

Investment Canada Act

contrary to the principle of the Bill as agreed to at second reading stage. Again I refer to Beauchesne's Fifth Edition, Citation 773(5).

With respect to Motion No. 21, it proposes a new agency whose purpose is entirely at variance with the intent of the Bill and I suggest to you, Sir, it is clearly out of order. The authority for that is Beauchesne's Fifth Edition, Citation 773(1).

Motion No. 22 suggests the appointment of a board of directors. Clearly no board was contemplated by the Bill. With respect to the financial implications, the directors would incur expenses which would necessitate a charge on the Consolidated Revenue Fund, which violates the principle of the prerogative of financial initiative on the part of the Crown. The authority is Citation 514(2) of Beauchesne's Fifth Edition.

With respect to Motion No. 29, by virtue of this motion the agency's role and function would be greatly expanded over those contemplated in the Bill, hence it is beyond the principle contained in the Bill. I cite Beauchesne's Fifth Edition, Citation 773(1). It is doubtful that the amendment is offered at the right place since the rest of the clause concerns itself with the kinds of investments to be subject to notification and does not concern itself with the role and function of the agency. The authority I quote is Beauchesne's Fifth Edition, 773(3). Clearly the expanded functions of the agency would impose a fresh charge on the Treasury and as such would require a Royal Recommendation.

Moving on to Motion No. 33, it is highly questionable whether Parliament has the right or indeed jurisdiction to create a Cabinet committee by Act of Parliament. Clearly I suggest this goes well beyond the scope of the Bill. I think you had indicated the consequential amendments were found irregular on the above ground, namely Motions Nos. 54, 62, 65, 66, 71, 92 and 93.

Motion No. 39, as on Motion No. 5, I suggest—

Mr. Speaker: May I interrupt? I noted particularly that the President of the Privy Council (Mr. Hnatyshyn) did not mention Motion No. 73 as being consequential. Was there some reason for that? The original indication was that we had found Motion No. 73 as consequential. I take it that he is not making a case that it is not consequential?

● (1200)

Mr. Hnatyshyn: It is consequential.

Mr. Speaker: The case is not being made that it is not consequential?

Mr. Hnatyshyn: No. With respect to Motion No. 39, as with Motion No. 5, this is contrary to the purpose of the Act and out of order.

With respect to Motion No. 40, this proposal was clearly not contemplated in the Bill and would be contrary to the purpose of encouraging investment in Canada as agreed to at second reading. Again, the authority is Beauchesne's Fifth Edition, Citation 773(5).

With respect to Motions No. 42 to 49, all these types of investment, notwithstanding the representations made by the Hon. Member for Winnipeg-Fort Garry (Mr. Axworthy), are entirely new to the Bill and completely beyond its scope. Motion No. 51, being a consequential amendment to the preceding motion, is also out of order.

Dealing with Motion No. 64, the amendment would add a definition to the Act which was not contained in the Bill itself, namely a definition of "net benefit". I suggest that this is clearly beyond the scope of the Bill. The authority is Beauchesne's Fifth Edition, Citation 773(1).

Motions Nos. 78 and 79 seek to impose a definition of "acquisition of control" which is much different from the Bill as agreed to. In the Bill, one-third of voting shares of publicly traded companies if acquired is considered "acquisition of control", whereas the amendment would reduce that level to 5 per cent, thus expanding the jurisdiction of the agency well beyond that which was agreed to at second reading.

This expansion of jurisdiction of the agency seems to be beyond the scope of the Bill. Again, the authority is Beauchesne's Fifth Edition, Citation 773(1). Dealing with Motion No. 82 in the name of the Member for Essex-Windsor (Mr. Langdon), the committee has not been given the power to approve regulations emanating from the Bill as agreed to at the second reading stage, whereas this amendment would grant this power which is beyond the scope of the Bill. Again, the authority is Beauchesne's Fifth Edition, Citation 773(1).

Motion No. 83 which was put forward by the Member for Essex-Windsor would see all information gathered under the Act made public whereas the Bill as agreed to at second reading calls for the information to remain privileged. Clearly this is contrary to the principle of the Bill. I refer you to Beauchesne's Fifth Edition, Citation 773(5). Motions Nos. 84 through 88 are all consequential to Motion No. 83 and should be ruled out of order for the same reasons.

Let us move on to Motions No. 90 and 91. These proposed motions seek to require that the agency undertake to compile and prepare many reports not foreseen when the House agreed to the Bill at second reading. As well, the preparation of such reports would require expenditures not contemplated in the Royal Recommendation. Beauchesne's Fifth Edition, Citation 540, would apply in this case. Citation 540 states:

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 Recommendation is attached, must be treated as laying down once for all (unless withdrawn and replaced) not only the amount of the charge, but also its objects, purposes, conditions and qualifications. In relation to the standard thereby fixed, an amendment infringes the financial initiative of the Crown not only if it increases the amount but also if it extends the objects and purposes, or relaxes the conditions and qualifications expressed in the communication by which the Crown has demanded or recommended a charge.

Motion No. 94 in the name of the Hon. Member for Essex-Windsor clearly is contrary to the principle of ministerial direction which is contained in the Bill as agreed to at