

## Finance

scope of the clause that we are now considering. I would refer the members of this committee to Erskine May's seventeenth edition, page 549 where it is mentioned, in reference to the inadmissibility of amendments:

An amendment is out of order if it is irrelevant to the subject matter or beyond the scope of the bill—

I must declare with regret that the amendment submitted by the hon. member for Comox-Alberni is out of order.

Shall clause 3 carry?

**Mr. Barnett:** I must say, with regret, that I cannot accept your ruling in this connection, Mr. Chairman, that my amendment is beyond the scope of the bill. I believe it is within the ambit of the purpose of the bill to suggest the manner in which the province shall spend the money given. With great respect, Mr. Chairman, I must ask that this ruling be appealed to the Speaker.

**Mr. Speaker** resumed the chair and the Chairman of the committee made the following report:

The question is an appeal to Mr. Speaker pursuant to section 4 of standing order 59. In committee of the whole when clause 3 of the Bill No. C-211 was being considered, the hon. member for Comox-Alberni proposed an amendment as follows:

That subclause (1) of clause 3 be amended by substituting a comma for the period at the end thereof and adding the following words:

"provided the province agrees that such amount will be applied to reduce rates paid by the customers of the respective designated corporations."

The Chairman ruled to the effect that the proposed amendment went beyond the principle of the bill and introduced a provision which, in the opinion of the Chair, was irrelevant to and beyond the scope of the bill.

**Mr. Speaker:** Hon. members will realize that the rules we have wrought for ourselves are not always too easy of application, and this applies particularly in the case of appeals that we have provided from the Chairman of Committees to the Speaker. Hon. members realize, I am sure, that the Chairman of Committees follows the work of the committees very closely. When an amendment is submitted to him he has before him at that very moment the different clauses of the bill. I feel—and this might be only *obiter*—that the Speaker should not be asked to substitute his personal judgment for that of the Chairman of Committees.

In this particular instance an amendment in the following words was moved:

That sub-clause (1) of clause 3 be amended by substituting a comma for the period at the end thereof and adding the following words:

"provided the province agrees that such amount will be applied to reduce rates paid by the customers of the respective designated corporations."

In the opinion of the Chairman of the Committee this amendment seemed, or appeared, to go beyond the terms of the principle of the bill before the house. I refer to Bill C-211, an act to authorize the Minister of Finance to transfer to the provinces the proportions of the income tax payable by certain public utility companies.

The principle is further expressed in the resolution which says, in part:

That it is expedient to introduce a measure to authorize payments to the provinces equal to 95 per cent of that part of the income tax paid under part I of the Income Tax Act by certain corporations—

And so on. Later, at the end of the resolution it states:

—and sale in the province for distribution to the public of electrical energy or steam, or from the distribution and sale of gas to the public in the province; and to provide that an amount paid under the said measure that is paid or otherwise credited by the province to such a corporation for the use of that corporation shall be exempt from income tax.

● (7:30 p.m.)

This resolution sets out the principle on which the bill is based. I have the impression therefore that the ruling of the chairman is justified by the authorities which have been brought to my attention. As hon. members know, an amendment is out of order if it is irrelevant to the subject matter. I refer of course to May's seventeenth edition, page 549:

If it is irrelevant to the subject matter—or beyond the scope of the clause under consideration—amendments which are irrelevant to the clause under consideration should, as a general rule, if they are within the scope of the bill be moved as new clauses.

Hon. members know that reference as well as or better than I know it. A judgment has been expressed by the Chairman of Committees that the amendment moved by the hon. member is beyond the terms of the principle of the bill, that it goes beyond the scope of the principle of the bill. I do not think it is sufficiently evident that an injustice has been done in the ruling of the chairman for me to rule otherwise. I think I