

Dominion-Provincial Relations

second reading and, therefore, I contend that on that ground this amendment is out of order.

Mr. Chevrier: It is contained in clause 2 of the bill.

Mr. Fleming (Eglinton): This is not the only ground, Mr. Chairman. Let us look a little further. This amendment would propose a number of changes in clause 2 of the bill. It would strike out all the words appearing in section 9A (1)(b). That is to say, it would leave in clause 2, section 9A (1)(a) which defines "foundation". It would strike out clause (b) which contains all the provisions of the bill respecting a prescribed province, both the means of determining what is a prescribed province and the provision made for tax abatement in the case of a prescribed province.

There is substitution of the definition of a council that has never been mentioned in this legislation before. This is to take us completely outside the sphere of the present legislation into another realm entirely.

Then the amendment would leave in clause 2, subsection (2), being payments to the Canadian universities foundation in the case of a non-prescribed province. Then it would make a change in clause 9A (3). That clause at the present time is the one which provides that in the case of a prescribed province the minister may recover on or after the first day of April, 1960 any excess over the sum of \$1.50 per capita, and similarly may pay where there is a deficiency. These are provisions that relate to a prescribed province.

That provision would be left in the bill, but the previous section, subsection 9A (1)(b), which contains now a provision with respect to a prescribed province, would be left in the bill. There would then be a contradiction in the bill.

But let us look even further. A new provision is proposed in the substituted clause 9A (3). This provides that the minister may, with the approval of the governor in council, pay to a university council established in any province for any fiscal year commencing after April 1, 1960, for the purpose of making grants to institutions of higher learning in that province, an amount calculated by multiplying the population of the province for the calendar year ending in that fiscal year by \$1.50.

In this respect this then is an amendment that proposes to qualify the Minister of Finance to make payments to a body that, in respect of the provinces, would have to be determined. It may not even exist in many of the provinces. We do not know whether there is such a body in any province. I take

[Mr. Fleming (Eglinton).]

it that the hon. member thought that there was such a council in one province but there is no such body specifically named. Reference is simply made to a council that might conform to certain requirements but this is not a named council in any province.

Here is a provision that would purport to authorize the Minister of Finance to make payments out of the public treasury equivalent to \$1.50 per capita of population to an unnamed organization or body in any province. This is nebulous. It is out of order on that count.

It is also out of order as a motion coming from a private member of the house purporting to authorize a minister of the crown to make payments out of the public treasury. It does not lie within the competence of a private member of the house to introduce such an amendment. Therefore, Mr. Chairman, on at least five, if not six, grounds I submit to you that this amendment is clearly out of order.

(Translation):

Mr. Caron: Mr. Chairman, I have listened closely to the remarks of the Minister of Finance and I am inclined to believe he did not examine citation 408 of Beauchesne's fourth edition, which reads as follows:

(Text):

The committee can so change the provisions of the bill that when it is reported to the house it is in substance a bill other than that which was referred. A committee can negative every clause and substitute new clauses, if relevant to the bill as read a second time.

(Translation):

As you see at the committee stage, authorities on parliamentary procedure have allowed great latitude as regards the introduction of amendments.

The minister referred to changes that could be made. There could be some doubt if the amendment involved changes in government revenue or expenditures. But the matter of the \$1.50 per capita has remained exactly the same. Nothing is changed there. Therefore, all the objections raised by the Minister of Finance seem automatically inapplicable with reference to an amendment submitted in committee.

I realize that citations 390 to 402 deal especially with amendments introduced before second reading of a bill; but we are now at the committee stage and I am convinced that this simple sentence—

(Text):

A committee can negative every clause and substitute new clauses, if relevant to the bill as read a second time.