

Senator Frith: But not over the statute.

Senator Beaudoin: What I said a moment ago was that there is one that exceeds the statute. Those six are definitely an increase over what prevails in Bill C-21.

You then go one step further and you say: "That is not good enough; there has to be an increase in comparison with the existing law," which is the Unemployment Insurance Act and related statutes. However, if you look, for example, at amendment number 9, one thing that should be pointed out here is that the recommendation, first of all, increases program costs relative to the proposal in Bill C-21—and I think you are not in disagreement with that. However, more importantly, it also increases program costs relative to the current program entrance requirement.

Under the present system—that is, the one that is now in force, according to the law—the present entrance requirement includes two components: the normal 14-week requirement and the additional work requirement for repeat claimants. Because of the existence of that repeater provision some claimants must already work up to 20 weeks in order to receive UI benefits.

Under your amendment the entrance requirement is 10 to 18 weeks. Some claimants who now need 20 weeks under the current program will be able to receive UI benefits with only 18 weeks.

Bill C-21 eliminates the repeater provision. Your proposal agrees to the elimination of that repeater provision. However, you include only a 10- to 18-week entrance requirement, and this is an increase over what we now have under the present system. Therefore, the result will be that certain repeat claimants will gain access to unemployment insurance benefits that they are not entitled to receive under the present system. So in that sense it is not only an increase compared to Bill C-21, it is an increase that is not authorized under present statutory law.

● (1450)

Senator MacEachen raised a very interesting point a moment ago about the Constitution. He said that he is not concerned with Standing Order 80 of the House of Commons. It is not the Constitution of Canada. I do not quarrel with that. It is the internal constitution of the lower house, but it is something important.

Senator Frith: To them.

Senator Beaudoin: But then he said perhaps they go against section 53 or 54 of the Constitution; and, if that is the case, those sections would prevail. I agree with that. The Constitution is in the BNA Act, with which both houses must comply.

In the Standing Committee on National Finance I listened very carefully to the experts, who appeared at the invitation of Senator Leblanc and Senator Stewart, and I learned one thing: it is not always clear where the powers of one house start and where they finish. That is why I referred to an opinion given by a former deputy minister of justice in my speech yesterday, who said that the Senate cannot alter the amount of money or the purposes for which the money may be spent. That is one school of thought. There is another school of thought which

[Senator Beaudoin.]

says that the Senate has the right to alter a bill, providing it does not increase the spending of the money.

Senator Frith: That is the much better school! That is a higher school.

Senator Corbin: That is a wiser school!

Senator Frith: The first one is the lower school.

Senator Beaudoin: We are not obliged to render judgment on that, but I agree that it is another theory. I do not know if it has been observed or complied with in the last century here, but let us say that it is another theory. But even in that case the tables on which you base your amendments increase the spending of money compared to the present legal situation under the Unemployment Insurance Act. I do not think the problem is as simple as some members of the opposition think it is. It is a very complex problem, and we have examples where there have been increases, even compared to the present legal situation. I will stop there for the moment.

Hon. John B. Stewart: Honourable senators, as we know, Senator Beaudoin has challenged the validity of certain amendments to Bill C-21 made by the special committee to which it was sent, and I submit that his point of order is not valid.

Yesterday and again today Senator Beaudoin made reference to and relied to some extent on a rule of the House of Commons, namely, Standing Order 80(1). That standing order asserts:

All aids and supplies granted to the Sovereign by the Parliament of Canada are the sole gift of the House of Commons, and all bills for granting such aids and supplies ought to begin with the House, as it is the undoubted right of the House to direct, limit, and appoint in all such bills, the ends, purposes, considerations, conditions, limitations and qualifications of such grants, which are not alterable by the Senate.

That is a claim made by the House of Commons.

But, honourable senators, we really do not need to discuss the grounds or the correctness of that claim here this afternoon, because the bill that is now before the Senate, Bill C-21, is not a bill designed to give aids and supplies to the Crown. The report from the Standing Committee on National Finance, which was tabled on Tuesday, explains the difference between a bill designed to give aids and supplies to the Crown, on the one hand, and a bill for what they call at Westminster novel purposes.

That distinction is opened up in *Erskine May*. If honourable senators will turn to the twentieth edition, page 755, they will see there that Erskine May distinguishes between two ways in which public money is appropriated. One method of appropriation is by bills that originate in the supply process in the House of Commons. Such bills are preceded by supply votes. Their purpose is to assist the Crown—and that is the origin of the expression "aids and supplies"—in meeting the normal, annual costs of maintaining the executive government.