

under discussion now, which does not involve a borrowing authority being attached to Ways and Means, which was the simple question Your Honour had addressed in your ruling.

The last major or substantial argument and decision by the Chair on an omnibus bill is recorded in *Hansard* on May 11, 1977, dealing with amendments to the Criminal Code. At that time, Mr. Speaker Jerome ruled that since the point of order was raised at second reading, he could find no authority which would allow the Chair to divide the bill into its component parts at that stage and, second, that the use of omnibus amending bills was enshrined in our practices. The point to be emphasized is that Mr. Speaker Jerome was speaking of omnibus amending bills. Throughout that judgment, he spoke of omnibus amending bills.

There is clearly a distinction to be made between an omnibus bill which would amend a number of existing statutes and an omnibus bill which would create a number of new statutes. Existing statutes have been passed by previous parliaments. They have a principle which has been authorized and okayed. To amend these, even several of them at the same time, seems to me to be taking a much smaller step than creating a whole new series of acts since, by definition, a separate act has a separate principle. If the principles of two acts were the same, there would not be two acts. They would be one act.

I would also like to point out that in his ruling on May 11, 1977, Mr. Speaker Jerome was very troubled by the difficulties caused even with omnibus amending bills, let alone omnibus creating bills. Indeed, he was moved to say:

This still leaves and it has in the past, every time this kind of argument has been put forward, some very deep concern about whether our practices in respect of bills do in fact provide a remedy for the very legitimate complaint of the hon. member that a bill of this kind gives the government, under our practices, the right to demand one decision on a number of quite different, although related subjects.

He went on to propose a potential or partial means for dealing with this dilemma in the case of that particular bill. However, since the Energy Security Act, Bill C-94, which we are considering, must be considered in Committee of the Whole, the remedy suggested by Mr. Speaker Jerome to deal with that dilemma does not apply in this instance and is not a remedy which is available to this House. One could safely conclude that Mr. Speaker Jerome would have been exceedingly troubled by the Energy Security Act.

I have already mentioned the only other ruling to which I would like to refer at this point, namely, the ruling on January 26, 1971, of Mr. Speaker Lamoureux, who said:

For hon. members to express their view in Committee of the Whole on a particular clause of the bill is not the same as being given an opportunity to express their views on a clause of the bill by way of a recorded vote.

Mr. Speaker Lamoureux was saying that it is an essential element of the reasonable conduct of this House, when dealing with legislation, that hon. members have the ability to call for a recorded vote of this House on each and every clause. Because of this grouping we have here with the ways and means resolution which requires the bill to go to Committee of the Whole, that essential feature which Mr. Speaker Lamoureux identified is not available to us. The remedy for that

*Point of Order—Mr. Andre*

problem posed by Mr. Speaker Jerome is not available to us either. Therefore, we find that between those two Speakers, the concerns they have raised and flagged as being serious concerns are ones which cannot be addressed by any available procedures in this House except by splitting up this bill into reasonable parts. Thus, both Speakers have said that it is essential that hon. members of the House require a standing vote of the House and not just a vote in Committee of the Whole on every clause of the bill.

As Your Honour will recognize, this is impossible concerning Bill C-94. Such a requirement might not exist for an omnibus amending bill. If such a requirement exists for an omnibus amending bill, about which they were speaking, it most certainly and absolutely exists for an omnibus-creating bill which is creating brand new statutes. Surely, if we are to have any adherence to the hundreds of years of tradition in this place, there must be that ability for the House to express itself on each and every clause. It is quite clear from rulings of Your Honour's predecessors that the conditions placed upon the reasonableness of omnibus bills are conditions which are not met and cannot be met in the case of Bill C-94, the Energy Security Act. Thus, the Chair, in the words of Mr. Speaker Lamoureux, should send this bill "back to the legislative mill, to where bills are prepared, to the judicial luminaries of the Department of Justice for the consideration of Parliament".

• (1610)

The fourth difficulty or reason why this bill should be sent back to the draftsman arises from the fact that in its present form it needs to be treated in Committee of the Whole.

A part of this bill, called by the Minister of Energy, Mines and Resources the energy administration part, deals with taxes and therefore was preceded by a Ways and Means resolution. That means that, according to our rules, it must be treated in Committee of the Whole. In Committee of the Whole, Madam Speaker, there is no ability to bring in officials or outside experts in a way that members can address questions directly to those officials or outside experts. There is no ability to go into the detailed clause-by-clause consideration that is necessary, desirable and prudent when considering new and complicated legislation—and this is certainly new and certainly complicated.

I think I can say without exaggeration that on every piece of legislation that I have followed carefully through committee there has been, as a result of the committee's work, several and in some cases numerous amendments brought forward and passed by the committee because of anomalies, inaccuracies or drafting errors brought to light by reason of this very useful committee consideration.

There is a paper that, Madam Speaker, I had the Library of Parliament prepare for me on the rationale for House of Commons procedure. I would like to quote from that paper:

Bills that are retained in Committee of the Whole (budget bills) are very similar from one year to the next and can allow general discussions because there are fewer things to be changed. The Standing Committee is thus a committee specializing in a certain area and it can review a bill in an expert manner. The task of a committee is thus to permit the possibility of a detailed discussion.