

Employment Support Bill

As has been stated by some hon. members who took part in the procedural debate, this is a judgment decision which has to be made by the Chair. The motion is made by way of an amendment to the bill, proposed for the consideration of the Chair and from the procedural standpoint, the Chair has to determine whether the words in question are words of substance, whether they add substantially to what we have before us, or whether they are simply, as has been suggested by the hon. member for Annapolis Valley (Mr. Nowlan) and others who have argued in support of this point, a clarification of what we have before us.

If I took the liberty to raise the matter in the first instance, it was obviously because I had some thought that these words were more than just clarifying, that they were words of substance. The procedural difficulty stems also from the fact that this proposed amendment comes to us by way of an amendment to the interpretation clause. Based on many authorities in the past, I have suggested to hon. members that it is not competent for any member on either side of the House under any circumstances to amend a bill substantially by changing the interpretation clause. I refer to a ruling reported at page 836 of *Journals* of May 21, 1970, part of which reads:

—in the opinion of the Chair amendments of a substantive or declaratory nature should not be proposed to an interpretation clause. If such amendments were accepted the clause would not then be an interpretation clause.

I am sure hon. members realize the difficulty of accepting substantive amendments or proposals under the general classification of interpretation. I suggest to hon. members with respect that this is not the place to make proposed amendments or motions which are of a substantive nature. Again, this is based on the assumption that the amendment is of a substantive nature.

• (3:40 p.m.)

Another important aspect is whether this kind of amendment affects the financial initiative of the Crown. The purpose of the motion before us proposed by the hon. member for Annapolis Valley (Mr. Nowlan) would be to relate the provisions of the bill to primary forest produce, etc., and in doing so, in my view, it would expand upon the terms of the financial recommendation.

I would like to refer hon. members to citation 246 of Beauchesne's Fourth Edition, at page 207, which reads as follows:

The guiding principle in determining the effect of an amendment upon the financial initiative of the Crown is that the communication, to which the royal demand of recommendation is attached, must be treated as laying down once for all (unless withdrawn and replaced) not only the amount of a charge, but also its objects, purposes, conditions and qualifications. In relation to the standard thereby fixed, an amendment infringes the financial initiative of the Crown, not only if it increases the amount, but also if it extends the objects and purposes, or relaxes the conditions and qualifications expressed in the communication by which the Crown has demanded or recommended a charge.

Again, I must come to the conclusion that the amendment proposed to us is of a substantive nature which would alter the terms of the recommendation. Hon. members have suggested that this is a matter of judgment for the Chair. I really do not know how I can exercise that judgment otherwise than by saying that this is more than

[Mr. Speaker.]

an amendment explaining the interpretation clause. I would think this might be the subject of an amendment at a later stage; it might be put to the House in the form of a reasoned amendment if it is strictly relevant to what is before us, but I suggest it should be considered by the House not by way of an amendment or proposed amendment to the interpretation clause of the bill which is now before us.

I know how important is this matter, and I have hesitated very much before making this ruling, but I can assure hon. members that I have looked at it as objectively as I could, as fairly as I could, and I do not see, in justice and in good judgment, how I can reach a decision other than the one I have just reached.

So far as the second motion is concerned, I have also expressed reservations. The hon. member for Winnipeg North Centre (Mr. Knowles) has indicated that he wants to guide the Chair in this respect. Again I am open to suggestions, and I am prepared to be convinced, if I am wrong in my suspicion that this is a substantive amendment. If hon. members would like to assist the Chair and guide me with respect to motion No. 2 I will hear them with pleasure.

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, I take it that you have ruled out motion No. 1 and that you are now inviting comment on motion No. 2. Perhaps I should be exceedingly brief because I made the main argument when I was on my feet a few minutes ago. At least motion No. 2 does not offend the rule against importing substantial changes into the interpretation clause, because motion No. 2 seeks to amend not clause 2 but clause 11 of the bill.

The whole point that has to be decided is whether the provisions of motion No. 2 are within the conditions laid down once and for all in the recommendation by His Excellency the Governor General. Once again, I suggest that since the overriding qualification was that this bill was to provide employment support grants to mitigate the disruptive effect on Canadian industry, there is nothing in that which imparts a narrow definition to the word "industry". I suggest that what my colleague from Regina East is seeking to do is to clarify that aspect of the matter in clause 11.

I suppose one of the reasons I am being brief is that Your Honour has already read a citation that it is pretty hard to argue against, but one can still hope that Your Honour might see a difference between this case and the other one, because this motion does not offend twice, as the other one did. Perhaps your judgment might now be that, among other things, its words are very few, and that all it seeks to do is define industry as including agriculture and fishing. That is all one can say, but one can hope.

Mr. John Burton (Regina East): Mr. Speaker, in supporting the contention of the hon. member for Winnipeg North Centre (Mr. Knowles) I would just like to say that this amendment attempts to clarify what is meant by "Canadian industry"—the term used both in the recommendation and in the title of the bill. I suggest it is quite relevant to the considerations involved in this bill because it relates to the impact on Canadian industry of the imposition of foreign import surtaxes or other actions of a like effect, as pointed out in the recommendation and also in the title. The motion, I suggest, simply continues what is already in