

Patent Act—Trade Marks Act

would like to make a contribution on the relevancy of the amendment.

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, since you seem to have some doubt I regard that as an invitation to me to try to remove your doubt. I do not know how thoroughly ingrained it is, but may I make the effort. We are, of course, at the report stage when, according to our rules, it is permitted to give notice of any motion to amend, delete, insert or restore any clause in a bill. I was reading from Standing Order 75, paragraph 5.

I recognize, of course, that this does not mean one can move an amendment about elephants in a bill that deals with apples and oranges; one still has to be relevant to the bill that is before us. The explanatory note to clause 5 of the bill with which we are dealing reads:

The purpose of this amendment is to authorize the making of regulations under the Food and Drugs Act for the protection of the public in relation to the safety and quality of drugs manufactured outside Canada.

It seems to me that the amendment my colleague the hon. member for Waterloo has proposed is within that general framework and on that basis should meet the test of relevancy. I do not wish to argue by comparison, but it strikes me that it is at least as relevant to the bill before us as most of the amendments that have been considered to this point. That is why I think Your Honour should see it as in order.

In the case of one or two of the amendments yet to be proposed today, I confess to seeing some difficulty. But it would seem to me that this amendment and the next one, at any rate, are within the general terms of "regulations... for the protection of the public in relation to the safety and quality of drugs".

• (2:10 p.m.)

Mr. Deputy Speaker: I have listened to the views of the hon. member for Winnipeg North Centre but I confess that my doubts remain.

It is suggested that the proposed amendment must be read and considered in the light of the wording of the last two lines of new subsection (1a) in clause 5 of the bill so that we would have a construction reading as follows:

1a.—the Governor in Council may make such regulations governing, regulating or prohibiting—

(c) the regulation of drug manufacturing, importing and distribution—

29180—460

And so on. It is suggested that in tacking on the amendment to the clause it purports to amend, its inconsistency becomes apparent. It is suggested also that the amendment is not entirely relevant to new subsection 1a in clause 5 of the bill. That clause relates to the making of regulations respecting imported drugs.

The amendment, it is suggested, seeks to give the Governor in Council authority to make regulations in respect of the manufacture of drugs. If the amendment relates to the manufacture of drugs in Canada it is not relevant to clause 5 (1a).

In May's 17th edition, page 551, paragraph 7 states:

If an amendment would make the clause which it is proposed to amend unintelligible or ungrammatical, or if it is incoherent and inconsistent with the context of the bill, it is out of order.

The same author states, as found on page 549:

An amendment is out of order if it is irrelevant to the subject matter, or beyond the scope of the bill, or if it is irrelevant to the subject matter or beyond the scope of the clause under consideration.

Reference may also be made to page 567 where the same author states:

—the rules of order respecting the admissibility of amendments in committee... are generally applicable to amendments moved on consideration—

This is the stage in which we are engaged at present. I must therefore rule that the amendment cannot be accepted.

Mr. Saltsman (for Mrs. MacInnis): Mr. Speaker, I move:

That Bill C-102, an act to amend the Patent Act, the Trade Marks Act and the Food and Drugs Act, be amended by inserting immediately after Clause 5 (b) the following new subparagraph:

"(c) the permitting of hospital pharmacies, under the direction of a licensed pharmacist, to provide narcotics and control drugs on prescription under the Food and Drug Act and the Narcotic Control Act,".

Mr. Deputy Speaker: Again I must say I have reservations about this proposed motion. I do not want to prejudge the issue, though, and if the hon. member would like to make a contribution he may do so.

Mr. Saltsman: Thank you, Mr. Speaker. The purpose of this amendment is to urge upon the government the implementation of a recommendation contained in the report of the Royal Commission on Health Services, the Hall Report, which would permit licensed pharmacists to provide narcotics and control