

beyond what was recommended in the relevant message, the binding message of recommendation; namely, the recommendation given prior to the 1970 legislation.

That is the situation. It is really very simple. If we think of the royal recommendation as a foundation, then the bill builds a house on it, and obviously the bill cannot go beyond the foundation. What we have in Bill C-21 is a move to reduce the size of the house within the perimeter of the foundation. The amendments proposed by the special committee say: "Oh, no, you are shrinking it too much. We will agree to shrink it some, but we do not want to go quite as far as you do." All of the recommendations made by the special committee stay well within the original foundation and, consequently, are not out of order by reason of going beyond the terms of the relevant royal recommendation.

Thank you, honourable senators.

Hon. Allan J. MacEachen (Leader of the Opposition): Honourable senators, I just want to make one point, and that is with respect to the factual argument made by Senator Beaudoin. Indeed, if it can be demonstrated that that particular amendment exceeded the existing statute, then, of course, I would have to bow to my own argument. I am prepared to consider it further, but I do not see how the table increases the expenditures. The honourable senator referred to the burdens of the repeater clause, but that clause is not as a result of any amendment which the special committee has made.

• (1510)

Senator Beaudoin: On that point, are you not restoring the 10- to 18-week requirement?

[Translation]

Hon. L. Norbert Thériault: It's reduced to 18 weeks.

Senator Beaudoin: No, that's the minimum requirement. If people become eligible earlier, I imagine it will cost more.

Senator Thériault: Honourable senators, the table which is part of the schedule shows the required number of weeks to qualify for unemployment insurance. If you take more weeks, the government gets more revenue and you pay less. So the entrance requirement doesn't increase, it goes down.

Senator Beaudoin: According to my information, the existing legislation says 14 weeks, with from 14 to 20 weeks for repeaters, the people who go back.

Bill C-21 says from 10 to 20 weeks. So there is a difference. And there is nothing for repeaters. I am not sure how that translates into French, but I suppose "repeaters" will do.

Hon. Roch Bolduc: How about "récidivistes"?

Senator Beaudoin: No, they aren't recidivists. They are people who come back.

In your amendment, it says 10 to 18 weeks and you remove requirements for repeaters. This will involve spending several million dollars more.

Don't ask me the exact amount. We are fighting for a principle here. I realize millions and hundreds of millions are

[Senator Stewart.]

important, but the point of order is not about a specific amount.

The point of order is about the fact that the proposed amendments involve expenditures that are over and above the provisions of C-21, and expenditures that are "x" million dollars in excess of what is provided in the existing legislation.

I think Senators MacEachen and Stewart are saying: Yes but we have the right to do that in the Senate. The House of Commons may have adopted its standing order 80, but we are not bound by that.

I am willing to agree that we are not bound by a standing order of the House of Commons, any more than they are bound by a rule of the Senate.

However, if we apply your theory literally, does this mean that every time a government wants to reduce its financial contribution in a given area, the Senate can in all cases, without violating section 53 and 54 of the Constitution, revert to the existing legislation and *ipso facto* undo any government bill?

Do you go as far as that?

If that is the case, you are going very far indeed, because under our system of responsible government, the cabinet is responsible for introducing money bills in the other place.

The cabinet is responsible to the elected representatives of this country. It can be brought down on its Budget. This has often happened on both sides of the House, to Liberals and Conservatives. However, can the Senate, every time the cabinet wants to implement a principle that implies a reduction in spending or another philosophy in a given bill, can the Senate reallocate amounts left, right and centre and totally change the philosophy and the financing approved by the elected representatives of this country? I would like to know whether you would go as far as that.

[English]

Senator Frith: It does not say that. It says, "cannot increase."

Senator Stewart: Is this a rhetorical question?

Senator Beaudoin: It is not a rhetorical question. I think it is the basis of our system.

Senator Frith: It says, "cannot increase." It does not say what you are saying. There is nothing in the Constitution that says Parliament—House of Commons or Senate—cannot touch what the government does in managing the financial affairs. It simply says that the Senate cannot increase the burden over an existing statute. The question is this: Can the Senate do that with any legislation? The answer to that is yes.

Senator Stewart: Senator Beaudoin addressed a question to me. I asked him if it was a rhetorical question and he said it was not a rhetorical question.

Let me respond to his question. If we go back to the time when our system was being created, what was feared in Quebec and Nova Scotia was that Ontario would control the House of Commons.