

uses the words "notwithstanding section 55 of the Supreme Court Act," which again is not before us. In any case, in its intent it puts within this very statute a section which refers to a section of the act which is before us for interpretation by the Supreme Court before this section can come into force. It further adds, in paragraph (b), what could very well be a purely hypothetical condition, and then in paragraph (c) goes on to attach a condition that the attorney general of each province shall be notified of a hearing under this subsection in order that he may be heard if he thinks fit. The fact of the matter is that it seems to add an indefinite condition, again in paragraph (c).

Basically, however, the major difficulty remains the same. That is to say, it is suggested that the statute, or this particular section of the act before the House of Commons, be referred to the Supreme Court of Canada for an interpretation, and thereafter, depending upon what the interpretation of that Court might be, this part of the act might come into force.

It would seem to the Chair that even if the clause were to be proposed in respect of a substantive measure before the House rather than simply an amending statute, it would still be offensive, and would go beyond the scope of any bill which this House might enact.

It seems to me to be repulsive to any act of parliament that it should contain within it a condition that the act must be referred in any part, or in any particular, to any other body for interpretation before it comes into force. Indeed, power already rests in the hands of any citizen who wants to attack any bill on its constitutionality to take it before the Supreme Court of Canada. But to put such a clause in a statute indicating that an act of parliament, or any clause of an act of parliament, would not come into force until that was done, seems to me to go beyond the scope of any statute which comes before parliament. Certainly it goes beyond the scope of the bill before us which seeks only to amend certain clauses of another act. Therefore the Chair has come to the conclusion that the motion is procedurally unacceptable.

We will proceed to Motion No. 24. The hon. member for Nickel Belt.

Mr. Rodriguez: Thank you, Mr. Speaker. The reasoning behind this amendment stems from the fact that we have expressed grave concern about Bill C-2 which amends Part V of the Combines Investigation Act, which is in the Criminal Code and which is the part of that particular act which deals with offences in relation to trade, and not only makes amendments there but also extends the offences in relation to trade. We were very concerned that there was no provision whatsoever for reimbursement to be made to those consumers who may have been taken advantage of for a long period of time. There ought to be some recompense to those consumers who had been ripped off. It was this motivation which prompted us to try first of all, a class action amendment to the bill, and then a restitution clause, which this clause is.

As a matter of fact, Mr. Speaker, we presented this to the Committee on Finance when the bill was still being debated, and the hon. member for York Centre (Mr. Kaplan) who was chairing that committee, a gentleman well versed in the law and a hard-working member of parliament who was recently promoted for his hard work,

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ruled that the amendment was in order. So you see, Mr. Speaker, I received no direction at that time that it was misplaced, and certainly if it had been indicated in the ruling given at that time we could have worded it in such a way as to be acceptable to Your Honour. Such an indication, however, was not given to my party or myself, and as a result it was debated in committee and negated in committee.

I looked at Beauchesne's Fourth Edition, 1958, citation 406, to see under what conditions amendments are out of order. I note that in that citation amendments are out of order under the following conditions, and I quote:

- (a) irrelevant to the bill, or beyond its scope governed by or dependent upon amendments already negated;
- (b) inconsistent with or contradictory to the bill as agreed to by the Committee;
- (c) inconsistent with a decision which the Committee has given upon a former amendment;
- (d) offered at the wrong place in the bill;
- (e) tendered to the Committee in a spirit of mockery, vague or trifling.

Well, Mr. Speaker, I have looked at that citation and I would say it is very relevant to Part V of the Combines Investigation Act, and certainly Bill C-2 opened up that part of the act to amendment. All our amendment does is give logic to that part of the act. Without our amendment it seems to me that this section is short. The amendment was put forward in that light and accepted by the committee, and I hope Your Honour will consider this when making your ruling.

Mr. Martin: In rising to speak on the acceptability of this particular amendment I think it is very important that we should recognize we are dealing here with one of the most complex pieces of legislation which has come before this parliament, and probably the most complex to have been introduced since the time of the new Income Tax Act which became effective in January, 1972.

It seems to me that this legislation, having come before three parliaments in the past, and having resulted in considerable debate in this parliament alone with some 25 sittings of the Standing Committee on Finance, Trade and Economic Affairs, we must accept that it is a very complex bill. This point is important when we consider the amendment before us.

The other point I should like to make is that the amendment which has been suggested is basically the thin edge of the wedge in the area of class action. I think it is one that the Canadian people will have to look at in future, one that this parliament must examine. Whether or not this is the appropriate time is really the issue that we are talking about when we consider this point. By class actions, I mean the kind of situation where a simple citizen has the right to sue over a particular issue on behalf not only of himself or herself but on behalf of several other citizens.

● (2030)

It is important to realize when making this judgment that the hon. member's amendment is in the area of class actions. The words of the motion are: