

Unemployment Insurance Act

restrictions on advances under section 137 of the Unemployment Insurance Act 1971, and, on the other hand, seeks to legalize and ratify the improper and illegal actions of the government in making advances in excess of the statutory limit.

• (1530)

Various members have made arguments to me, either to support its validity or to ask that it be rejected. One point of objection is that the motion is really an expanded negative; that is, an attempt to defeat the motion for second reading by giving reasons why the bill should not be proceeded with. If this were so, the motion of the hon. member for Peace River would have to fail, because it is very clear that, to quote from Beauchesne:

An amendment proposing a direct negative, though it may be covered up by verbiage, is out of order.

Page 170 of Beauchesne's Fourth Edition contains that statement, as well as other sentences making the same point, and the point is quite clear. I then had to ask myself whether, in fact, the proposed motion was an expanded negative. The recommendation which is printed in the bill sets forth the principle of that bill. Actually, there are two principles. The first would remove the ceiling on advances under section 137 of the act, and the second would provide that an amount authorized under manpower and immigration vote L30a shall be deemed an advance under section 137.

It seemed to me upon reading the motion that it did indeed deal with these two principles. The question then arose, did it do so in such a way as to be given the protection that the rules relating to reasoned amendments will give? Hon. members will find this protection dealt with shortly in citation 382 of Beauchesne as follows:

It is also competent to a member who desires to place on record any special reasons for not agreeing to the second reading of a bill, to move as an amendment to the question, a resolution declaratory of some principle adverse to, or differing from, the principles, policy, or provisions of the bill, or expressing opinions as to any circumstances connected with its introduction, or prosecution; or otherwise opposed to its progress; or seeking further information in relation to the bill by committees, commissioners, the production of papers or other evidence or the opinion of judges.

My initial reaction upon reading this citation, studying cases dealt with thereunder, and studying the more elaborate references in the 18th edition of Erskine May on Parliamentary Practice as set out at page 487 and 488, was that the protection given to a reasoned amendment would apply in this case. The point about the restrictions on advances, to me, clearly was declaratory of a principle differing from one of the principles of the bill.

That being so, and having some doubt about the whole issue, I would have been inclined at that point to leave the motion up to the judgment of the House. But I was disturbed by the opening lines of the motion of the hon. member for Peace River which read:

—while accepting the need to provide funds for payment of unemployment insurance benefits to those entitled—

The use of these words, in my opinion, takes the motion outside the purview of the bill now before the House, though it does seem relevant to Bill C-125. While I dislike making a ruling on narrow, technical ground, I feel that this must be done if reasoned amendments are to be

[Mr. Deputy Speaker.]

meaningful, and I accordingly rule the one presented to be out of order.

Hon. Otto E. Lang (Minister of Justice): Mr. Speaker, I rise this afternoon to address myself to several fairly straightforward questions and not to repeat the arguments in the presentation made by my colleague the Minister of Manpower and Immigration (Mr. Andras) in connection with the short and straightforward bill that is before the House. Some suggestions have been made, in their usual intemperate manner, by some members opposite to the effect that there has been some illegality or taint in connection with the action of the government in recent days in relation to the Unemployment Insurance Act. I should like to have an opportunity of dealing briefly with those points.

Hon. members are well aware that the Financial Administration Act has for many years been an instrument by which urgent and important matters could be dealt with by a government when parliament was not in session, a time, therefore, when money could not be provided by parliament in one of its usual ways of so doing.

The provisions of the Financial Administration Act, which have been referred to by other hon. members, are fairly broad in their terms. Section 23 refers to situations of this character:

Where a payment is urgently required for the public good when Parliament is not in session—

Mr. Lambert (Edmonton West): Mr. Speaker, may I rise on a point of order?

Mr. Deputy Speaker: The hon. member for Edmonton West on a point of order.

Mr. Lambert (Edmonton West): I would draw to the attention of the Chair and the House that we are presently engaged upon an argument or on a course of debate that is in two forums. The present bill is drawing forward certain arguments about the legality of orders in council, a matter which incidentally has been referred by this House to a committee, where it has also been the subject matter of discussion, debate and opinion over the past two or three weeks. It seems to me that this House will stand frustrated in this debate in that it will be unable to refer to what is said in the committee until the committee reports. Similarly, the committee will be frustrated since the members concerned will have made their statements in this House, and the opinions given in this House will not be part of the record of the committee.

Therefore, I put this problem to the Chair. As has already been pointed out, we have before us a short bill, one part of which seeks to make an amendment to remove a financial limitation. That has nothing to do with orders in council. The other part of the bill seeks to deem such appropriations made under warrants advances. I put it to Your Honour that at this moment there is a problem here, and it may be that the Chair will have to consider the question of relevancy, or may have to direct the House that, having taken the action of referring the matter to committee, it cannot refer to the matter in debate here at this time. I am disturbed about this matter because I suggest there is no way that a debate can go on in both places at the same time.