

Investment Canada Act

which I am seeking to deal here, Mr. Speaker, but the particular factors and the nature of those factors because the Bar Association pointed out to us that there was a vagueness within those factors which seemed to it to not reflect past practice of FIRA. It therefore felt it was important to try to offer somewhat greater clarity. Whether or not our motions do offer that clarity is, of course, a matter for debate, but that is the point. There is an attempt to be more specific, for example, with respect to considering the financial condition of companies which are initiating a take-over bid as one of the factors which will help to determine the likely impact on employment and other activities within the country.

I should perhaps make the point, Mr. Speaker, that this particular ruling is for us especially sensitive because we do feel that this was a case where in committee no questions were raised about the particular motions which were presented, whereas in other cases questions were raised. So I was particularly surprised by the rulings here and have attempted, at somewhat greater length than usual, perhaps, to make quite crystal clear the point we are attempting to make with these motions.

I have just three final points, Mr. Speaker. With respect to your ruling No. 44, you suggest that Motion No. 80 attempts to provide regulatory power which is not contemplated in the Bill, is novel and new to the Bill and, therefore, should not be proposed to the House. I was interested to see you identifying such ambitious purposes behind this motion. In fact, it was quite a minor, almost housekeeping matter, and I will attempt, if I can, to make clear why that is the case.

Clause 35 at this stage includes within it a suggestion that the regulations dealing with cultural heritage and national identity be tabled in front of the House of Commons in terms of this time formula. Our purpose is simply to suggest that it should not just be the regulations which deal with the cultural heritage and national identity part of the Bill but all regulations which deal with the Bill. The point is not, therefore, to include new regulatory powers but simply to see to it that, as with the specific regulations which deal with cultural heritage or a national identity, all regulations dealing with whatever aspects of the putting into effect of this Bill should go before the House, not for approval but simply to provide notice.

● (1150)

The next point I would like to comment on is No. 46, in which you make certain points with respect to Motions Nos. 82 and 83. I do not wish to raise questions about your ruling with respect to those motions, but I would suggest with respect that Motions Nos. 85 to 88 are not consequential on Motions Nos. 82, 83 and 84, but are simply attempts, as with some of the other points we have presented as motions and which you have accepted, to introduce greater public accountability and greater public access to what is taking place with respect to this important subject. So I would appreciate it if you could review those particular points again and see if they are indeed consequential.

Finally, and I appreciate your patience on these matters, with respect to your decision No. 50 dealing with Motion No. 94, you have suggested that motion is inconsistent with the interpretation clause and goes against the principle of the Bill as agreed to by the House at second reading stage. I would simply make the point that it is quite possible to have the purposes of this Bill put into effect with the Minister having basic responsibility, or the Governor in Council having over-all responsibility, for what is taking place with respect to the purpose. The motion attempts to raise that question for debate.

In that sense I do not think it runs against the principle of the Bill, although it is certainly something which the Government has indicated its disagreement with in committee. The motion involved was accepted in committee for debate and it was felt proper at least to have the debate on whether, as some witnesses have suggested, it makes more sense to put it under the Minister or more sense to have some Cabinet responsibility with respect to this important area. We feel it is appropriate to debate this at report stage even though it is not perhaps something on which we would make quite as strong a case as we have with respect to some of the other points I have been bringing before you today.

Hon. Ray Hnatyshyn (President of the Privy Council): Mr. Speaker, I will try to be as brief as possible but I want first of all to thank you and the House officials for your excellent and very comprehensive ruling. Given the large number of motions before us, it is obvious that many hours of work went into preparing this ruling and I, for one, found it very useful in considering what procedural arguments would be appropriate.

I want first of all to deal with those motions about which you have expressed some reservations and then deal with another motion which raised some doubts in my mind and which you may also want to consider with respect to admissibility at the conclusion. Since my colleagues in the opposition have dealt with all of the motions, I think I will just run down the motions about which you have raised some reservations in your preliminary ruling and give you my views with respect to the acceptability or otherwise of the motions.

Dealing first with Motion No. 3, the reservations you brought forward at the time were that this motion violates the principle of the Bill and is argumentative. I support you in that inasmuch as the principle of the Bill is violated because it proposes to change the purpose of the Bill in which the principle is clearly explained. I refer, of course, to Beauchesne's Fifth Edition, Citation 773(5), and Citation 423 which says:

A motion should be neither argumentative, nor in the style of a speech, nor contain unnecessary provisions or objectionable words. It is usually expressed in the affirmative, even where its purpose and effect are negative.

Dealing with Motion No. 5, I would remind you again that in committee all these amendments were ruled inadmissible because one of the principles of the Bill is that the Minister should encourage investment in Canada both by Canadians and non-Canadians, whereas this motion would restrict assistance to exploit opportunities for investment and technological advancement to Canadians only. This I submit, Sir, is clearly