

*Unemployment Insurance Act*

face because it seems to me that we cannot deal with an anticipatory bill and he said:

Mr. Speaker, with regard to the point as to whether or not we should proceed with this bill, I confess I have been wracking my brain trying to recall something that has happened in this area but I am sure that the gentlemen at the table will be able to find it. I believe there have been rulings that would support the contention of my hon. friend to this extent—

With all due respect, I think he was not talking about me at this particular time. I have no expertise so I think he was talking about others who have the expertise, the hon. member for Peace River (Mr. Baldwin) and the hon. member for the Yukon (Mr. Nielsen).

**Mr. Baldwin:** He says I have not got it.

**Mr. Alexander:** Mr. Speaker, the hon. member continued:

—that it would not be procedurally correct for the House of Commons to give the bill third and final reading—in other words, not possible to pass the bill finally—if it contained in it a reference to something that was not at that point a fact. I do not think we could give third and final reading to the bill until the House had authorized the supplementary estimate referred to therein.

What august thought do we have in this regard? He said it is questionable that we should even deal with it, much less pass it. I see my hon. friend is now wracking his brain, wondering how he could have made such a mistake.

I belabour the point, Mr. Speaker, but I think it is one of some importance. I do not want to get mean or nasty, but at times there have been some devious interplays taking place around here with respect to this and other bills and it is time this matter came to a head. Surely, we cannot deal with this bill when nothing has happened in terms of the final disposition or authorization Vote L30a. One has to admit being subject to error, but I do not think I am in this regard. With proper anticipation I can come to no other conclusion than that Bill C-124, clause 2 refers to the amount authorized. My point is that the amount was not authorized and we are estopped from dealing with this bill at this time, unless we can agree to sever it and deal with the part that eliminates the ceiling. There is some difficulty in reaching a consensus on whether there should be a ceiling or not but that can be dealt with easily. An easy way to get around this legal dilemma is to agree that we deal with one clause at a time until such time as we know that Vote L30a has been passed.

**Mr. MacEachen:** Mr. Speaker, I have tried to follow the argument made by my hon. friend, but I must say that the more I listen to lawyers in the House of Commons the more I wonder why they go to law school.

**Mr. Baldwin:** Who is your counsel over there? Who is the dean?

**Mr. MacEachen:** I, of course, do not include you in that, Sir. I want to make it absolutely clear that I would not cast any reflections on any member of the legal profession. In this argument my hon. friend said that we are confronted with an anticipation. It is said that there are two bills—actually there are not two bills. There are notices of motions on the order paper and they have been considered by a standing committee of the House. They

[Mr. Alexander.]

relate to the supplementary estimates. That is one proceeding to which my hon. friend referred. The second proceeding is the bill now before the House at the report stage. The argument of my hon. friend is that the bill now before the House anticipates the matter that is to be legislated following approval of the motion.

• (1650)

**Mr. Nielsen:** What motion?

**Mr. MacEachen:** The motion that constitutes the supplementary estimates. They are in the form of motions now, and will be concurred in as motions.

**Mr. Nielsen:** You hope.

**Mr. Baldwin:** The government already has that guarantee, has it? It has already worked out that deal?

**Mr. MacEachen:** The supplementary estimates are filed as motions. If they succeed in passing, they form the basis for an appropriation bill. At the moment they are in the form of motions.

Erskine May's Seventeenth Edition deals with the rule of anticipation. Page 399 of that authority reads:

A motion must not anticipate a matter already appointed for consideration by the House . . . whether it be a bill or an adjourned debate upon a motion.

**Mr. Baldwin:** But Erskine May did not contemplate a government like the present one.

**Mr. MacEachen:** If that wording makes any sense at all, it must mean that the motion which anticipates will produce the same legislative effect. If it is to have any meaning, it must mean that and nothing else. In other words, it cannot have a different legislative effect.

**Mr. Baldwin:** Better talk to Otto.

**Mr. MacEachen:** In my opinion, that is pretty sound logic, because the legislative effect of the motion that was passed for the supplementary estimates was not that of defining an advance or appropriation; the effect of carrying that motion was that of providing certain sums of money, nothing more and nothing less than that. That is what happened in that committee. What this bill is seeking to do—

**Mr. Nielsen:** It has not happened yet.

**Mr. MacEachen:** But it happened in the standing committee.

**Mr. Nielsen:** Yes, but it has not happened here yet.

**Mr. MacEachen:** Not here, yet. What is proposed in this bill is merely to make it absolutely clear that that legislative effect in the standing committee will be defined as an appropriation rather than an advance. In other words, it is a clarifying and defining statement.

I simply say that the matters are not the same. They are different although related, of course. What matters in the legislative process are not related? Of course they are related, but they are not matters already appointed for