

than just a government-opposition issue. I think it is one that does affect the whole House.

I want to make three quick arguments in response to the comments made by the hon. member for Ottawa—Vanier on April 3, last Tuesday. On page 10147 of *Hansard* the hon. member explained why he thought the Senate Speaker ruled the way he did on certain amendments. He said, and I quote:

He cited Erskine May in his ruling that the amendments in question were in order and that they imposed no additional charge on the public treasury.

I submit that in itself is part of the flaw in the ruling that we have from the other House. The reference here is to Erskine May and Erskine May is a procedural book of the United Kingdom.

The relationship between the two Houses in the United Kingdom, particularly on the question of money, is very different than the relationship between the Senate and the House of Commons in Canada.

I remind the House and the member opposite that the Senate of Canada has asserted since 1917 that on money questions it is not the same as the House of Lords. So there is a unique difference.

I argue that the Speaker of the Senate should have used our own authority such as Beauchesne's on which to base his ruling. If he had, I think the ruling would probably have been quite different.

The Senate Speaker, when asked to rule on the admissibility of amendments which would, if adopted, initiate government spending not now budgeted, did rule correctly in saying: "No special form of procedure applies to proposals to reduce existing charges and they may be moved in the House of Commons or in committee without the Royal recommendation". However, and I think this is the key, he was not asked to rule on whether a senator can make these types of amendments to bills such as this bill which already have a Royal recommendation.

He did not address the point. I believe had he done so it would have led to a different conclusion and a different result in the House today.

The authority which I believe ought to have been used is Citation 540 in Beauchesne's Fifth Edition. Its language could not be clearer. It talks not just about amount of charge, but also the objects, purposes, conditions and

qualifications. These disputed amendments would change those objects, purposes, conditions, and the qualifications set out in this bill as principles. Therefore, I argue that they are *ultra vires*.

Beauchesne's Fifth Edition, citation 548, is even clearer. Mr. Speaker, this touches on the points that you made in your discussion with the hon. member for Kingston and the Islands. Beauchesne's, citation 548 reads, and I quote:

Amendments to bills are out of order if they attempt to substitute an alternative scheme to that proposed with the Royal Recommendation.

What is really significant here is that under the present UI program there is a draw on the Consolidated Revenue Fund. Bill C-21 changes that dramatically to a draw from employers and employees. The Senate amendments are reversing this process and as a result we definitely do have an example of amendments being out of order because they are substituting an alternative scheme to that proposed with the Royal recommendation, which is, to use the exact citation of Beauchesne's fifth edition, citation 548.

If the Senate Speaker had based his decision on Canadian authorities and not on the United Kingdom parallels, which I do not think apply, he would have recognized that the proposed Senate amendments varied from the specific conditions laid out in the Royal recommendation attached to Bill C-21. In the House on April 3 the member for Ottawa—Vanier argued at page 10147 of *Hansard*:

None of the amendments proposed to the various clauses of Bill C-21 seeks to increase or change the amount or purpose of an allocation in a way which would affect the royal recommendation of March 10, 1971.

This, of course, was the date of the original Unemployment Insurance Act.

• (1610)

What about the Royal recommendation tied to the present Bill C-21? I argue that is a jiggery-pokery type of argument. Why does this member not add to his use of the words "amount and purpose" the other required considerations I cited as standard, words from the Beauchesne's test such as "object, conditions and qualifications".

Such amendments as proposed in the Senate, and now here, would not be receivable from a member here. Quite the contrary to what I believe my friend says. Our