

Canada Corporations Act

tion of costs—if anybody wanted to split hairs and distinguish between expenses and costs. These are expenses of an investigation of a company and I suggest to Your Honour that this is amply covered in the recommendation of the resolution. There is no expansion.

● (4:00 p.m.)

I will go back to my second argument because I suggest to Your Honour that it is apposite. In the terminology of the recommendation of Bill C-216 there is not a reduction in expenditures at the discretion of the court, but an expansion, because the amendment in the case of Bill C-216 makes the award of costs against the Crown mandatory in all cases. The original act only stated that the court "could do so" in all cases. In those cases involving \$1,000 or less, it must award costs against the Crown. Therefore, with all due respect, that is an expansion of the liability of the Crown. Clearly, if there is an expansion of the liability of the Crown under Bill C-216, and if it is deemed that there is an expansion of potential liability of the Crown under Bill C-4, the wording in C-4 is wide enough and the amendment ought to be accepted.

Mr. Basford: Mr. Speaker, I might add that I think Your Honour's ruling on Motion No. 3 applies to the motion we are now considering. In view of the latest remarks of the hon. member for Edmonton West I simply add that the wording of the two recommendations, one relating to Bill C-4 and the other relating to the amendments to the Income Tax Act that the hon. member mentioned, is different. Different words are used.

Mr. Lambert (Edmonton West): But they mean the same thing.

Mr. Basford: The wording in the recommendation relating to Bill C-4 refers to the payment of expenses to be incurred with respect to an investigation. The wording in the recommendation that the hon. member for Edmonton West referred to lists a number of expenditures and then goes on to say, "all other expenditures." I think, since the recommendations accompanying these two bills are different, the words in the recommendation accompanying Bill C-4, speaking of the payment of expenses and those in the recommendation accompanying Bill C-216, speaking of "all other expenditures", that these matters ought to be subject to different interpretations.

[Mr. Lambert (Edmonton West).]

Mr. Speaker: The hon. member for Edmonton West restated as forcibly the second time as he stated the first time his arguments in support of the procedural admissibility of Motion No. 5 in his name. I do not see how I can reverse my decision, reached after having given every possible consideration to the hon. member's views, to his past experience in the House, which I respect, to his training in the Chair and to his legal background. I have taken all these matters into consideration. I would say, rightly or wrongly, that this is the conclusion I have reached. I hope that the hon. member will not be unduly aggrieved and that no miscarriage of justice will result from this interpretation of the hon. member's motion. But I feel, generally speaking, that the opinion I have expressed in relation to Motion No. 5 should apply to Motion No. 3. I again regret very much that I cannot accept the hon. member's arguments and that I cannot put to the House Motion No. 5.

I shall now put the question on Motion No. 4, which stands in the name of the hon. member for Edmonton West (Mr. Lambert). He moves:

That Bill C-4, An Act to amend the Canada Corporations Act and other statutory provisions related to the subject matter of certain of those amendments, be amended by striking out in clause 12 the words "any shareholder" in line 6 on page 53 and substituting the words "any or all shareholders".

Mr. Knowles (Winnipeg North Centre) Mr. Speaker, I rise on a minor point of order. I wonder, have we disposed of Motion No. 1? I realize that it is consequential on Motion No. 2. Since Motion No. 2 has been ruled out of order, perhaps Your Honour might make a ruling on Motion No. 1.

Mr. Speaker: I thank the hon. member for raising this point. I thought it had been made clear that Motion No. 1 was a consequential motion and could not be put if Motion No. 2 were not accepted. That is why it has not been called. It is deemed to have been ruled out of order because it is consequential upon Motion No. 2.

Mr. Lambert (Edmonton West): Mr. Speaker, the purpose of my amendment is actually to bring a little more precision to this point. This amendment was worked out with the minister and relates to the obtaining of security for costs. I felt that merely using the words "any shareholder" in line 6 on page 53 was perhaps limiting the matter too much, because the bill says that an application for an investigation by the minister shall be