I would agree with the point of order that was raised if the amendments proposed by the committee were not dealing with existing appropriations. With respect to government contributions, the bill totally eliminates the government obligation. Our amendment to that existing statute only reduces part of that obligation. It is a reducing scheme from the existing statute, and not an increase. I would suggest that, because of what Erskine May has said, the government would not have needed a royal recommendation to reduce, and neither would a member of the House of Commons or of the Senate. If we were moving an amendment to increase the existing statute, then, of course, we would be in serious difficulty.

I do agree that the amendment does increase in certain cases the financial burden over and above what is in Bill C-21, but that is not the test; the test is what the burden is in the existing statute, according to Erskine May.

One honourable senator referred to the removal of a payment, which would be a reduction in a charge. Surely it would not be suggested that even the government would require a royal recommendation to reduce a charge if a private member can do it without a royal recommendation.

My argument applies to government contributions. It applies to the tables, because the tables entail a reduction in burdens below those maintained in existing statutes. It also applies to the penalty clause, which, as Senator Roblin says, decreases the number of penalty weeks, which would create a charge, but we are restoring the original situation that is contained in the original statute.

That is my submission, based on Erskine May and, I think, based on common sense. We are not increasing existing burdens or charges provided for in existing statutes, and Erskine May very clearly says:

> The same principle applies in the case of amendments moved to a bill—

Bill C-21—

> which abolishes or reduces a charge authorized by existing law. Amendments to such a bill, which are designed to restore a portion or the whole of the charge which the bill proposes to reduce or abolish, are in order without the need of a preliminary financial resolution.

I think the argumentation applies to those amendments.

● (1430)

Senator Beaudoin raised an objection to the amendment concerning the regulations relating to fishermen's benefits. I believe he referred to page 4 of the appendix to the report and, more specifically, to subsections 130(9) and (10). Now, I am not sure whether I heard the subsections correctly, but those subsections would provide that any changes to fishermen's regulations would be subject to a negative resolution of either house of Parliament.

I was surprised to learn in examining this bill that fishermen's benefits could be eliminated by order in council. I do not blame the present government for that provision in the law. It was put in in 1971 and it authorized the Governor in Council to make any regulation with respect to fishermen's benefits. It also authorized the cabinet, by proclamation, to eliminate them. That is still in the law. Officials told us it was done in 1971 in the expectation that, in an early time frame, a new system of fishermen's income support would be put forward. Well, that has not happened. It is now 20 years later, and it seems to me that that is a bad situation to allow to perpetuate, wherein you could end fishermen's benefits just by a cabinet meeting. That is why we provided that the regulations could not be changed without giving Parliament an opportunity to deal with them. So the proposed section would provide that any change to the fishermen's regulations would be subject to a negative resolution of either house of Parliament.

Hon. Duff Roblin: Does that special 1971 clause apply only to fishermen?

Senator MacEachen: Yes, so far as I know.

Now, the use of negative resolutions is not new. They occurred in the Western Grain Transportation Act in 1983 and in the 1988 Official Languages Act. The system under the fishermen's regulations would be that, if the government made a change in the regulation, it would lay it before Parliament, and if a number of members said, "Well, this is terrible," they could put down a resolution and it would be voted upon and disposed of. That is what is proposed by the amendment.

So I do not see why this would be out of order. It seems to me to be straightforward and simple, but maybe I have missed something. Perhaps the numbering problem was such that we had some confusion.

Honourable senators, I am not at all surprised that a point of order was raised on the committee's amendments, because we did consider very carefully what procedural basis existed for amendments to the sections we have chosen. The justification is that this is an amending bill which touches existing appropriations and reduces them; that is what the government has done. We have reduced them, but not as much. Therefore, we are within the rules, and I hope that the simple logic—it is not complicated—would appeal to all senators on both sides of the house.

I think with amendments 9 and 10 there is an existing financial burden occasioned by the three-phase benefit system in the current act.

Senator Roblin: That is the statute.

Senator MacEachen: That is the statute, and Bill C-21 reduces that burden; in other words, it increases entrance requirements, it reduces the duration of benefits, and that is a reduction of what is provided for in the existing statute.

Our amendments do not restore or go above the existing statute. In fact, we have reduced them below the existing statute. We have said regarding those tables: "We are not going to undo what the government has proposed, we are going to undo part of what it has proposed." But it is still, with our table, less of a reduction in comparison to the existing appropriation.

So on amendments 9 and 10 we are within that rule, and I would hope that we can deal with these matters substantively.