

*Federal Court*

REFERENCE OF QUESTION OF MEASURES TO ENSURE  
SECURITY OF GALLERIES TO STANDING COMMITTEE

**Hon. Allan J. MacEachen** (President of the Privy Council) moved:

That the question of measures to be taken to ensure the security of the galleries of the House, and the evidence adduced by the Committee during the past session in relation thereto be referred to the Standing Committee on Procedure and Organization.

Motion agreed to.

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**FEDERAL COURT**

MEASURE RESPECTING CONSTITUTION, JURISDICTION,  
ADMINISTRATION, ETC.

The House proceeded to the consideration of Bill C-172, respecting the Federal Court of Canada, as reported (with amendments) from the Standing Committee on Justice and Legal Affairs.

**Mr. Speaker:** As hon. members know, a considerable number of motions have been proposed for consideration of the House at this time. The Chair has closely studied all these motions. I should indicate to the House that I have reservations concerning three motions about which I suggest there might be procedural difficulties, Nos. 1, 2 and 19. No. 1 stands in the name of the hon. member for Calgary North (Mr. Woolliams) and No. 2 is consequential thereon. This is the first one about which the Chair has reservations.

I am not sure whether the hon. member for Calgary North wants to deal with the matter from a procedural standpoint at this time. I suggest to him that this is an attempt to introduce an amendment of substance by way of an amendment to the interpretation clause of the bill. This is contrary to the practice of the House. This is my preliminary observation which I would like to put for the consideration of the hon. member for Calgary North. As I said, No. 2 is dependent on No. 1. If No. 1 cannot be put, then No. 2 cannot be put.

There are no objections to any of the other motions proposed by the hon. member for Calgary North or any other hon. members with the exception of No. 19 proposed by the Minister of Justice (Mr. Turner). It appears to be faulty in some respects, perhaps not substantially, but I do have some difficulties. For the moment, we might deal with No. 1 which stands in the name of the hon. member for Calgary North.

**Mr. Eldon M. Woolliams (Calgary North):** I think Your Honour has raised the question as to whether amendments Nos. 1 and 2 are in order procedurally. My first point, which does not put me on stronger ground, is that these amendments were made and studied at the committee level. I will briefly state the purpose of the amendments.

The federal court has been defined in the Federal Court Act. What I have attempted to do in amendments Nos. 1 and 2 is to extend the definition of federal court.

[Mr. MacEachen.]

Basically, a federal court has the jurisdiction set out in the bill. The superior courts of the provinces, the trial courts, and the appeal courts would have concurrent jurisdiction. In other words, both those courts would have the same jurisdiction as the federal court, as defined in the act. A matter could, therefore be dealt with before a federal court in accordance with the terms and conditions of the jurisdiction or could be dealt with before a trial court. I submit this goes to the substance of the bill.

This matter was not raised in committee. There was a vote in committee and I point out to Your Honour that it was an even vote. The decision was made by the Chairman. The point I am now trying to explain is the jurisdiction of the court as we find it in the act. If that is not accepted, I bring to the attention of Your Honour that I am suggesting directly or indirectly, that the jurisdiction of the trial courts and courts of appeal do go to the very substance of the bill. This is a very important matter. Three or four witnesses called on this point supported this position. I, therefore, submit these amendments are in order.

**Mr. Speaker:** I suggest to the hon. member that perhaps the argument he has made was submitted in a manner that is out of order from a procedural standpoint. The hon. member stated the amendment he proposes goes to the substance of the bill. I appreciate that. This is why I am worried about the matter.

I respectfully suggest to the hon. member for Calgary North (Mr. Woolliams) it is not good procedure to try to introduce a substantive amendment by way of modification of the interpretation clause. I doubt whether a precedent can be found in our practice. I have not been able to find one where a substantive amendment was effected by a modification of the interpretation clause. I have studied the matter very closely. I suggest with respect to the hon. member that I do not think I can vary the opinion I expressed when the matter was raised in the first instance.

Earlier this year I dealt with this matter at some length. I believe it was on May 21. There is a report of a ruling of the Chair in *Votes and Proceedings* for May 21 dealing with a similar situation. I went into the background of this matter from a procedural standpoint and at that time I reached the conclusion that this kind of amendment could not be moved. I suggest to the House that I have to reach the same conclusion at this time. There may be some other way that the amendment might have been introduced. There is still third reading stage where the matter can be debated.

The hon. member stated this proposal had been made in committee. I cannot reach the conclusion that it necessarily follows that the amendment would be in order in the House because, of course, we are not bound by rulings made in committee. The hon. member realizes this and has so indicated.

Taking all factors into consideration, I must say with great regret that I do not see how I can allow the motion to be put. No. 2 must fall on the same ground. The reservations I have about motion No. 19 might be