

*Olympic Financing***GOVERNMENT ORDERS**

[English]

OLYMPIC (1976) ACT**AMENDMENT COVERING ISSUE OF GOLD COINS**

The House resumed from Tuesday, July 8, consideration of Bill C-63, to amend the Olympic (1976) Act, as reported (without amendment) from the Standing Committee on Miscellaneous Estimates.

Mr. Speaker: Order, please. It is the understanding of the Chair that the point of order raised in connection with motion No. 3 is to be deferred until after the conclusion of discussion on motion No. 4. I am in the hands of hon. members as to whether we shall proceed with the discussion on the point of order on motion No. 3 or wait for the conclusion of debate on motion No. 4. Is it agreed that we shall wait until discussion on motion No. 4 is concluded?

Mr. Stanfield: Mr. Speaker, I understood we would proceed immediately to votes on the motions in order and that the ruling on motion No. 3 would be deferred until after those votes had been taken. That is my impression, although I may be wrong.

Mr. Speaker: In the meantime, perhaps the most expeditious course would be to continue discussion on motion No. 4, or is discussion on motion No. 4 concluded?

Mr. Baldwin: Mr. Speaker, my leader has put forward a proposition on the understanding or expectation that a ruling in favour of the validity of motion No. 3 might bring that motion within the realm of the motions to be voted on. If the Chair feels that there should be two sets of votes on amendments at the report stage, that is all right by us. But if the Chair is of the view that only one vote should be taken at the one time, it might be desirable to dispose of the point of order on motion No. 3 before the vote is taken. It all depends on the Chair; the Chair probably has some idea what it proposes to do with respect to the motion.

Mr. Speaker: I might say, as a preliminary indication, that the Chair has grave reservations about the regularity of the motion, as at first glance it appears to go beyond the bill and seeks to amend another statute. That is neither the best nor the appropriate way to achieve an object which is worthy of achievement. That is the preliminary position of the Chair, although I am open to receive argument to see if hon. members can persuade the Chair to adopt another view. Obviously, in terms of our procedure motion No. 3 ought to be disposed of before the votes are called.

Mr. Baker (Grenville-Carleton): In that case, Mr. Speaker, may I attempt to dissuade Your Honour from the view you expressed initially with respect to motion No. 3. I am referring to section 2 of the Canadian Bill of Rights, and to Standing Order 82(2). The effect of these authorities, in my respectful submission, is this: the Canadian Bill of Rights is always in issue and is always relevant to every bill. This is the case unless it is expressly declared in an act of parliament that the Canadian Bill of Rights shall not apply.

[Mr. Yewchuk.]

● (1210)

I assume that the bill was examined by the Minister of Justice in the usual course of events and that upon receipt of two copies from the Clerk he has certified that it is not inconsistent with the Bill of Rights. I say I assume this to be the case since the bill does not contain a provision to the effect that the Bill of Rights shall not apply, nor has the Minister of Justice reported to the House that he finds anything in the bill which is inconsistent with the Bill of Rights. The Bill of Rights must therefore be considered part and parcel of this bill, in my submission.

According to section 2 of the Bill of Rights, it must be so construed and applied as not to abrogate the Bill of Rights. In considering the provisions of the measure before us, hon. members must keep this in mind. They must do so, also, when they vote on the matter. How, then, can a proposed amendment incorporating the Bill of Rights be construed as irrelevant?

Mr. Speaker: Order, please. The hon. member may have missed the point, and perhaps I might elucidate. He is addressing himself to the first few lines of the proposed amendment which says, in effect, that the Canadian Bill of Rights applies to this bill. This may be redundant, but that does not make it out of order from a procedural point of view. What troubles me is that the amendment goes on to interpret the language of the Bill of Rights by saying that for the purpose of a particular subsection the words "due process of law" in the Canadian Bill of Rights shall have a specific meaning. In other words, this is an interpretation of the Canadian Bill of Rights by an amendment to the statute before us. That is the problem.

Mr. Baker (Grenville-Carleton): I was about to address myself to that point, Mr. Speaker. The words "due process of law" in paragraph 1(a) can be interpreted as meaning the legislative and the judicial processes of the law. If the legislative process is included in the words "due process of law", then a violation of the Canadian Bill of Rights in the bill is not a violation of the Canadian Bill of Rights when the bill is enacted and thus becomes "due process of law." No one, Mr. Speaker, including yourself, can express a legal opinion in this House as a ruling and, with respect, I cannot therefore know, until a court deals with the matter, whether this is a proper interpretation of the words "due process of law" as used in the Canadian Bill of Rights which, I submit, is an integral part of the bill before the House. This is the submission I make on the point Your Honour has raised.

While I am on my feet there is one other matter I should like to deal with. It relates to clause 4 of the bill with respect to the trade mark application. I think we should dispose of that matter as well. My submission to Your Honour is that this part of the bill is out of order and contravenes section 54 of the British North America Act as well as contravenes Standing Order 62. Both prohibit the introduction of any bill which appropriates any part of the public revenue or any tax or impost when such bill has not been recommended to the House by message from His Excellency. I shall not repeat the message with respect to this bill, but I ask Your Honour to note that it relates to the issuance of Olympic gold coins and the determination of the selling price on the basis of the price of gold.