

Combines Investigation Act

—to refund to the persons from whom he—

Meaning the guilty party. Those are my words.

—derived the excess revenue if those persons are reasonably identifiable or, in any other case, generally to persons thereafter acquiring the product from him—

It is really a question whether it is appropriate at this time to consider class actions as we consider the particular amendment now before the House. It is my opinion that this particular amendment dealing with class actions would give greater power to a judge than was intended by the bill. I refer to power in the area of making refunds. This is one of the reasons why I feel this particular amendment is probably inappropriate under the circumstances.

The second point I want to make is that I believe—

Mr. Speaker: Order, please. I have been attempting to discern whether the hon. member is addressing himself to the appropriateness of the substance of the amendment or the procedural irregularity, which is all that we are dealing with at the present time. I have the impression that the hon. member is engaged in asking the House to consider whether or not the amendment is appropriate. The question we are dealing with at the moment is whether the Chair ought to accept the amendment from a procedural point of view. If I am correct that the hon. member's remarks are addressed to the substance of the amendment, then perhaps he would hold them for a moment until I make a decision on the procedural acceptability.

Mr. Blais: Mr. Speaker, may I indicate to you my contention that in the matter of the procedural irregularity I would argue in the same vein as my hon. friend from Maisonneuve-Rosemont (Mr. Joyal), that this amendment is irregular in the sense that it would be improperly placed in the statute. It is an amendment to clause 22, which basically deals with collection of statistics and the enforcement of the collection of statistics. It is essentially a penal amendment, namely, one that seeks to grant additional powers to the court relative to the refunding of any excesses collected. It has a penal quality and should have been included in clause 18 or some other clause of the bill.

Mr. Speaker: Order, please. There apparently being no other hon. members who wish to contribute to this interesting point, may I say that the text of motion No. 24 proposes to amend clause 22 of the bill. The fact is that clause 22 of the bill deals with the collection of statistics and with various aspects of reporting facts and figures. It does not in any way deal with penalties. This motion introduces not only a penalty, which does not belong or is in any way germane to clause 22, but furthermore introduces a new concept into the penalty provisions as well.

In view of the fact that the amendment proposes to amend clause 22 and is beyond the scope of that clause, I have to hold that the amendment is procedurally unacceptable.

I just want to add that when this matter was first raised months ago I made the following remark. I am not going to quote it in detail, but I referred to the procedural difficulty facing motions 6 and 24 in a general way. The language I used with respect to motion 24 may have been confusing in that I obviously made a cross reference to some aspects of motion No. 6. However, I went on to say this. I do not have the date of my remarks before me but it was some time ago, certainly long before the recess when the report stage of the bill was first considered. At that time I

[Mr. Martin.]

indicated that motion 24 proposed penalties which, in the opinion of the Chair, were not in any way germane to clause 22 of the bill which it sought to amend.

Having made that reference at that time I thought it might have been ample forewarning, so that if it was simply a readjustment of the location of the motion, it might have been adjusted in the interval. In any event the matter is before the Chair at the present time. The motion proposes to amend clause 22. It is obviously well beyond the scope of clause 22; therefore with regret I have to rule that it is unacceptable.

That brings to a conclusion all of the report stage motions.

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, I rise to say a word on something that perhaps you were going to raise. We are now at the point where 14 divisions have been deferred. I know the Clerk of the House is looking forward to calling 14 divisions tonight and we would not like to deprive him of that experience, but it is the fact that nine of those deferred divisions are practically the same in that they deal with the same aspect of the matter.

We would therefore be prepared to make arrangements to have one recorded vote to cover the amendments of the hon. member for Edmonton West (Mr. Lambert) to motions 8, 9, 12, 13, 14, 15, 19, 22 and 25, but we would like to have separate votes on motions 10, 11, 18, 20 and 21.

Mr. Speaker: Order, please. The Chair was about to make a similar suggestion. The matter has been clearly put forward by the hon. member for Winnipeg North Centre (Mr. Knowles). Amendments 8, 9, 12, 13, 14, 15, 19, 22 and 25 all deal with the aspect of penalties, and a pronouncement of the House on one might therefore be deemed to be a pronouncement on all of them. Technically it might be best to have a recorded division on motion No. 8 and thereafter ask the House whether it will resolve the others in the same way without further division, and then proceed to motion 10. The question must be resolved on each, and we could not take more than one vote at a time.

Therefore, we will take a division on motion No. 8, and having resolved that I will ask the House whether it is content that a similar result be recorded on the others. Is that agreed?

Some hon. Members: Agreed.

Mr. Speaker: Thereafter separate recorded divisions will be taken on motions 10, 11, 18, 20 and 21. Is that agreed?

Some hon. Members: Agreed.

Mr. Speaker: Call in the members.

The House divided on motion No. 8 (Mr. Lambert (Edmonton West)) which was agreed to on the following division:

● (2040)

(Division No. 67)

YEAS

Messrs.

Abbott
Alexander
Allard
Anderson
Andras
(Port Arthur)

Andres
(Lincoln)
Appolloni (Mrs.)
Baker
(Grenville-Carleton)
Baldwin

Balfour
Basford
Beatty
Beaudoin
Béchar
Bégin (Miss)