

*Speaker's Ruling**[English]*

This is precisely the situation before us today.

Having carefully examined the terms of Part III of Bill C-35, the Chair has grave concerns about this manner of proceeding since taken to the extreme it puts the House in the invidious situation of legislating in the subjunctive. For example, clause 157 of Bill C-35 proposes an amendment to Bill C-3 which is intended to deal with an anticipated anachronism. It amends the definition of department in Bill C-3 which rests currently on a reference to provisions in the Financial Administration Act which provisions are being amended by Bill C-35.

If the definition now in Bill C-3 remains and Bill C-35 is assented to without clause 157, Bill C-3 would even on being assented to contain an anachronistic reference to the Financial Administration Act.

That being said, the Chair has some sympathy for the dilemma facing those drafting proposals for the Miscellaneous Statute Law Amendment Act. Testimony before the committee reveals that this is an ongoing and painstaking process and that the very length of the process militates in some measure against its success as a comprehensive exercise. At the time such a bill is enacted, other legislation being considered concurrently by Parliament may require consequential amendments of the kinds included in Part III of Bill C-35. In the case of Bill C-35, and this is a key consideration for the Chair, the House is considering the traditional omnibus bill for corrections to certain anomalies and inconsistencies.

• (1530)

The drafters of Bill C-35 have in their zeal placed before the House not only corrective measures for such matters identified in existing statutes but in Part III they propose corrective measures for matters which will in all likelihood come into existence in this parliamentary session. Do these proposals offend the procedures of the House of Commons?

It is the duty of the Chair to safeguard the right of members and the House to make fully informed decisions on the matters before it and in the final analysis the Chair must be guided by what Deputy Speaker McCleave described in 1973 as a matter of how best to achieve logical progression of companion or interdependent bills through the House.

The legislative process affords ample opportunity for amending proposed legislation during the detailed clause by clause study in committee and again at the report stage in the House.

In the case of Part III of Bill C-35, members could have voted against or moved to delete any or all of the six clauses in question. Now at third reading the House has a final opportunity, should it so choose, to recommit Bill C-35 to committee for reconsideration.

Alternatively, the House could decide not to proceed with third reading of Bill C-35 until the six bills touched on in Part III have completed the legislative process.

All of these avenues offer members full remedy to this conditional approach to legislating should they object to it. That decision rests with the House.

After careful reflection on the technical nature of the amendments and their effects and on the opportunities there have been and continue to be for the House to reject Part III of Bill C-35, the Chair is not inclined to intervene on procedural grounds in this instance. Accordingly the Chair rules that Part III of Bill C-35 is properly before the House and third reading of Bill C-35 can proceed.

I want to add to these comments of the hon. member for Cape Breton—East Richmond that the point that has been raised is not an easy one. I hope that this is of some assistance to the House. It is a complicated matter and as I mentioned in the judgment, this approach is not altogether satisfactory and I have had to the best I can with a very difficult situation. I thank the hon. member for Cape Breton—East Richmond for bringing the matter to the attention of the Chair.

**Mr. Dingwall:** Thank you, Mr. Speaker, for a detailed decision but I am wondering if the Chair could perhaps elaborate considering the Chair's distinguished legal background and appreciation for parliamentary procedure.

In the ruling I take it that Part III is now in order. You did suggest, and correct me if I am wrong, that there is a remedy before the government. If it decided not to proceed with third reading of Bill C-35 until such time as the previous acts in question have been assented to, that would certainly make it appropriate. Am I reading the Chair correctly in that assessment?