

# HOUSE OF COMMONS

Tuesday, June 12, 1984

The House met at 11 a.m.

● (1105)

## GOVERNMENT ORDERS

[English]

### CANADIAN SECURITY INTELLIGENCE SERVICE ACT

#### MEASURE TO ESTABLISH

The House proceeded to the consideration of Bill C-9, an Act to establish the Canadian Security Intelligence Service, to enact an Act respecting enforcement in relation to certain security and related offences and to amend certain Acts in consequence thereof or in relation thereto, as reported (with amendments) from the Standing Committee on Justice and Legal Affairs.

**Hon. John A. Fraser (Vancouver South):** Mr. Speaker, I rise on a point of order. We have been handed by the Clerk copies of notes which seem to indicate that this paper amounts to a ruling by Your Honour with respect to the admissibility at this stage of certain amendments that were dealt with in committee.

**Mr. Speaker:** I anticipate what the Hon. Member is saying. This is a preliminary expression from the Chair on the basis of which I hope the House could proceed today. The Chair would be prepared to hear argument with regard to these matters and to render a final decision. Also, the notes do not relate to all the amendments; they relate only to part of them.

**Mr. Fraser:** I take it then that Your Honour will be speaking to the House with respect to these notes, at which time Your Honour would ask for a response, if any response was forthcoming. Is that the procedure?

**Mr. Speaker:** The normal procedure has been for an indication of what is the intention of the Chair—and I am trying to give my intention—then to hear argument, if there is argument concerning it, and to make a final decision later. This is the procedure the Chair has followed when faced with a situation such as this.

As Hon. Members are aware, there are a large number of report stage motions on the Notice Paper relating to Bill C-9, an Act to establish the Canadian Security Intelligence Service, to enact an Act respecting enforcement in relation to certain security and related offences and to amend certain Acts in consequence thereof or in relation thereto. I have had an

opportunity to examine a number of the motions, and I am prepared to make a preliminary statement at this time.

First, Motions Nos. 1, 2, 10, 12, 16, 17, 20, 22, 25, 26, 28, 30, 33, 35, 36, 38, 40, 42, 45, 48, 52, 60, 64, 66, 69 to 73 inclusive, 75, 77, 80, 82, 85, 87, 88, 90, 92, 95, 98, 99, 101, 103 to 108 inclusive, 110 to 113 inclusive, 116, 119, 121, 124 to 129 inclusive, 131 to 138 inclusive, 140, 142 to 151 inclusive, 156 to 159 inclusive, 161 to 166 inclusive and 168 to 174 inclusive, standing in the name of the Hon. Member for Burnaby (Mr. Robinson), each seek to delete a separate clause of the Bill as well as the schedule. The cumulative effect of affirmative votes on these motions would be to kill the Bill and thus, in the opinion of the Chair, they must all be disposed of together. Therefore these motions will be grouped for debate with a vote on Motion No. 1 disposing of all of the remaining motions to delete the clauses and schedule of the Bill.

● (1110)

Second, Motions Nos. 3 and 4 propose to add new features to the Bill by means of a substantive amendment to the interpretation clause, which is out of order. I refer Hon. Members to Beauchesne's Fifth Edition, Citation 773 (10), which reads:

A substantive amendment may not be introduced by way of a modification to the interpretation clause of a Bill. Journals, May 21, 1970, p. 835.

Third, Motions Nos. 5 to 9 inclusive should be debated together. An affirmative vote on Motion No. 5 will dispose of Motions Nos. 6, 7, 8 and 9. However, a negative vote on Motion No. 5 will necessitate separate votes on Motions Nos. 6, 7, 8 and 9.

Fourth, Motion No. 11 standing in the name of the Hon. Member for Vancouver South (Mr. Fraser) seeks to change the purpose and principle of the Bill as agreed to at second reading by bringing the service under the control of the RCMP. Since the Bill is proposing to create an independent service not under RCMP control, such an amendment would be irregular. Motion No. 11 is out of order because it is contrary to the principle of the Bill. I refer the Hon. Member to Beauchesne's Fifth Edition, Citation 773(5), which is as follows:

An amendment which is equivalent to a negative of the bill, or which would reverse the principle of the bill as agreed to at the second reading stage is not admissible.

Fifth, Motions Nos. 13 and 14 should be grouped for debate, and an affirmative vote on Motion No. 13 will obviate the need for a vote on Motion No. 14. A negative vote on Motion No. 13 will necessitate a vote on Motion No. 14.

Sixth, Motions Nos. 15, 76, 84, 117 and 175 attempt to introduce an entirely new concept and principle into the Bill—