is trying to introduce a new aspect or a new proposal which, in effect, would change the basis of the bill itself. My impression is that in a way the hon. member has sought to amend more than the bill which is before us. He has sought to go behind this bill to amend the Corporations Act. In other words, he has sought to make a change which would not only affect the bill before us but also the act which the bill seeks to amend. In this respect, the amendment should not be accepted.

Again I say to the hon. member that it is with considerable hesitation that I reach this decision because I think it is very unfortunate that an amendment which is so well prepared and drafted should not have an opportunity to be debated. Perhaps the hon. member will give some thought to the possibility of introducing this proposed amendment by way of a private bill, at which time a debate could be held in the House. I apologize to the hon. member and say to him very sincerely that it is with regret I must rule that the amendment should not be put.

I shall now move on to Motion No. 3 and Motion No. 5 in the name of the hon. member for Edmonton West (Mr. Lambert) about which I have expressed some reservations. I have

[Mr. Macdonald (Rosedale).]

indicated to the hon. member that I have some misgivings about these two amendments which otherwise appear to be in order. They have financial implications which would make them out of order. Perhaps the hon. member might like to indicate his views in this respect.

Mr. Lambert (Edmonton West): I shall do so most willingly, Mr. Speaker, because it seems to me these same points were raised before the committee. Unfortunately for me, the government has introduced another bill, C-216 to which I draw Your Honour's attention, in which precisely what I am seeking to do is being done, and in similar terms. I should like to draw Your Honour's attention to the original form of Bill C-4 and the recommendation contained therein. Perhaps I might read the whole recommendation:

His Excellency the Governor General has recommended to the House the present measure to amend the Canada Corporations Act and other statutory provisions related to the subject-matter of certain of those amendments, in connection with the administration of the Canada Corporations Act, more particularly in regard to provide for the payment of expenses to be incurred with respect to the investigation of the affairs of companies and to authorize the increase in the membership of the Restrictive Trade Practices Commission from three to four members to take account of the added duties arising from the investigation measures introduced by the amendments to the Canada Corporations Act, and to provide for other consequential and related amendments.

The minister has admitted that he also was breaking new ground not in any way referred to in the recommendation. As appears from page 52 of the bill, the judge, on the conviction of an individual, may in the same proceedings order the individual to pay to the Receiver General such expenses as may be specified in the order. We now have the Crown seeking to recover its expenses from an individual, which is a provision that has not existed before. So, the purport of my Motion No. 3 is merely an attempt to go down the other side of the street and say that on acquittal the judge, in the same type of proceeding, may make a recommendation. I do not say that he should order. I use the word "recommend" on the advice of the officers of the minister's department. The effect of the amendment is that the judge may recommend to Her Majesty in the right of Canada that such a person be paid costs as specified in the order. In other words, there is a discretionary power given to a judge or magistrate to recommend that Her Majesty pay certain costs in view of the fact that authorization is