

POINT OF ORDER

BILL C-35—PROCEDURAL ARGUMENTS—SPEAKER'S RULING

Mr. Speaker: On Friday, November 22, 1991, as the House was about to begin the third reading debate on Bill C-35, an act to correct certain anomalies, inconsistencies, archaisms and errors in the Statutes of Canada, the hon. member for Cape Breton—East Richmond rose on a point of order related to that bill.

The hon. member sought guidance from the Chair concerning Part III of the bill entitled "Bills introduced but not yet assented to" which puts forward amendments in relation to six bills that are at various stages in the legislative process.

Specifically it proposes to amend under certain conditions Bill C-3, which received third reading in the House on Friday last, Bill C-4 which is on the Order Paper at third reading, Bill C-18 which is now before the Standing Committee on Finance, Bill C-19 which is on the Order Paper at third reading, Bill C-22 which is now before the Standing Committee on Consumer and Corporate Affairs and Government Operations and Bill C-26 which awaits second reading in the House.

[Translation]

The Chair wishes to thank the hon. member for Cape Breton—East Richmond, the hon. member for Kamloops and the parliamentary secretary and hon. member for Cariboo—Chilcotin for their interventions last Friday and for their cooperation in permitting debate to commence, pending the Chair's decision on this matter. I am now ready to render a decision.

This is not the first time that members have raised concerns about a bill before the House appearing to be dependent on other bills still under consideration. On June 8, 1988, the Chair reviewed precedents on the subject, notably the decisions of Speaker Lamoureux of April 20, 1970 and February 24, 1971 as well as Deputy Speaker McCleave's ruling of February 5, 1973.

[English]

Speaker Lamoureux had found nothing procedurally wrong in having before the House at the same time concurrent or related bills which might be in contradiction with one another either because of the terms of the proposed legislation itself or in relation to proposed amendments. Accordingly, he ruled that second reading motions could proceed as the House was not giving final approval to the bills in question.

Today, however, the House is faced with giving its final

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approval to Bill C-35 and the Chair must determine whether third reading of Bill C-35 can proceed when Part III of that bill amends six bills now at various stages of the legislative process.

In its careful review of the terms of Part III of Bill C-35, the Chair has examined testimony presented before the Standing Committee on Justice and the Solicitor General on November 19, 1991, when members sought clarification on the intent of Part III from the officials of the Department of Justice.

Let me first say that I was dismayed to find in that exchange that a ruling of June 8, 1988, has been misconstrued as *carte blanche* for an interdependent approach to drafting complex legislation with the committee being told: "the Speaker ruled in 1988 that the inclusion of these clauses was perfectly proper".

A close reading of the June 1988 ruling reveals rather that the Chair permitted second reading of Bill C-130 to proceed despite objections raised to conditional references to Bill C-60 and Bill C-110. As it happens, events overtook those bills. No objections were raised at third reading of Bill C-130 and on dissolution Bills C-60 and C-110 had been assented to while the free trade bill died on the Order Paper.

I want to make it very clear that the situation before us where objections of this sort have been raised at third reading is according to our research unprecedented.

[Translation]

In the ruling of June 8, 1988, the Chair declared "the practice of one bill amending another bill still before the House or not yet given Royal Assent is an acceptable one". However, in keeping with the earlier warnings of Speaker Lamoureux, the Chair went on to caution that "if at third reading, circumstances exist whereby the bill is amending another bill still before the House, then I would be disposed to abide by Speaker Lamoureux's decision and hear further argument at that time".