

*Point of Order—Mr. Stevens***IMMIGRATION**

## REQUESTED REVIEW OF CASE OF JOAN CREARY

**Hon. Herb Gray (Windsor West):** Mr. Speaker, I have a question for the Minister of Employment and Immigration. Will the minister immediately review the case of Joan Creary who, even though only nine years old, has been ordered deported to Jamaica by an adjudicator of his department, and will he use his authority to the extent that it exists to allow her to remain in Canada with her father, a Canadian citizen, her mother having apparently agreed to this since she is unable to look after her daughter? Also, will he, where necessary, change the regulations or propose amendments to the Immigration Act to the extent that they are shown to cause inhumane and unfeeling results of the kind indicated by this Creary case?

**Hon. Bud Cullen (Minister of Employment and Immigration):** Mr. Speaker, my concern here, and I must say the concern of the province of Ontario as well, is with the welfare of the child. The province of Ontario has to make a determination whether this is a fit and proper father for the child. The official guardian is making his own investigations in this connection.

● (1202)

Incidentally, it is not a deportation order. Under the more humanitarian act, the child is subject to an exclusion order which would mean that the child could come back into the country within a year. I have indicated that I am prepared to hold off executing that exclusion order until I am satisfied that the rights of the child are protected and have decided whether it is better for her to be with this particular father or to go home to her mother and two sisters.

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**HOUSE OF COMMONS**

## PRESENCE IN GALLERY OF ISRAELI MINISTER

**Mr. Speaker:** Order, please. May I take a moment to call attention to the presence in our gallery of a distinguished visitor in the person of the Minister of Education and Culture from Israel, Mr. Hammer.

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**POINT OF ORDER**

## MR. STEVENS—BILL C-56

**Mr. Speaker:** Yesterday I indicated I would endeavour to bring forward a decision on a point of order raised on May 17 by the hon. member for York-Simcoe (Mr. Stevens). The point of order arose on the motion for second reading of Bill C-56, an act to amend the statute law relating to income tax and to authorize payments related to provincial sales tax reductions.

[Mr. MacEachen.]

The hon. member for York-Simcoe, having raised this point of order, submitted that Bill C-56 did not comply, or does not in its present form comply, with Standing Order 60(11), which reads as follows:

The adoption of any Ways and Means motion shall be an order to bring in a bill or bills based on the provisions of any such motion.

It is admitted in the argument, and surely on the precedents, that while the words "based on" certainly do not mean identical with, nevertheless the hon. member is concerned, and the House is always concerned, that there must be such a relationship between the bill and ways and means motion that a substantial difference between the motion and the bill would make it run contrary on a procedural basis to two earlier rulings of the Chair, namely, that of December 18, 1974, and July 14-15, 1975. In the 1974 ruling I was prepared to accept a discrepancy between the ways and means motion and the bill concerning the definition of a boat. However, I did say that the terms of the ways and means motion are a carefully prepared expression of the financial initiative of the Crown, and frequent departures from them can only invite deterioration of that most important power.

I think we must understand clearly that the importance of the ways and means motion in this whole process is as an expression of the financial prerogative of the Crown. Indeed, if one were able to introduce legislation into the House of Commons in respect of tax matters without a ways and means motion, that would indicate that the financial prerogative of the Crown had lost that element of its singularity.

I repeated this warning on July 14, 1975, when I ruled on a discrepancy between a ways and means motion and the bill based thereon with respect to the power of the minister to describe by regulation the class of exempt persons. In that case, without arresting the progress of the bill, I suggested that the minister either amend the ways and means motion or prepare amendments to the bill to bring it into conformity with the existing motion. In the event, the Chair found it necessary the next day to delete certain words from the bill in order to have it conform to the ways and means motion upon which it was supposed to have been based, and an amendment was subsequently moved in committee of the whole which conformed to the ways and means motion.

In the present case the specific objection, which was also referred to by the hon. member for Winnipeg North Centre (Mr. Knowles) is that paragraph (13) of the ways and means motion provides:

That for the 1978 taxation year the tax otherwise payable by an individual resident in a prescribed province on December 31, 1978 be reduced by \$100.

This is found in the bill in clause 30 and particularly in section 122.1(1).

However, clause 30 in the bill goes on to deal with matters not contained, in my opinion, in paragraph (13) or elsewhere in the ways and means motion, to deal with those taxpayers not in a prescribed province and perhaps even not in the same taxation year, that is, it appears that section 122.1(2) to be enacted by clause 30 represents a substantial departure from paragraph (13) of the ways and means motion or from any