

*Northern Pipeline*

The first point I want to make, in a sense bolsters the argument advanced by the hon. member for Winnipeg North Centre (Mr. Knowles) to the effect that the question of Canadian content or the amount of Canadian content is within the bill because there is a clause which obligates the company to provide the agency and the minister with a procurement plan indicating, for example, Canadian content.

Having said that, it seems to me that the question of guarantees for Canadian content can be dealt with when the clauses of the bill are considered, and I understand that one of the rules developed by the Chair is that amendments to a second reading motion must not suggest amendments to clauses of a bill. To put it another way, an amendment at second reading must not anticipate amendments which can properly be put at the committee stage. I had anticipated that members of the New Democratic Party would come to the committee armed with amendments, dealing with Canadian content, to the appropriate clauses of the bill.

Second is the further precedent that a reasoned amendment to a second reading motion which would constitute an instruction to a committee is out of order. That case has been dealt with previously by the Chair. On November 6, 1976, in the *House of Commons Journals* at pages 482-3 the Chair held that an amendment moved was procedurally improper on the basis of citation 386(3) of Beauchesne which said that the House cannot both refuse to give second reading and refer some provisions of a bill to a committee. It has to make its choice. Here we are refusing second reading but at the same time saying we want to instruct the committee. It seems to me these are two considerations that would be helpful in determining the regularity of the amendments.

● (1722)

I make one last point, Mr. Speaker. Your memory was that the amendment goes beyond the motion on the order paper which was supported by a message from His Excellency.

**Mr. Speaker:** That was the third point that was earlier argued by the hon. member for Yukon (Mr. Nielsen) that is referred to in the precedents. I do not know if there is any intention to put forward a counter argument to the effect that the provisions, if accepted in the amendment, would raise the possibility of going beyond the financial prerogative of the Crown.

**Mr. Knowles (Winnipeg North Centre):** Mr. Speaker, may I say just a word about that which applies to most of the other arguments. I thought I had made it clear in my earlier submission that what this amendment would do is not to send the bill to the committee but simply to send the subject matter of the bill. Surely, if all the committee has is the subject matter, it could recommend back to the House the inclusion of other matters in the bill when the bill comes back again. Surely there is a difference between the things you cannot do to a bill and what you can do when what is before the committee is the subject matter of the bill.

[Mr. MacEachen.]

**Mr. Speaker:** Order, please. I would be prepared to accede to that argument, as I am almost always prepared to accede to the arguments of the hon. member for Winnipeg North Centre (Mr. Knowles), if it were not for the fact that Erskine May takes two or three pages in Chapter 21 to deal specifically with instructions related to motions on second reading of a bill. It goes into motions of instructions that would, for example, have the effect of widening the powers of the committee beyond the ways and means or money resolution which covers the bill, or if its proposals involve charge. There are several other precedents that indicate an instruction is out of order if it attempts to introduce into a bill a subject which should properly form the substance of a distinct measure.

Page 513 of Erskine May's nineteenth edition covers the points raised by the President of the Privy Council (Mr. MacEachen), that is to say, that since the clauses of a bill can be amended to accomplish what it is endeavoured to accomplish by the general amendment, that the amendment goes beyond the scope of a proper amendment at second reading stage and gets into amendments that can and properly should be secured by specific clause by clause amendments when the bill is in committee.

The first of such precedents cited at page 511 of Erskine May are worthy of mention, that is, if the instruction attempts to embody in a bill principles which are foreign or not cognate to the bill or are outside its scope and declared intention. I know the argument would be that if the bill were sent to the committee with that instruction, those precedents would apply. The argument is that since it is not the bill but the subject matter that is being referred, the instructions have become validated by virtue of that device.

With the greatest of respect I cannot accede to that argument. The hon. member knows that he can accomplish the same thing by stopping the amendment after the words which refer the subject matter to the committee. The amendment reads as follows:

That Bill C-25 be not now read a second time, but that the subject matter thereof be referred to the Special Committee on a Northern Pipeline—

The amendment could stop there and the hon. member would be able to do what he wants to do. If the amendment carries, then when the bill gets to committee he could persuade that committee to give consideration to the matter.

In view of the very clear precedent against the addition of instructions on motions at second reading stage, and since the instructions appear to run into a number of difficulties—giving the committee powers that it would not ordinarily possess to do things and to make changes to the bill which appear to be the proper subject of clause by clause amendments and might very well turn out to offend the financial provisions and be beyond the scope of the bill—all things considered, I have to resolve the benefit of the doubt against the procedural regularity of this amendment. I do say that under the circumstances, and particularly with the confusion about putting the question, if it is desired that the amendment be put now in proper language I would certainly think it appropriate to do so in the circumstances. I do not like to do that in every circumstance, but if