

gested. The only problem I ran into at the committee stage was that the chairman of the committee said that, according to Beauchesne, the amendment must include the words I have cited. I think he overlooked the Interpretation Act which, with the greatest respect, says "may". Therefore, I am on pretty strong ground, because then you read the second part of Clause 4 of the Interpretation Act which says:

The enacting clause of an Act may be in the following form:—

All I am doing is adding a preamble to an enacting clause. Therefore, I say I have not done anything different from moving amendments to put a ceiling on interest rates, just as the amendments moved by other hon. members which are on the order paper would change other clauses. In my opinion, I am not moving a preamble to the original National Housing Act. I am moving a preamble to the enacting clause of Bill C-133, which is an act to amend the National Housing Act. I do not think I need say any more.

Let me conclude with these words. I think the problem I have to face I have answered. This is what the Chair has been saying to me, and this bothered me when the question was first raised. If this were merely a bill, not an amending bill, I might be able to do what I am doing, but as it is an amendment to an amending bill there is some question as to whether I can add a preamble to the amendment, because this is really a preamble to the main act.

I have merely added a preamble to the enacting clause of the amendment which is part of this amending bill, and in that fashion it would come as part of the bill just as other amending clauses would. I realize the difficulty, but I feel I am on sound ground because of this argument. I would ask Your Honour to remember, in making your decision in this regard, that if it is possible to amend any clause, then surely it is possible to do what I am attempting this afternoon. Thank you very much for your kindness in listening to me.

Mr. Basford: Mr. Speaker, perhaps I could refer to the matter raised by the hon. member for Calgary North (Mr. Woolliams). We went through this procedure at the committee stage and the amendments were ruled out of order. I appreciate the hon. member moving the amendment now so it can be dealt with on the floor of the House, however, I have the same difficulty with this amendment that you have hinted you may have, Sir. Without in any way discussing the substance of the matter and, of course, if the amendment is in order we will have to discuss the substance, I think there is more to housing than a preamble.

I want to submit to you, Sir, that the amendment moved by the hon. member is out of order in that the hon. member is endeavouring to add a preamble to the National Housing Act, or to amend the enacting section of Bill C-133, but the hon. member has made it very clear that what he intends is merely to add to or amend the enacting section. If his purpose is only to add a preamble however to Bill C-133, or a preamble to the National Housing Act both are clearly out of order.

Let us refer to May's Seventeenth Edition which makes it very clear at page 559 that when a bill is introduced, and does not contain a preamble, it is not competent for the committee to introduce one, and what is incompetent at

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the committee stage must surely be incompetent here. Therefore, this amendment is by way of an amendment adding a preamble, and it would be improper for an amendment to Bill C-133 to endeavour to add a preamble to the National Housing Act.

The hon. member says he is not endeavouring to add a preamble, but is endeavouring to amend the enacting section. I say that is out of order because you cannot endeavour to amend the enacting section. Beauchesne, in Citation 398, says:

—no amendment can be moved to the granting or enacting words of Bills for granting aids or supplies to the Crown, or to the enacting words of other Bills. Those words are part of the framework of the Bill and are never submitted to the committee.

The hon. member by his own words says that is exactly what he is endeavouring to do here, to amend the enacting section. I suggest Beauchesne makes it very clear that you cannot amend the enacting section of a bill, and for that reason, Mr. Speaker, I submit to you that amendment No. 1 is out of order.

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, I rise briefly to ask one or two questions. I suppose I have to ask them rhetorically although no doubt the hon. member for Calgary North (Mr. Woolliams) would like to be in the position to answer them. I am concerned where these words would go if the amendment were allowed, voted on and passed. The hon. member for Calgary North says these words constitute a preamble to the amending bill. Somewhere down the line an appropriate department would produce an office consolidation which would change the various sections of the act in accordance with the amendments that we pass here today. What will happen to these words and where will they appear? Will they be stuck into the middle of the act somewhere? I do not see how they can because these words are not part of any clause.

On the other hand, how could a group of lawyers making an office consolidation put these words at the beginning of the act since the hon. member himself has already said he is just seeking to add a preamble to the bill? I had hoped I might have some materials on my desk that would be helpful. I do not have all I wanted, but I have one volume of the Revised Statutes of Canada for 1970, and I find that when the statutes reach this point the enacting clause disappears in most cases. This volume I have is Volume III. I have thumbed through it and in all cases but one I have noticed Section 1 is simply the title of the act, and the words:

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

have been eliminated.

● (1530)

There is one exception, namely Chapter F-26 which had to do with the Food and Agriculture Organization. It does have a preamble which has been carried forward and includes the words: "therefore His Majesty"—this was passed sometime ago—"by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows". But, the hon. member for Calgary North can hardly claim his wording is a preamble to be put in at the beginning of the statute since he says it is not a preamble to the whole statute. It seems to me there are