

National Housing Act

should be pointed out that this is a very interesting point. It is not often that an attempt is made to amend an amending bill in the way suggested by the hon. member for Calgary North. As I listened to the arguments put forward by a number of hon. members I had the impression that some perhaps had missed the point that we are dealing with an amending bill and not an original bill.

The hon. member for Hamilton West for example, referred to a preamble to the Labour Code. Of course, what is in the Labour Code results from the fact that what came before us was a bill which included a preamble. Of course if there is a preamble before the House it can be amended, changed or deleted. But the point is that there is no preamble in the bill before us and the attempt is being made at this point to put a preamble in it which would, if carried, be transferred to the original act, the National Housing Act so that by amending the amending bill we would be amending the original act. This is the difficulty I have.

● (1540)

Again, I say that there would be no difficulty if this bill came before us with a preamble. Then, if any hon. members, including the hon. member for Calgary North, wanted to amend it, there would be no difficulty because it would be before us. However, at present it is not before us, no more than many other clauses of the original bill. We cannot try to amend clauses which are not before us and we cannot amend a preamble which is not before us.

The citations which I have to bring to the attention of hon. members are known, of course, to the senior parliamentarians, to my left who have taken part in this debate, including the hon. member for Calgary North, the hon. member for Hamilton West (Mr. Alexander), and the hon. member for Winnipeg North Centre (Mr. Knowles). These are very relevant citations, I think.

Citation 398 at page 283 of Beauchesne's Fourth Edition is one which no one can overlook. I think. It reads:

Amendments may be made in every part of the bill, whether in the preamble,—

And I say that when there is a preamble before us, it can be amended.

—the clauses or the schedules; clauses may be omitted, and new clauses and schedules added; though no amendment can be moved to the granting or enacting words of bills for granting aids or supplies to the Crown, or to the enacting words of other bills.

In other words, we cannot amend the enacting clause of the bill. What the hon. member for Calgary North seeks, to do by amending the enacting clause and making it a combination enacting clause and preamble is to introduce a preamble which is not before us in the act. That, of course, would be a logical consequence of the action of the House if we decided to consider this amendment and if it were passed.

Another citation to which hon. member's referred a moment ago comes from May's Parliamentary Practice, eighteenth edition, at page 519 and reads:

Where the bill, as introduced, does not contain a preamble, it is not competent for the committee to introduce one.

It is very clear to me that there is no preamble before us. The only thing we have before us at present is an enacting

clause, and that enacting clause cannot be changed in the way which is suggested by the hon. member for Calgary North. As hon. members probably suspect, there are many other precedents which could be quoted, but I do not think that this is what hon. members would want me to do. During the last two days I have looked at all precedents on which I could put my hands. I have sought the advice of the officials of the House and have asked them for their guidance in assisting the Chair in looking for precedents. There is not one single precedent that could be found which would justify the Chair in allowing the motion proposed by the hon. member for Calgary North.

A precedent has been brought to my attention in May's Eighteenth Edition at page 508, but this instance goes back to the year 1932. It is reported in May's that amendments were allowed to be moved to the enacting words of the import duties bill in 1932. I think what is important to mention here is that, in this particular case of the United Kingdom precedent of 1932, the committee was dealing with a financial bill, and it is well recognized of course even in our Canadian practice that in those cases the enacting clause is a combination of an enacting clause and a preamble. This is what was before the committee in the 1932 U.K. precedent. It was a financial bill which had at the beginning a combination of preamble and enacting clause and it was found by the chairman of the committee that an amendment could be brought to that form. In this case, it is not an ordinary financial bill which is before us, nor a combination of preamble and enacting clause. We have a very simple, straightforward enacting clause, and I suggest with great respect to hon. members that I do not think it can be amended in the way proposed by the hon. member for Calgary North.

At the same time, I respect deeply the very interesting arguments which have been brought forward by the hon. member for Calgary North, but I would find it difficult to accept his contention. I appreciate the fact that he felt he should not push the matter much further because he did not want to take up too much of the time of the House. It may be that if he had not had this restriction he might have been able to come up with other arguments which might have led the Chair to reach another decision, but in the light of the arguments which have been effectively submitted for the consideration of the Chair I think I have no alternative but to say that we cannot proceed with this motion at this time. If the hon. member wanted to propose views for the consideration of the House which might have been based on the motion, I am sure that he would find some other opportunity when we come to the other clauses to make his views known to the House and considered by the minister and by hon. members. I think, therefore, that at this point we should move to motion No. 2 which stands in the name of the hon. member for Oshawa-Whitby (Mr. Broadbent).

Mr. Edward Broadbent (Oshawa-Whitby) moved:

That Bill C-133, An Act to amend the National Housing Act, be amended by adding immediately after line 37 on page 3 in Clause 7 the following:

"(c) A housing corporation all of the shares of which are owned by a municipality or by an agency of a municipality."