

Canada-U.S. Free Trade Agreement

vote on Motions Nos. 86 and 87 requires that the question be put on Motion No. 85.

[Translation]

Motions Nos. 88 and 89 will be grouped for debate. An affirmative vote on Motion No. 88 obviates the necessity of a vote on Motion No. 89. However, a negative vote on Motion No. 88 necessitates the question being put on Motion No. 89.

Motions Nos. 92, 95 and 96 are in order and will be debated separately and voted upon separately.

Motion No. 94 is beyond the scope of the clause and is thus ruled out of order. The clause deals with the Western Grain Transportation Act and West Coast ports and this amendment attempts to introduce East Coast ports. This is not in order.

[English]

Motions Nos. 97 and 98 are ruled out of order because they seek to make the coming into force provisions of this Bill subject to conditions outside the legislative process. In this connection, I would refer Hon. Members to Erskine May, Twentieth Edition, paragraph 10, on page 557.

Motion No. 99 is out of order because it seeks directly to amend the agreement. Again I refer Hon. Members to Beauchesne's Fifth Edition, Citation 778.

Motion No. 100 is in order and will be debated and voted upon separately.

To recapitulate briefly, the following motions have been ruled out of order: 2, 3, 4, 15, 16, 20, 28, 29, 35, 36, 37, 40, 49(a), 64, 69, 94, 97, 98, and 99. The following motions were not selected: 7, 7(a), 18, 26, 27 and 34.

I think I might add, for the benefit of Hon. Members and the public watching, as I have said, the Bill we have before us is a Bill the object of which is to implement the agreement between Canada and the United States and, as a consequence, much of it is taken up with amending existing public laws, but there are additional paragraphs as well which of course are of some importance.

● (1530)

Hon. Members will realize that under the rules amendments aimed at altering the actual terms of the agreement are not acceptable, but other amendments aimed at the provisions of the Bill itself, under certain circumstances, have been acceptable and are of course set out in this ruling. I might just indicate to Hon. Members and the public that as of the end of Thursday, the Chair had received 102 amendments and 77 of those have been accepted for debate. I think Members will find that they are presently in 26 groupings.

I want to thank all Hon. Members who submitted amendments for their co-operation with the table officers. This, as all Hon. Members will know, was no easy task given the number of amendments, and I hope Hon. Members will feel that they have been carefully and properly dealt with.

Mr. Axworthy: I rise on a point of order, Mr. Speaker. First let me say that I echo your words in closing. I want to compliment the Chair and table officers for a monumental and effective task and to say that I for one, who was responsible for some of your late evenings last week, appreciate the judgment and the fairness with which it was completed. I think it points out how realistic and relevant the amendments were which have been accepted.

I am not challenging the ruling, but I wonder if you would be in a position to provide some elaboration. During the course of the hearings the committee chairman cited a ruling by Erskine May which indicated that those items included in the annex could be amended through the legislation. That would include in this case both the agreement itself and the tariff schedules. I have noticed again in several of the rulings made by the Chair that those particular matters were ruled out of order.

I think it is an important matter and for that reason we submitted amendments that would seek to alter the agreement, particularly on crucial matters like water, because of that Erskine May citation. I wonder if the Speaker would be kind enough to elaborate on the reasoning behind that because that was the understanding we drew from the ruling made in committee.

Mr. Speaker: First, I want to thank the Hon. Member for his courteous and kind remarks. Any Speaker, I think, ventures with some trepidation into explanations of a ruling and I am not so sure I am going to do that to any great extent.

I do want to clarify one thing. I think the Hon. Member said that the chairman of the committee, apparently following the citation from Erskine May, indicated that the annex could be included in the legislation. That seems as though it would be in error, and I can say to the Hon. Member I assume he meant "could be included in an amendment".

Mr. Axworthy: Amendment, yes.

Mr. Speaker: All right, I have that straightened out.

I, of course, have not considered the remarks of the chairman of the committee. I know the Hon. Member would not mind if I took a moment or two to do that. The basic principle upon which I have been operating and upon which I am compelled to operate under the rules is that, strictly speaking, the terms of the agreement cannot be amended. It may be that by the ingenious use of superior intellect the Chair can be persuaded to allow amendments which to some degree may clarify or give some certainty to parts of the legislation, but they have to be aimed at amending one of the clauses of the statute itself.

However, I will take under consideration the comment that the Hon. Member has very properly brought before the Chair, and report back as quickly as possible, perhaps having one of the officers of the table discuss the matter with him.