

*Canada-U.S. Free Trade Agreement*

Speakers following Allan Macnaughton have made it clear that the Chair's authority to divide complicated questions only applies to substantive motions and does not apply to motions which relate to the progress of Bills. As Speaker Jerome explained on May 11, 1977, on page 5522 of *Hansard*:

—there can be no doubt that a motion containing two or more substantive provisions is quite distinct from a procedural motion or a motion which is generally described as having only the effect of dealing with the progress of a Bill. The practice in respect of substantive motions has never been extended to those motions which relate to the progress of a Bill. The use of the omnibus amending Bill is well enshrined in our practices, and I really can find no reason to set aside my predecessor's very clear and sound reasoning, or the practice. Nor can I find any authority which would support an order of the Chair at this second reading stage that the Bill be divided.

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.

This conclusion had already been stated by Speaker Lamoureux on January 23, 1969, on page 617 of the Journals and was also echoed by Speaker Sauvé on June 20, 1983, on pages 26537-8 of *Hansard*.

In conclusion, the Canadian practice regarding the authority of the Chair to divide questions has been reserved solely for substantive motions which contain more than one proposition, where Members object to their being taken together, and the Chair has determined it is possible to divide the motion into more than one distinct proposition.

While some Members may feel that Speaker Sauvé's ruling in 1982 was too brief, one quote from that ruling seems to summarize the Chair's traditional position:

For my part, in the present circumstances, there seems little point in offering yet another opinion on a question so well addressed by my distinguished predecessors. The matter is there for all to see. It may be that the House should accept rules or guidelines as to the form and content of omnibus Bills but in that case the House, not the Speaker, must make those rules.

The Chair therefore must rule that while Bill C-130 is an omnibus Bill, it has the single purpose of enacting an international agreement amending several statutes. As such, it conforms to our practice and should be allowed to proceed. Until the House adopts specific rules relating to omnibus Bills, the Chair's role is very limited and the Speaker should remain on the sidelines as debate proceeds and the House resolves the issue.

A further point raised by the Hon. Member for Windsor West and the Hon. Member for Kamloops—Shuswap was the insufficiency of detail in the long title of the Bill because it does not list all of the statutes being amended therein. Hon. Members might wish to consult Dreidger's *The Composition of Legislation* Legislative Forms and Precedents for information on this point. This work may not have the same weight as Beauchesne or Erskine May, but it is a respected authority in legislative drafting. On pages 153 and 154 there is an explanation of Canadian practice as it relates to long titles, which clearly demonstrates that every Act being amended need not

be mentioned in the title and that the Canadian practice has evolved differently from British practice by the use of generic language. If Hon. Members feel, however, that such a course is necessary, I suggest that they should proceed by way of amendment and not by a decision of the Speaker to reject the Bill. The Chair wonders if including all of the statutes in the title of the Bill would thus make it any more acceptable to those who oppose it.

Finally, the Chair will address the last point which was raised on Wednesday, June 1, 1988, by the Hon. Member for Windsor West. The Hon. Member stated that Bill C-130 now before the House, in certain of its clauses, proposed changes to two other Bills, Bill C-60, the Copyright Act, and Bill C-110, the Canadian International Trade Tribunal Act, neither of which, to date, has received Royal Assent, one of which Bill C-110, is at report stage. In response, the Hon. Minister of State (Mr. Lewis), referring to two decisions by Speaker Lamoureux, indicated that Bill C-130 was properly before the House and that the second reading motion could be put.

*[Translation]*

To begin, I should report to the House upon the status of the two Bills mentioned earlier.

Bill C-60, the Copyright Act, has been adopted by both the Senate and the House and is awaiting Royal Assent.

Bill C-110, the Canadian International Trade Tribunal Act, is on the *Order Paper* at report stage.

*[English]*

On April 20, 1970, Mr. Speaker Lamoureux ruled on a situation somewhat related to the present one involving a Bill which appeared to be dependent upon two other Bills then before the House. Speaker Lamoureux expressed sympathy for the Members' views in part, but at page 6048 of *Hansard* his comment reads as follows:

—the debate is an interesting one and the argument is not without merit. If it has fault, it is that it might be premature—

Speaker Lamoureux then suggested that the House proceed with consideration of the Bills in question until the third reading stage, at which time procedural arguments should be brought forward if the circumstances warranted further consideration.

Less than one year later, Speaker Lamoureux was again faced with an identical situation which he resolved by stating, in part, on February 24, 1971, at page 3712 of *Hansard*:

There is . . . 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.

Mr. Speaker Lamoureux ruled that the second reading motion of the Bill could proceed as the House was not giving final approval to the Bill.

On February 5, 1973, Mr. Deputy Speaker McCleave, in deciding upon a similar conflict concerning the third reading