

Canada-U.S. Free Trade Agreement

Mr. Speaker: I thank the Hon. Minister of State. I now recognize the Hon. Member for Windsor West (Mr. Gray) on continued discussion with respect to the admissibility of the trade Bill.

Mr. Gray (Windsor West): Mr. Speaker, Bill C-130 has a transitional section. It purports to amend not only statutes or Acts that have been adopted in the present session, which is quite normal, but also it purports to amend Bills which are currently before the House, which have not yet been adopted and which have not yet become statutes or Acts.

If you look at Bill C-130 you will note that Clause 149 seeks to amend Bill C-60 dealing with copyright and Clause 150 seeks to amend Bill C-110 on trade tribunals. I submit that this procedure, that is, to use the transitional section of Bill C-130 to amend Bills which are still under consideration by this House is something which is not in order. I submit the proper thing for the Government to do would have been to amend the Bills in question directly. There are opportunities for that through the committee stage of consideration and the report stage. It could be, although it is more difficult I admit, that under certain circumstances amendments would be possible on second and third reading.

To the extent that the Bills in question have not yet received Royal Assent and become statutes, it would be more proper to amend them directly rather than through the transitional section of Bill C-130.

Therefore, I challenge the acceptability of Bill C-130 because I submit that its Clause 149 attempting to amend Bill C-60 and its Clause 150 attempting to amend Bill C-110 are improper and taint the entire Bill. This is the point of order I wish to raise on the matter of the improper use of Bill C-130 to amend Bills which are still under consideration and have not yet themselves become statutes.

● (1540)

Mr. Speaker: I thank the Hon. Member for Windsor West (Mr. Gray). I think I have the point. It is a succinct one. I of course will consider it, but I would like to hear from the Hon. Minister of State (Mr. Lewis) and it may well be that the Hon. Member for Kamloops—Shuswap (Mr. Riis) or others may want to comment.

Hon. Doug Lewis (Minister of State and Minister of State (Treasury Board)): Mr. Speaker, with specific reference to my friend's point, he suggested that certain parts of Bill C-130, through the transitional section, are not in order because they amend Bills presently before the House. I would draw the Chair's attention to a ruling made by Mr. Speaker Lamoureux on April 20, 1970, recorded in *Hansard* of that day at page 6047 and 6048. The Speaker said that while the argument is not without merit, it is somewhat premature. If the Bill receives second reading and is referred to committee, it would then be considered by a committee of the House along with the other two Bills and it would be at the third reading stage that

the argument could be presented with much more force and at that point should be considered very seriously.

Another ruling of Mr. Speaker Lamoureux appears at page 3712 of *Hansard* for February 24, 1971. The ruling dealt with the same question, can the House proceed with the second reading of a Bill that contains provisions related to another Bill not yet adopted. The decision was yes, the Bill was properly before the House and the question for second reading could be put. The Speaker said that the House should not be put in a position where contrary decisions could be taken in respect of similar Bills in the same session. In that case, as no final decision had been taken on any particular clause of either Bill, there was nothing procedurally wrong in having before the House at the same time concurrent or related Bills which might be in contradiction with one another, either because of the terms of the proposed legislation itself or in relation to proposed amendments.

I submit that these cases are on point and that the House is able to proceed with debate at second reading stage of Bill C-130.

Mr. Nelson A. Riis (Kamloops—Shuswap): Mr. Speaker, I too want to address first the point raised by the Hon. Member for Windsor West (Mr. Gray). He mentioned that Bill C-130 involves legislation that is presently before the House.

Bill C-60 and Bill C-110 are complex Bills, and there is a good reason to question whether or not these Bills in their present form will be completed within this Parliament. It makes it very difficult for us to proceed with Bill C-130 because of the incredible complexity of that Bill and the fact that, as we said earlier in the week, when dealing with the various clauses of this omnibus Bill, we will also have to consider legislation that is presently before the House that is not moving particularly expeditiously. That simply makes it that much more difficult. If it does make a case, it would only make the case that once again, we should consider breaking up this legislation.

I would like to take a moment, while I am on my feet, to revisit two or three of the arguments put forward by the government House Leader on Monday in defence of the Bill and argue why I believe you should not be persuaded by the arguments he put forward in a most articulate fashion.

At page 15887 of *Hansard*, the Minister referred to the case that I cited during my argument in which a Speaker did in fact cause a motion that was before the House to be divided. The Minister of State (Mr. Lewis) said:

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 McNaughton, 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.

The issue that was finally decided by Mr. Speaker McNaughton on that day in 1964 was whether or not the