

Canada-U.S. Free Trade Agreement

of the unemployment insurance Bill and an appropriation Bill, reviewed the history of events with regard to Bills amending Bills in the same session. Mr. Deputy Speaker McCleave made an interesting observation which I believe is applicable to our situation when he said, in part, on page 974 of *Hansard*:

—(In 1958) bills to amend the Excise Tax Act and the Customs Tariff were being considered, and, while no decision was made by the Chair, it would be fair to suggest . . . that it was felt at that time that it was not a question of order but rather a matter of how best to achieve logical progression of companion or interdependent bills through the House.

Mr. Deputy Speaker McCleave ruled that the debate should proceed on the third reading motion on the unemployment insurance Bill.

● (1600)

[Translation]

Having now reviewed with Honourable Members the available precedents, I must declare that the practice of one bill amending another bill still before the House or not yet given Royal Assent is an acceptable one.

[English]

However, if at third reading, circumstances exist whereby the Bill is amending another Bill still before the House, then I would be disposed to abide by Speaker Lamoureux's decision and hear further argument at that time.

There were other issues raised during the procedural debate on Bill C-130 that I will define as side issues but worthy of comment. The Hon. Member for Essex—Windsor (Mr. Langdon) expressed concern about the administrative provisions in the Bill which are not covered in the Ways and Means motion.

Standing Order 84(11) states that "The adoption of any Ways and Means motion shall be an order to bring in a Bill or Bills based on the provisions of any such motion." Several Speakers have made it clear that the critical words are "based on" and that it does not mean "identical to". On those occasions, the Speakers have cautioned the House that "the terms of the Ways and Means motion are a carefully prepared expression of the financial initiative of the Crown and frequent departures from them can only invite deterioration of that most important power". See *Journals* of December 18, 1974, p. 224.

[Translation]

The Honourable Member for Ottawa—Vanier (Mr. Gauthier) referred to the opportunity to vote on the separate provisions of the Bill. I must tell him that he is anticipating both the committee and the report stage of the Bill and I am grateful to him for reminding both the House and the Minister of the Speaker's role at the Report Stage. The Honourable Member also suggested that a larger Legislative Committee ought to be appointed in relation to this Bill. That may indeed be desirable, but this is a matter clearly within the scope of the powers of the Striking Committee on which the Honourable Member sits.

[English]

Finally, some Hon. Members raised the issue of the constitutionality of Bill C-130. On this point, I can only refer Hon. Members to Citation 240 of Beauchesne's Fifth edition, which reads:

The Speaker will not give a decision upon a constitutional question nor decide a question of law though the same may be raised on a point of order.

In conclusion, I wish to summarize my decision on the five major themes of procedure raised over the past several days in relation to Bill C-130:

- 1) the Ways and Means motion attached to the Bill is acceptable and in conformity with Canadian practice;
- 2) the vote on introduction of the Bill was proper but the Elections, Privileges and Procedure Committee might wish to review the whole matter of Ways and Means;
- 3) Bill C-130 is indeed an omnibus Bill—it meets the definition as stated by the Hon. Member for Windsor West in that it has a single purpose, while amending various statutes but without further guidance of the House and based on the practice to this day, it should be allowed to proceed without interference from the Chair;
- 4) the title of the Bill can be amended to be explicit or to reflect the statutes contained therein at the committee stage;
- 5) the matter of Bill C-130 amending Bills now before the House should be raised at third reading if the same situation still exists.

I do wish to thank all Hon. Members who contributed to the procedural discussion. No doubt, the Chair will be taxed further as this Bill makes its way through the House, but I am deeply indebted to all Members for the manner and the tone of the procedural discussion thus far. I hope Hon. Members will accept that the Chair and others have striven mightily to ensure that all of the important points that were raised have been met and dealt with in this ruling. I regret that it has taken time, but the arguments presented were taken very seriously.

Hon. Doug Lewis (Minister of State and Minister of State (Treasury Board)): Mr. Speaker, I think I speak for all Hon. Members when I say thank you to the Chair. It is not something we normally say, it is normally implied, but in this case we must be explicit and say that we appreciate the reasoned and thoughtful judgment which you have just delivered.

I appreciate also, as do all of us, that you have been well served by our advisers at the Table, Mr. Speaker. I think it is fair to say that the entire legislative process in this House has been well served by the contributions of my colleagues opposite and those of my Party on this important matter. It is only as we examine issues such as this that we improve the process.

I would also like to thank you, Mr. Speaker, for your comments with respect to the tone of the debate. I compliment