

Unemployment Insurance Act

but it may be anticipated if it is contained in an equally or less effective form. A bill or other order of the day is more effective than a motion; a substantive motion more effective than a motion for the adjournment of the House . . . A matter already appointed for consideration by the House cannot be anticipated by a motion . . .

There is a matter that has been appointed for consideration, namely, the referral by this House of vote L30a with which clause 2 of this bill purports to deal. It has been referred to a standing committee of this House; there is no doubt about that. A motion is before us; there can be no doubt about that. Therefore, Sir, the rule that a matter already appointed for consideration by the House cannot be anticipated by motion applies, in my submission. Anticipating some possible advice to Your Honour, let me read the sentence at the foot of page 365:

The reference of a matter to a select committee does not prevent the consideration of the same matter by the House . . .

It might be argued that vote L30a is the same as the matter we are dealing with in this bill. In my submission a distinction must be drawn, because this bill deals not only with L30a but also with section 137(4) of the Unemployment Insurance Act, a matter that we are precluded from dealing with in the committee. On the basis of that citation, I suggest that we cannot possibly proceed with further discussion of this measure until one of two occurrences take place; either there must be a vote in committee that item L30a be referred back to this House for further consideration or, second, that the item is approved. I do not think it is any secret that we have set a date for reporting finally to this House. That date will be February 2.

• (1620)

However, I am afraid until the report comes out, it will be against the rule prohibiting anticipation for us to proceed with the debate. I make the submission, Mr. Speaker. Because of its complexity, Your Honour might wish to take it under advisement. There is some urgency to bringing down a ruling on this rather than having the debate continue. We are in a rather impossible position with the minister being required to be here in the conduct of this debate and in committee in the conduct of a debate on the same item. It makes things a little difficult, to say the least.

Now that I have made those points, I have another matter which Your Honour probably expects. I am going to introduce an amendment at this stage based on the points I have raised in this debate. I move, seconded by the hon. member for Hamilton West (Mr. Alexander):

That the motion be amended by deleting all the words after "that" and substituting therefor the following: This House, noting that by clause 2 of Bill C-124 the government proposes to change the law so as to burden the present and future workers of Canada and their employers with the payment of the sum of \$454 million to the detriment of the unemployment insurance plan; and further noting that the government thereby would avoid having to account for this sum in its statement of budgetary revenues and expenditures for the present fiscal year; and further noting that the government thereby would avoid having to seek supply for this sum from Parliament as a budgetary expense and to propose ways and means by which this sum might be raised by additional taxation upon individual and corporate taxpayers, as the law presently requires, resolves that Bill C-124 be not now read a

[Mr. Nielsen.]

second time but that the subject matter thereof be referred to the Standing Committee on Miscellaneous Estimates.

That is the third alternative to the point of order I have raised and with which Your Honour is now seized. Either the estimate has to be authorized so that we can proceed with the bill, the committee has to report to the House or this bill can go to committee and both of them dealt with at that time. To proceed in this way is not only offensive to the rules, but it is an impossible practice for members to be confronted with this kind of situation. In my submission, that is precisely the reason for the rule. I leave that point of order with you, Sir, and hope that we can have an early ruling on it.

Mr. Deputy Speaker: The House has heard the motion moved by the hon. member for Yukon, seconded by the hon. member for Hamilton West. The hon. member has also raised a point of order with which the Chair will have to deal. At this time, perhaps the Chair could ask for any comments upon the motion before making a ruling on that as well. I propose to give a ruling on the other matter at eight o'clock.

Mr. Alexander: Mr. Speaker, I rise to speak in favour of the motion. It is very evident what has happened in this instance. Bill C-124 was drafted in such a way that it anticipated the passing of Vote L30a which is presently being discussed in the Standing Committee on Miscellaneous Estimates. We are dealing with Vote L30a, but unfortunately and to the embarrassment of the government, as I will shortly point out, that has not been passed, nor has it been dealt with completely. If I am correct in that statement, the moneys referred to, \$454 million, have not been authorized. The only place the authorization can come from is the committee which is now dealing with this matter. This is the basis of this bill, particularly clause 2.

On the merits, there is a prima facie case that has been built up. In my opinion, the ultimate conclusion is that this bill is an anticipatory bill and we have no rules nor authority to deal with it. In order to substantiate my point, I refer Your Honour to clause 2 of the bill, and I note the first line for your edification. I quote:

The amount authorized for the purposes . . .

I place great emphasis on the word "authorized". The only proper interpretation with respect to the word "authorized" is that it has been passed and approved. Without being repetitious, if I am correct in those statements, surely we must be out of order at this time. The only way this defect can be cured is that it is in the competence of this House to amend the bill in such a way that it will be in conformity with what we are dealing in the Miscellaneous Estimates Committee. I do not think we can.

What is the other alternative? The only alternative, I respectfully suggest, is to send this bill, regardless of what we may think of the preamble, to the committee or we cannot deal with it at this time. Surely, we cannot deal with a bill that is asking us to pass something which is authorized, as stated in this bill, but which in fact has not been authorized. If I am right in my submission, the answer must be that we cannot deal with this bill at this time.