Bill C-130, an Act to implement the free trade agreement between Canada and the United Sates of America, as was pointed out by the Minister of State and the Parliamentary Secretary to the Minister for International Trade (Mr. McDermid) is based on an international treaty between Canada and the United States already made public, and comprises enabling legislation required to make the agreement binding in law. The purpose of the Bill is to enact and implement the agreement. That is the single unifying thread that links all the apparent disparate provisions contained in the Bill and becomes its only object.

Interestingly, Bill C-130 creates no new statutes. The Canada-U.S. free trade agreement, however broad in scope it may be, clearly becomes the four corners of Bill C-130, and as such defines the content and scope of the Bill. There are no doubt many principles in the free trade agreement and some that Hon. Members may differ with, but in the opinion of the Chair the main principle of Bill C-130 is to give force of law to a treaty signed by two sovereign nations.

I believe the House would agree that it is not the role of the Speaker to play broker between two national governments and to decide how best such an agreement might be put to the House. Where would a Speaker begin to divide such a Bill? Which parts of the agreement are independent of the others? At which point does the agreement dissolve if split into too many pieces?

Your Speaker was not at the negotiation table. I would suggest to the House that the Government, which bears the responsibility for the outcome of these negotiations, must equally retain the full responsibility for the manner in which the agreement is presented to the House.

I have stressed these particular questions because I want Hon. Members to know that as your Speaker I spent many hours considering very carefully whether some of the arguments pressed upon me could practically be done.

Canada is unique in its use of omnibus Bills. Although the United Kingdom does adopt such Bills, its legislative practices are significantly different from ours, not least of all because of a much stricter control of time for debate on Bills. In Australia the practice appears to go the other way, that is, its procedures permit the grouping of related Bills for debating and voting purposes. For these reasons the Canadian House of Commons cannot readily rely on precedent elsewhere on these matters. I know that I was urged to look elsewhere. I again want to assure Hon. Members that that indeed was done.

The date when omnibus Bills were first introduced is not certain, but the practice seems to go back as far as 1888 when a private Bill was introduced to confirm two different railway agreements. The first time that a question was raised concerning the reasons why the Government chose to amend three Acts in one Bill was on April 2, 1953.

[*Translation*]

Omnibus bills are introduced by the Government for a variety of reasons. One of the most obvious is to expedite the passage of legislation. Another, is to group all the statutory amendments required for the implementation of a policy under the same bill as was the case in 1982 on Bill C-94, the Energy Security Bill.

[*English*]

In contrast to the reasons given by the Government for using omnibus legislation, the Opposition has argued against the acceptability of certain omnibus Bills. Among the objections cited were the lack of relevancy between the various parts of the Bill, the debate at second reading not addressing a single principle, and the lack of opportunity at second reading to vote in favour of some parts and against other parts of the Bill.

[*Translation*]

Canadian practice regarding omnibus bills has grown significantly over the last forty years. Rulings by Speakers on the admissibility of motions and on points of order have clarified some of the problems associated with omnibus bills.

• (1550)

[*English*]

Members have often referred, as did the Hon. Member for Kamloops—Shuswap, to their ancient privilege to vote on each separate proposition contained in a complicated question. The following passage from page 389 of May's Twentieth Edition is used to support this argument:

> The ancient rule that when a complicated question is proposed to the House, the House may order such question to be divided, has been variously interpreted at different periods . . . In 1888, however, the Speaker ruled that two propositions which were then before the House in one motion could be taken separately if any Member objected to their being taken together.
>
> Although this ruling does not appear to have been based on any previous decision, it has since remained unchallenged. A complicated question, however, can only be divided if each part is capable of standing on its own.

In Canadian practice, this concept is supported by a cornerstone ruling of Speaker Macnaughton on June 15, 1964, in which he concluded that the Canadian Speaker also has the authority to divide complicated motions. After examining precedents in Britain and Canada, he stated on pages 430 and 431 of the Journals:

> To summarize our procedure, it can be said that no clear precedent concerning the dividing of a question can be found in our annals . . . In other words, this would appear to be an unprovided case and ordinarily, under such circumstances, reference is made to current procedure in the British House.
>
> . . . Accordingly, it is my view that procedure which applies in this case is the current procedure used in the British House, one which perhaps has not been used too frequently but which nevertheless must be recognized, and if it is to be observed on this occasion it would appear that the question of the dividing of a complicated motion rests with the Chair.
>
> . . . I must come to the conclusion that the motion before the House contains two propositions and since strong objections have been made to the effect that these two propositions should not be considered together, it is my duty to divide them.