

Canada-U.S. Free Trade Agreement

to exercise that authority and responsibility, in the name of this House of Commons, so that we may not betray its past nor jeopardize its future.

• (1220)

Hon. Doug Lewis (Minister of State and Minister of State (Treasury Board)): Mr. Speaker, I appreciate the opportunity to join in this procedural debate. I noted that my hon. friend from Windsor West at first confined his argument to the omnibus nature of the Bill and then made reference to constitutionality, whether or not the committee would travel, and several other things. What I thought was interesting was that he then made the point that the Government should be calling the Bill for debate.

I suggest that what we tried to do with this morning's events was focus the debate on procedure. We feel it would be more appropriate to consider all the procedural matters at one time and then to allow you to retire and consider your opinions on the omnibus nature of the Bill, on whether or not there is more than principle, on constitutionality and the like, and then return to the House so that the business of the House could proceed.

I think that Canadians want the substance of the issue of free trade, the substance of Bill C-130, debated and discussed. They do not want a protracted procedural wrangle. I invite you to consider, as events wear on, whether or not you want to expand and to deal with all arguments at one time, something which I think is more appropriate in view of your time and the time of the House.

Having said that, I want to deal briefly with the one argument put forward by my learned friend from Kamloops—Shuswap which was not referred to by my friend from Windsor West, that is, the question of Mr. Speaker MacNaughton's ruling in the flag debate.

I would distinguish that particular incident by pointing out to the Chair that the flag debate was on the question of a resolution which contained two propositions, and the Chair in that case, Mr. Speaker Macnaughton, found that he had the authority and perhaps the duty to divide them. I would submit that here we are dealing with a Bill and the same precedent does not apply.

Much was made of the question of an omnibus Bill. That seems to be the main concern of my friends opposite, and I would like to take a moment or two to review some of the precedents and some of the comments that were made by my hon. friends. I think it should be pointed out that the fact that the Bill is an omnibus Bill is not in itself sufficient cause to have the Bill withdrawn and thrown out. Throughout the history of this Chamber, there have been omnibus Bills which have occupied the time of the House.

I would refer you, Mr. Speaker, to two rulings which have already been dealt with. One is the ruling of Mr. Speaker

Lamoureux on January 26, 1971, and one is the ruling of Mr. Speaker Jerome on May 11, 1977.

I notice that my colleague from Windsor West quoted one of the paragraphs from Mr. Speaker Lamoureux's ruling. I would like to draw your attention, Mr. Speaker, to the preceding paragraph. My friend pointed out what he considers to be an abuse of a Bill that goes from one end of the spectrum to the other. Mr. Speaker Lamoureux did say the following:

There is no question, without going further into details, that this is a long established practice. We have had this type of omnibus bill before the House on many occasions. The President of the Privy Council and the Minister of Agriculture have quite rightly argued their case that this is long established practice and that the government has followed past practice. That is their argument and it has to be respected. Certainly the Chair must take that into account because of the importance of the precedent in our system.

Mr. Speaker Lamoureux recognized that there may be a point at which an omnibus Bill goes too far, but he declined, in that particular ruling, to take that authority upon himself.

Mr. Speaker Jerome was even more specific about his unwillingness to intervene and reject an omnibus Bill, and I refer you, Mr. Speaker, to page 5522 of *Hansard* of May 11, 1977, in which he stated as follows:

I should emphasize as well that the remedy sought by the hon. member is not to divide the bill according to the separate statutes to be amended but by subject matter. Were that to be attempted, it would place before the Chair, it seems to me, questions of interpretation and responsibility for the drafting of an extremely complex order, which in my opinion the Chair ought not to attempt.

I suppose there is no need to speculate on whether circumstances might arise in the future in which such a remedy might be available.

However, I am certainly bound by the clear language of our precedent rulings and previous practices to reject the point of order of the hon. member for New Westminster, and I decline to make the order which he requests.

Even when my friend from Calgary Centre objected to the most infamous of all omnibus Bills, the energy security Act, he recognized the legitimacy of the omnibus concept. I refer you, Mr. Speaker, to page 15482 of *Hansard* of March 1, 1982, in which he stated:

I certainly recognize that in many instances omnibus bills are not only properly admissible, but, indeed are also the best way to proceed since the grouping of certain amendments or certain items aids in providing a coherence to the debate and discussion, and attempting to handle the subject matter by a different set of separate Bills would not only be wasteful of time but would also be confusing.

I submit that omnibus legislation is a well established means of conducting government business. Both of the two Speakers' rulings cited expressed concerns with respect to omnibus legislation and they commented that, because of the nature of this omnibus legislation, it was difficult for Members to demonstrate properly their support for or opposition to different principles within an omnibus Bill.

The rulings point out that there are avenues, in the case of a Bill, for Members to establish clearly their positions. For example, Mr. Speaker Lamoureux, at page 285 of *Journals* for January 26, 1971, pointed this out: