

THE SENATE

Tuesday, February 20, 1990

The Senate met at 2 p.m., the Speaker in the Chair.
Prayers.

UNEMPLOYMENT INSURANCE ACT EMPLOYMENT AND IMMIGRATION DEPARTMENT AND COMMISSION ACT

BILL TO AMEND—REPORT OF SPECIAL COMMITTEE—SPEAKER'S
RULING ON POINT OF ORDER

The Hon. the Speaker: Honourable senators, I was asked on Thursday last to rule on a point of order. If I may, I shall do so now.

[*Translation*]

Honourable senators, on Wednesday last, the Honourable Senator Beaudoin raised a point of order regarding the acceptability of certain amendments contained in the Third and Final Report of the Special Committee of the Senate on Bill C-21. Four amendments have been called into question as listed in Appendix A of the Report; they are amendments number 5, 7, 9 and 10.

With respect to amendments 5 and 7, the Chair is guided by Erskine May's 20th edition, pages 797 and 810, which deals with matters requiring the Queen's Recommendation and matters that do not require the Queen's Recommendation. Among the many precedents referred to that would require a Royal Recommendation, the following may be cited:

A charge is also involved by any proposal whereby the Crown would incur a liability or a contingent liability, payable out of money to be voted by Parliament.

That is on page 797. Quoting again:

Another type of expenditure is... the imposition of charges to be paid directly out of the Consolidated Revenue Fund.

That is on pages 797 and 798. Another quote:

When a bill contains provisions extending the purposes of expenditure already authorized by statute, such provisions may require the Queen's recommendation. The following examples may be given: (1) Extension of cases in which compensation can be paid... and (2) Extension of classes of insured persons...

You will find that on page 802. With respect to matters that do not require the Royal Recommendation, Erskine May states the following:

No special form of procedure applies to proposals to reduce existing charges, and they may be moved in the House of Commons or in Committee without the Royal Recommendation.

A proposed reduction of a charge may consist in reducing its amount, or restricting its objects or inserting limiting conditions, or shortening the period of its operation...

The same principle explains an apparent anomaly in the case of amendments moved to a bill which abolishes or reduces a charge authorized by existing law. Amendments to such a bill, which are designed to restore a portion or the whole of the charge which the bill proposes to reduce or abolish, are in order without the need of a preliminary financial resolution. Such amendments do not in fact propose a charge but simply seek to determine the question to what extent, if any, an existing charge shall be reduced.

You will find that on page 805 of Erskine May.

Based on the above citations in Erskine May, and after careful review of the proposed amendments, I find amendments 5 and 7 to be in order.

[*English*]

Dealing now with amendment No. 9, I have consulted senior officials in the Department of Employment and Immigration and independent economic consultants. I have studied their assumptions carefully and I concur with them.

While the effects of the amendment must inevitably rely on a number of these assumptions, and are consequently somewhat subjective, I have concluded that the amendment will result in an increase in costs over and above the parent act.

Because of the interrelationship between Tables 1 and 2, and the consequent interdependence of the amendments proposed to each of these tables, I must also rule amendment No. 10 out of order.

When the order is called the Senate may proceed with consideration of the committee report, but with the exclusion of the amendments numbered 9 and 10.

BUDGET SPEECH

ACCOMMODATION FOR SENATORS IN COMMONS GALLERY

The Hon. the Speaker: Honourable senators, the Minister of Finance will deliver his budget speech in the other place this afternoon at 4.30. May I remind honourable senators that on such occasions in the past it has been the practice to restrict admission to the Senate Gallery of the House of Commons to senators only, thereby ensuring that senators are not excluded from the gallery because seats are occupied by relatives and friends of senators. I would ask for your cooperation in continuing this practice today.