

*Softwood Lumber Products Export Charge Act***GOVERNMENT ORDERS***[English]***SOFTWOOD LUMBER PRODUCTS EXPORT CHARGE ACT**

## MEASURE TO ENACT

The House proceeded to the consideration of Bill C-37, an Act respecting the imposition of a charge on the export of certain softwood lumber products, as reported (with an amendment) from a legislative committee.

**Mr. Deputy Speaker:** As Hon. Members are aware, there are 12 motions on the Notice Paper in amendment to Bill C-37, an Act respecting the imposition of a charge on the export of certain softwood lumber products.

Motion No. 1 attempts to import into the Bill provisions found in the Indian Act which were not contemplated at the second reading of the Bill. This amendment falls clearly beyond the scope of the Bill and I must therefore rule it out of order. In doing so, I wish to refer the Hon. Member to Citation 773(1) of Beauchesne's Fifth Edition.

*[Translation]*

Motion No. 2 was moved in committee and ruled out of order. It falls beyond the scope of the Ways and Means resolution on which the Bill is based. On the basis of Citation 523 of Beauchesne's Fifth Edition, and after careful examination, I must rule this motion out of order.

*[English]*

Motions Nos. 3 and 5 seek to introduce some new kind of mechanism in the establishment of the export charge of 15 per cent. I have come to the conclusion that these motions fall outside the scope of the Bill and the Ways and Means Resolution upon which the Bill is based. No provision for adjustments in the determination of the export charge was contemplated in the resolution of the Bill. Therefore, I have to rule the motions out of order. I refer the Hon. Members to Citation 773(1) of Beauchesne's Fifth Edition which states, and I quote:

An amendment is out of order if it is irrelevant to the Bill, beyond its scope or governed by or dependent upon amendments already negated.

*[Translation]*

Motion No. 6, which is consequential to Motion No. 3, will not be selected for debate and will not be put to the House.

● (1550)

*[English]*

Motion No. 4 was ruled out of order in committee on the basis that it goes beyond the scope of the Ways and Means resolution by attempting to exempt joint and several liability to a corporation or a region exempt from a charge. I have come to the conclusion that this motion, in attempting to exempt U.S. harvested logs, goes beyond the scope of the Bill and introduces a new concept not contemplated in this Bill. Hon.

Members are referred to Citation 523 of Beauchesne's Fifth Edition which states:

Amendments must not exceed the scope, increase the amount or extend the incidence of any charge upon the public, defined by the terms of the Ways and Means resolutions, by which the provisions proposed to be amended are authorized.

On these grounds I must rule this motion out of order.

Motions Nos. 5 and 6 were dealt with earlier.

Motion No. 7 was ruled out of order in the legislative committee. It could be argued that the motion, if carried, might encroach on provincial jurisdiction, although that would be a matter for the courts to decide. However, the Chair recognizes that in procedural terms it is a borderline case. After careful examination the Chair has decided to give the Hon. Member the benefit of the doubt. Therefore, Motion No. 7 will be put to the House, debated and voted on by itself.

*[Translation]*

Motion No. 8, in the name of the Hon. Member for Skeena (Mr. Fulton), seeks to amend the same clause of the Bill in a manner similar to motion No. 7, in the name of the Hon. Member for Winnipeg—Fort Garry (Mr. Axworthy), and therefore will not be selected for debate.

*[English]*

Motion No. 9 will be debated and voted on separately.

Motions Nos. 10, 11 and 12 will not be selected for debate.

**Mr. Axworthy:** Mr. Speaker, I rise on a point of order. I appreciate the Chair having provided us with a written version of its ruling. I wish to draw the attention of the Chair to the apparent discrepancy in the ruling on Motion No. 1. Citation 773(1) of Beauchesne's Fifth Edition is cited as the rationale for ruling this motion to be beyond the scope of the Bill. When we presented a similar amendment in committee the Chair at that time cited Citation 773(10). It is a citation which I would submit might be more subject to debate in re-examination.

I am wondering if the Chair is prepared to clarify why it is now referring to Citation 773(1) as opposed to Citation 773(10) which citation is more appropriate to the decision made by the Chair.

**Mr. Deputy Speaker:** The Chair will consider the remarks made by the Hon. Member for Winnipeg—Fort Garry and come back to the matter. In the meantime we will proceed with debate.

**Mr. Fulton:** Mr. Speaker, I rise on a point of order in relation to the Chair's ruling on Motion No. 4. The Chair has quoted Citation 523 which states:

Amendments must not exceed the scope, increase the amount or extend the incidence of any charge upon the public, defined by the terms of the Ways and Means resolutions, by which the provisions to be amended are authorized.

I ask, Mr. Speaker, that you look at what I propose in Subclause (3) and Subclause (4). In Subclause (3) the attempt is to exempt those wholesalers who are temporarily holding softwood lumber which comes from corporations that are