

Clause 4, in my submission, goes beyond that recommendation; it deals with something beyond the subject matter of the recommendation, namely, the fees and amounts of money accruing to the Crown. It purports to amend the Trade Mark Act and the Copyright Act under which fees are payable to the Crown. It involves the Crown being deprived of certain fees which would otherwise be payable if the ordinary laws governing trade mark and copyright were allowed to apply.

I think I am bound to put these arguments before Your Honour, and I am glad you have allowed me to do so in the course of dealing with the proposed amendment.

**Mr. Sharp:** I shall not deal with the second point raised with respect to clause 4 of the bill. This is the first time I have heard those views expressed. I would, however, support the position Your Honour has taken with respect to motion No. 3. This seeks to clarify the point that the Canadian Bill of Rights applies to the copyright provisions of the bill. It also seeks to expand the meaning of the phrase "due process of law" for the purpose of this bill and, specifically, to exclude what is called the legislative process.

I share Your Honour's doubts as to the admissibility of this amendment. First, it is not at all relevant to the clause to which it is offered, or to the bill as a whole. There is no mention of the Bill of Rights in this bill, nor is such a reference necessary since the Bill of Rights is supposed to have primacy over other federal statutes. Second, the amendment may be considered meaningless since it attempts to abridge the power of parliament by restricting the nature of future legislation. This is simply not possible under our system. No act of parliament can, by its own provision, prevent its future amendment by some other act.

**Mr. Speaker:** Order. I shall deal, first, with the point of order raised by the hon. member for Grenville-Carleton (Mr. Baker) concerning clause 4 of the bill. I have to decline consideration of that question more from the point of view of timing than anything else. Clause 4 has been under his watchful eye since the introduction of the legislation. We are now nearing the end of the eleventh hour under a time allocation order; the clause and the rest of the bill are to be voted upon in about 25 minutes. A point so serious is simply not capable of consideration now, in these circumstances. I invite the hon. member, should he become aware of such a difficulty on another occasion, to raise the matter a little earlier so as to allow us an opportunity to give it serious consideration.

To deal with motion No. 3 standing in the name of the hon. member for High Park-Humber Valley (Mr. Jelinek), nothing which has been said dissuades me from the initial position I have taken. It seems to me that the hon. member for Grenville-Carleton is perfectly correct in his opening remarks. The Canadian Bill of Rights, by its own provisions, applies to all Canadian legislation. If any further certification of this were needed, the stamp of the Minister of Justice to this effect appears on the front page of the bill. This certifies the application, and for this reason the first part of the amendment would seem to me to be redundant.

### *Olympic Financing*

The second part of the amendment, and I cannot be persuaded otherwise, goes on to put forward a specific interpretation of the words of another statute as they relate to this particular bill. Whatever that interpretation may mean from a legal point of view I make no attempt to say in the course of this ruling. I simply look at the face of it and say it is an attempt to redefine what is meant by "due process of law" in the Bill of Rights vis-à-vis the provisions of the bill before us. If this were to be done, it would have to be done in some other way, not by a casual amendment to one clause of this particular bill. An amendment of that kind certainly goes beyond the scope of a report stage amendment and I therefore have to rule motion No. 3 out of order on procedural grounds.

I understand the hon. member for Provencher (Mr. Epp) had the floor at the conclusion of the discussion on motion No. 4.

● (1220)

**Mr. Jelinek:** Mr. Speaker, it is my understanding that we have finished debating motion No. 4.

**Mr. Speaker:** Is the House ready for the question?

**Some hon. Members:** Question.

**Mr. Speaker:** The question is on motion No. 1. All those in favour of the motion will please say ye.

**Some hon. Members:** Ye.

**Mr. Speaker:** All those opposed will please say nay.

**Some hon. Members:** Nay.

**Mr. Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**Mr. Speaker:** Call in the members.

The House divided on motion No. 1 (Mr. Stevens) which was negatived on the following division:

● (1230)

### *(Division No. 58)*

YEAS  
Messrs.

Alexander	Grafftey	McKenzie
Andre	Halliday	McKinley
(Calgary Centre)	Hamilton	McKinnon
Baker	(Qu'Appelle-Moose	Munro
(Grenville-Carleton)	Mountain)	(Esquimalt-Saanich)
Baldwin	Hargrave	Neil
Beatty	Hnatyshyn	Nowlan
Brewin	Holmes	Oberle
Brisco	Huntington	Orlikow
Cadieu	Jelinek	Paproski
Clarke	Johnston	Patterson
(Vancouver Quadra)	Knowles	Reynolds
Coates	(Winnipeg	Saltsman
Crouse	North Centre)	Schellenberger
Darling	Knowles	Scott
Dick	(Norfolk-Haldimand)	Skoreyko
Diefenbaker	Lambert	Stanfield
Dinsdale	(Edmonton West)	Stevens
Douglas	La Salle	Stewart
(Nanaimo-Cowichan-	MacDonald (Miss)	(Marquette)
The Islands)	(Kingston and the	Symes
Elzinga	Islands)	Towers
Epp	MacLean	Whiteway
Friesen	Malone	Woolliams
Gillies	Mazankowski	Yewchuk—60.