

National Housing Act

That Bill C-133, an act to amend the National Housing Act, be amended by deleting the enacting clause of the bill, lines 1 to 3 on page 1 thereof and substituting the following:

"The Parliament of Canada, hereby declaring that it is the duty of The Government of Canada to provide, or cause to be provided, the maximal number of housing units for the maximal number of residents of Canada at capital and interest costs reasonable to their several means, and now to better ensure that this duty shall be discharged for the achievement of this goal, in accordance with the terms and conditions of this said act.

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

Hon. members will appreciate that this is a very unusual amendment. There are some precedents that raise the question whether it is in order. By way of preliminary comment, and so as to guide hon. members as to what my difficulty is, may I say that to my way of thinking the hon. member is seeking at this point to go behind the bill that is before us to amend the original statute, the National Housing Act, which of course is contrary to the regular established practice. That is really the difficulty that I have.

There are many aspects to the amendment that are interesting. It is a novel proposal which has caused me considerable anguish. I have looked at the matter from many angles during the last week or so since the hon. member gave his notice, and it is fair to say that I have some very interesting discussions with the hon. member himself. We have agreed to listen to argument today and perhaps try to reach a solution at this time. The hon. member for Calgary North.

Mr. Woolliams: Mr. Speaker, in view of the undertaking that this party has given with reference to the other important amendments to this bill I shall try to be brief. First of all, I bring to your attention that we are dealing with Bill C-133, to amend the National Housing Act. From listening to Your Honour's comment at the outset, there does seem to be some question that if I should move a preamble to an amendment to a bill, I might run into some procedural difficulty.

Let me come immediately to grips with this argument, and after I have answered it I will answer the question that was raised in the committee as to whether I would be able to amend an enacting clause. The last paragraph of my amendment is as follows:

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

Those words are in all acts, and even in amending bills. But the point I must come to grips with in order to get a favourable and affirmative ruling is this: Can I amend a section of an act when I am dealing only with an amending bill before the House that has been brought in by the government? My submission is that this is not quite the case. What I am doing here is adding the enacting words that I have just quoted.

If the rule were such that I was foreclosed, in the sense that I could never move an amendment to a clause because it would change the bill, then one would never be in a position to move an amendment to a bill that amends an act. I submit that what I am doing is amending the enacting clause. If procedurally I can do this, then procedurally I must also be able to make an amendment to an amending

[Mr. Speaker.]

bill. I submit that I am of firm footing procedurally in this regard.

Whether I can move an amendment or an addition to an enacting clause is another matter, and may I deal with that briefly. May I refer to a letter that I wrote and is attached to the brief that I personally prepared on this particular question, whether an amendment can be moved to an enacting clause that is either an amendment to a bill or a bill itself. I should like to refer Your Honour to page 269 of *Beauchesne*, paragraph 361(3), which reads as follows:

The "enacting clause" is an essential part of a bill.

Pausing there, the enacting clause is an essential part of an amendment to a bill.

Under section 5 of the Interpretation Act, ch. 1, R.S.C., it must read as follows: "Her Majesty, by and with the advice and consent of the Senate and House of Commons, enacts as follows."

When this matter came before the committee, the question Your Honour raised this afternoon was not dealt with by the chairman, if I may say that with the greatest respect to him. He merely referred to this sub-paragraph of *Beauchesne* and then referred to paragraph 402(2), which provides as follows:

A new clause will not be entertained if it is beyond the scope of a bill, inconsistent with clauses agreed to by the committee, or substantially the same as a clause previously negated.

The Interpretation Act, which *Beauchesne* refers to, provides as follows:

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

● (1520)

Beauchesne says it must be in that form, but the Interpretation Act of Canada, being Chapter I-23 in Volume IV of the Revised Statutes of Canada, 1970, does not go that far. It simply says:

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

If you look at *Beauchesne*, you will find that he says it must be in that form. I assume and presume that was written prior to the amendments of 1967-68 of the Interpretation Act, and that is why *Beauchesne* took that position.

Then I come to the second point to which *Beauchesne* refers. The words in the motion are:

The Parliament of Canada, hereby declaring that it is the duty of the Government of Canada to provide, or cause to be provided, the maximal number of housing units—

Surely that is what the amended bill is trying to do, that is providing more housing units. We have heard a lot of talk about capital today, so there must be capital provided with reasonable interest rates. In other words, really what the amendment to Bill C-133 is saying is that we are going to provide new homes. They may be in the form of public housing or the rehabilitation of old houses. We are going to lend money to municipalities and provinces to provide serviced land at reasonable prices.

One of the main witnesses before the committee had presented a brief to CMHC and stated that one of the weaknesses of Bill C-133 was that it really did not articulate the purposes of the bill. The minister at that stage said he would have no argument with what I have sug-