

I suggest that all the Speaker may rule on is whether such notice has been properly prepared and received and therefore must be disposed of by the House according to the law.

In terms of the procedural aspects I think the Chair would have to take into consideration whether the regulations were properly tabled, whether the notice was properly given and how the House must proceed for lawful disposal of the matter.

If in fact the procedure is correct I do not believe the Chair is in a position in accordance with my understanding of the Standing Orders to rule on the substance of the motion in question.

What the parliamentary secretary has alluded to is that the motion itself is *ultra vires*, meaning unconstitutional. I suggest that very argument goes to the substance and not to the procedural acceptance. I would hope the Chair could make a quick ruling on this as time is running out as Parliament is to close on December 11.

Mr. Speaker: This matter was raised earlier today and the hon. member for Cape Breton—East Richmond has put his position clearly. It may or may not be the wish of the parliamentary secretary to follow the matter further but I will certainly hear him.

• (1510)

Mr. Jim Edwards (Parliamentary Secretary to Minister of State and Leader of the Government in the House of Commons): Mr. Speaker, it is true that I did have a discussion with the hon. opposition House leader after he raised this point earlier today and there was no meeting of the minds.

As I pointed out in my comments this morning, the Liberal amendment to the regulations tabled on September 18 of this year under the provision of the Special Economic Measures Act is clearly beyond the scope intended by the bill.

The Liberal amendment deals with section 4 of the act which authorizes the government to make very specific regulations dealing with relations between Canada and a sanctioned state. It does not give the government authority to commit Canada to a particular position on matters of foreign policy concerning third party states.

The Liberal amendment is not within the scope of this authorizing power and is *ultra vires* of the bill.

Point of Order

The wording of the Liberal amendment has no relevance to the regulations that were tabled. Instead, the opposition has used this provision in the act, I submit to you Sir with respect, as a vehicle for partisan, not legitimate, purposes.

I recognize, Mr. Speaker, that it is not your role to decide on legal matters. However, I would submit that by allowing the debate on the Liberal amendment to proceed, you are implicitly giving a legal opinion that the amendment falls within the scope of the act. This is a patently obvious dilatory tactic which has put you in an untenable position.

I would ask the opposition to do the responsible thing and remove the Chair from this legal quandary by withdrawing this illegal amendment.

SPEAKER'S RULING

Mr. Speaker: I thank both the hon. member for Cape Breton—East Richmond and the hon. parliamentary secretary.

I am going to remove the Chair from the position in which the Chair finds itself by reminding hon. members that the Speaker has traditionally never been granted the authority to rule on whether or not a bill introduced into the House of Commons or an amendment introduced into the House of Commons is *ultra vires*. That is a matter for the courts. As a consequence, I must stay with that position.

I listened carefully to the hon. parliamentary secretary who I think with some ingenuity was suggesting that if I ruled otherwise I was implicitly supporting an amendment which might or might not be *ultra vires*. I certainly respect the hon. parliamentary secretary's ingenuity in putting it that way.

However, I think I must remain with the long tradition which has been supported by many rulings that it is not the place of the Chair to rule on whether or not a bill or as I said earlier, an amendment to a bill, is *ultra vires* or otherwise.

I would point out that if I were to rule otherwise we could be in the position where any bill that the government introduces could be challenged by the opposition or by members of the government as to whether or not it is *ultra vires* and that would put the Speaker really in the position of the court and beyond the jurisdiction that was ever envisaged for the Speaker.