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MEMORANDUM FOR THE MINISTER OF STATE
AND GOVERNMENT HOUSE LEADER

c.c. M. Houlton

Bill C-108, Canadian Human
Rights Act amendments

We have examined the procedural implications related to the passage of Senator Kinsella's Bill, S-15, and to the amendment of C-108 to delete the sexual orientation provisions.

S-15

S-15 is currently before a Senate Committee. There are a number of procedural issues which would have to be resolved in order to pass the Bill.

1. Complete Committee Stage, Report Stage and Third Reading in the Senate. This would require the cooperation of the Opposition to ensure speedy passage.
2. Introduce S-15 in the House and sustain a vote on First Reading, if required. Private Members public bills from the Senate are not automatically given First Reading in the House.
3. The Bill would be a Private Member's Bill which must be sponsored by an MP. The Bill would go to the bottom of the 30 item Order of Precedence and would not come forward for debate for approximately 30 sitting days unless:
 - ° there was unanimous consent to move S-15 forward on the list; or
 - ° an MP with an item high on the list agreed to a switch with S-15.

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4. The MP who sponsors S-15 would have to go before the Sub-committee of the House Management Committee to have the Bill selected as a votable item.
5. Under the rules for Private Member's Business, Bill S-15 would receive two hours and 45 minutes of debate (on three separate occasions) before a vote could be held. A vote would be held earlier if no further MPs rise to speak. After each hour of debate, the Bill drops to the bottom of the list.

With unanimous consent, the Bill could be given all three readings during the first hour. However, if four or five MPs are opposed, they could talk the hour out (10 minutes each) and the Bill would not come to a vote. In this case, the Bill would drop to the bottom of the list again. It could only move back up to the top with consent or a switch.

C-108

The options for amending C-108 are as follows:

1. Leave C-108 on the Order Paper and introduce a new Government Bill without the sexual orientation provisions.

This was done for Bill C-113 on Unemployment Insurance reforms. There are no procedural problems with this approach. The advantages are that the Opposition's consent is not required and there is no need for a vote on the Bill as is.

2. Withdraw C-108 and introduce a new Government Bill without the sexual orientation provisions.

The Bill cannot be withdrawn without consent. If consent is not given, the Government could move and vote a motion (on notice) to withdraw the Bill, but this motion would be debatable and would use valuable House time. Unless the Kinsella Bill has already been passed, this will be perceived as a significant retreat from Government policy.


3. Give Bill C-108 Second Reading and vote down the sexual orientation provisions in Committee.

This option requires a majority vote for the Second Reading of Bill C-108 before the sexual orientation provisions are removed. If the Opposition senses that the Government may not be able to sustain a vote, they may oppose the Bill. If the vote is lost, the Opposition are likely to say this raises a question of confidence.

There is also the possibility of a procedural argument on the movement of both C-108 and S-15 in the same session. As you know, the House cannot be asked to vote twice in a session on the same question. While this point is likely to be raised, there is a good basis to say that the Bills are different and that the votes would not be on the same question.

PCO Comment

Management of the procedural and political issues in order to pass both S-15 and C-108 with amendments would be very complex. Given the limited House schedule, passage of these two bills seems unlikely before the June recess.



Margaret Bloodworth

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