

HOUSE OF COMMONS

Tuesday, April 30, 1985

The House met at 11 a.m.

● (1105)

GOVERNMENT ORDERS

[English]

INVESTMENT CANADA ACT

MEASURE TO ENACT

The House resumed from Monday, April 29, consideration of Bill C-15, an Act respecting investment in Canada, as reported (with amendments) from the Standing Committee on Regional Development; and Motions Nos. 4, 6, 7 and 9 (Mr. Axworthy), No. 10 (Mr. Langdon), No. 11 (Mr. Axworthy), Nos. 14 and 15 (Mr. Langdon), No. 16 (Mr. Axworthy) and Nos. 17 and 18 (Mr. Langdon) (p. 4183).

Mr. Speaker: Before proceeding, I have some comments to make with regard to the Bill. I am waiting for distribution to the House Leaders and those involved. I am ready to rule on the amendments, but as Hon. Members can imagine, the ruling is almost as long as the original document. If it is all right with the House, I think it would be courteous if I waited two seconds while the pages distributed copies to the House officers.

Before proceeding, I am now in a position to rule on those motions about which the Chair expressed reservations on Tuesday, April 23.

The procedural contributions made by Hon. Members on Thursday last were of great assistance to the Chair in preparing this ruling.

1. The Hon. Member for Winnipeg-Fort Garry (Mr. Axworthy) did not argue the admissibility of Motion No. 3 but offered new wording in an attempt to make it procedurally acceptable. On the surface, the suggested amendment by the Hon. Member appears to render the motion less argumentative. However, the Chair is still faced with the fact that the motion seeks to alter the purpose of the Bill by focusing the thrust of attention on past foreign investment. This was never contemplated in the Bill. I must agree with the remarks of the President of the Privy Council (Mr. Hnatyshyn) and rule that the motion goes beyond the principle of the Bill as agreed to at second reading. In this regard, I refer Hon. Members to *Beauchesne's Fifth Edition*, Citation 773(5).

2. On Motion No. 5, the Hon. Member for Essex-Windsor (Mr. Langdon) went to great lengths in analyzing the principle of the Bill and focused his remarks on what he considers to be

the discriminatory aspects reflected in the purpose clause and in subsequent details of the Bill. I thank the Hon. Member for his valuable contribution in this respect as it has facilitated the Chair's understanding of this piece of complex legislation.

In that the purpose clause differentiates between Canadian and non-Canadian investors and insofar as significant investments in Canada by non-Canadians are reviewable in order to ensure such benefit to Canada, then the Hon. Member is correct, that there is "discrimination". However, that discrimination is limited in its scope. These limitations are defined in subsequent clauses of the Bill.

The House is still faced with the fact that Motion No. 5 would bring in a discriminatory element by limiting the Minister's assistance to Canadian investors only. Such a restriction towards non-Canadians goes beyond the limited form of discrimination specified in the Bill. Thus the Chair has no alternative but to rule Motion No. 5 out of order.

3. In Motion No. 13, the Hon. Member for Essex-Windsor seeks to introduce new conditions of conduct for Canadian businesses owned and controlled by non-Canadians. This is clearly discriminatory towards non-Canadians and again contradicts the purpose of the Bill as agreed to at second reading. It further proposes new provisions to be included in the Bill and thus goes beyond its scope. I must therefore rule that this motion cannot be proposed to the House.

4. The Chair had not seen any problem with Motion No. 14 and had grouped it for debate with other motions. The Hon. the President of the Privy Council argued, however, on Thursday last, that the motion was out of order on the grounds that it went beyond the scope of the Bill, and was irrelevant and redundant, in that it gave to the Minister the exercise of powers which would infringe upon provincial labour jurisdiction. Upon reflection, after listening to the arguments of the Minister, I will in no way rule as to whether or not the motion would infringe upon provincial jurisdiction, as that is a legal question and not one of procedure. However, the motion is irrelevant to the clause it attempts to amend. As stated in Citation 773(1) of *Beauchesne's Fifth Edition*:

An amendment is out of order if it is irrelevant to the Bill—

For this reason, I have no alternative but to rule that Motion No. 14 is out of order.

5. As the Chair indicated in its preliminary statement on Tuesday last, Motion No. 21 goes against the principle of the Bill and is therefore out of order.

● (1110)

6. With reference to Motion No. 22, I indicated this motion infringed on the financial initiative of the Crown. The Hon.