

*Unemployment Insurance Act*

• (1540)

The hon. member for Winnipeg North Centre made two points. The first was that the mover of the amendment, the hon. member for Hamilton West, is attempting to go behind Bill C-124 and amend the Unemployment Insurance Act. I suggest to you, Mr. Speaker, that that argument is not deserving of any merit at all because the amendment deals directly with clause 1 of the bill and attempts to limit the authority of the Minister of Finance to make advances under that section.

The second point made by the hon. member for Winnipeg North Centre was that the resolution which recommends the bill to the House cannot be amended. Of course, that is the general rule, but he states it very loosely. I find this rather surprising coming from the hon. member for Winnipeg North Centre because normally he is very precise in advancing this type of argument to the Chair. We should look at it in some detail because, I suggest, that is the only real point of substance which Your Honour must consider.

I dismiss at once the argument raised by the previous speaker that the amendment is a negative. It is no such thing. It would be if the hon. member for Hamilton West had advanced an amendment that would have had the effect of negating the bill, but this has not occurred. Citation 246(3) of Beauchesne's reads, and I quote:

The guiding principle in determining the effect of an amendment upon the financial initiative of the Crown is that the communication, to which the royal demand of recommendation is attached, must be treated as laying down *once for all*—

As pointed out by the hon. member for Winnipeg North Centre, those last three words are in italics.

—(unless withdrawn and replaced) not only the amount of a charge, but also its objects, purposes, conditions and qualifications.

Those latter categories have been dealt with by the hon. member for Peace River (Mr. Baldwin). I draw Your Honour's attention to the use in that citation of the words "not only the amount of a charge". The citation is very specific on that point. The use of those words compels one to an inference that an amount of a charge must be set. In Bill C-124, we are dealing with an unlimited amount. There is no stipulated amount. In fact, there is no ceiling at all.

With regard to citation 250(4), I think it would help to review that with Your Honour. I quote:

The fundamental terms of a money resolution submitted to the House with the Governor General's recommendation upon which a Committee of the Whole is set up cannot be amended. Amendments will only be in order if they fall within the terms of the resolution.

In my submission, they do fall within the terms of the resolution. I think this point will be made even stronger by subsequent citations from May which I intend to draw to Your Honour's attention.

The procedure in committee on those resolutions follows in principle the procedure of the Committee of Supply, and amendments are out of order if they are proposed with a view to substituting an alternative scheme to that proposed with the royal recommendation.

In my submission, this is not an alternative. If it were, the hon. member opposite, who argued well but weakly, would have been correct in urging Your Honour to find a

negative, if it were a negative, but it is not. In support of my submission, I want to quote some citations from May to show that it does not offend the rule with respect to offending the resolution introducing the bill. I wish to cite first from page 514 of May's 18th edition under the subheading, Proceedings upon Italicized Words and Privilege Amendments. I quote:

It has already been explained . . . that any clause or part of a clause which imposes a charge is printed in italics. Italicized words cannot be considered by the committee, unless a money resolution authorizing them has been agreed to by the House. By S.O. No. 47 no question is put for inserting words already printed in italics, and, if no alteration has been made in such words and no amendment has been made elsewhere, the bill is reported without amendment. If it is desired to alter the italicized words, an amendment can be moved in the ordinary manner, provided that it falls within the scope of the money resolution; but any increase or extension of the charge authorized by the italicized words is only in order to the extent to which the scope of the money resolution exceeds the scope of the italicized words.

We do not follow the practice here of italicized words, but the important submission I have to make with respect to this citation is that this amendment, by inference, can be moved in the ordinary manner if it falls within the scope of the money resolution. I submit that the limitation of an unlimited authority falls within the scope of the resolution. Again, it sets out a negative position in that citation, "but any increase or extension", which the hon. member for Hamilton West does not seek to do, namely increase or extend the charge authorized. May states that any increase or extension of the charge authorized by the italicized words is only in order to the extent that it falls within the terms of the resolution.

Page 694 of the same edition of May, under Bills and Financial Resolutions, reads:

In the eighteenth and the first half of the nineteenth century, the royal recommendation under the Standing Order of 1713 was given to petitions, clauses of bills, instructions and motions moved in the House itself. Now it is only given to motions either relating to a particular bill or referring a particular matter to the consideration of the House. Here all that need be said is that the latter, which is the earlier form, is adapted to a generalized statement of the purposes of expenditure initiated by the Crown, and leaves a measure of discretion to the Commons; while procedure for financial resolutions relating to bills can be used to draft a motion, sanctioning expenditure recommended by the Crown, in almost as complete detail as the provisions of the bill which lay down the conditions under which this expenditure is to be administered. By this method the principle of the financial initiative of the Crown can be turned into a means of restricting the power of the Commons to amend financial legislation almost as completely as the form of the estimates restricts their power to adjust administrative expenditure.

I make this point to bolster my submission to Your Honour that by amending clause 1 of the bill to limit the authority sought by the bill, the amendment falls within the meaning of the phraseology in this citation of May, namely that the financial initiative of the Crown is not impaired if the amendment sought does not seek to limit or restrict the clauses in the bill.

• (1550)

Lastly, from page 750 of May under the subheading Proceedings on Financial Resolution:

Debate on a motion for a financial resolution is confined to the terms of the resolution itself and must not be extended to the related bill nor to the merits of matters excluded from the resolu-