

*Canada-U.S. Free Trade Agreement*

Canada and other jurisdictions, so far as they may be applicable to the House".

Today, I rise on a point of order to argue that Bill C-130, an Act to implement the free trade agreement between Canada and the United States of America, is procedurally out of order in its current form in that it combines more than one principle or proposition under the umbrella of a single Bill.

Beauchesne's Fifth Edition, Citation 411(1), states:

Every matter is determined in the House of Commons upon a question put by the Speaker, on a proposition submitted by a Member, and resolved either in the affirmative or negative as the case may be. This proposition, called a motion, is a proposal moved by one Member, in accordance with certain well-established rules, that the House do something or order something to be done or express an opinion with regard to some matter.

Beauchesne talks of a proposition put by a Member, not about many propositions but a single proposition. Beauchesne goes on in Citation 411(2) to state that this method, that is, of putting a single proposition, "has been expanded into a system of rules whereby the judgment of the House may be ascertained with facility and precision".

It is a fundamental and long-standing right of Members of Parliament to be able to force the division of a motion that contains several distinct propositions. Citation 415(1) of Beauchesne's states:

A motion which contains two or more distinct propositions may be divided so that the sense of the House may be taken on each separately. The Speaker has a discretionary power to decide whether he should divide a motion.

If you refer, Mr. Speaker, to *Journals*, pages 427 through 431, for Monday, June 15, 1964, you will find an occasion when one of your predecessors exercised, just that prerogative, the power to force the division of a motion.

The issue before the House at that time was the great flag debate. When Speaker MacNaughton was faced with a single resolution that contained two distinct propositions, he ruled in favour of upholding the ancient and undoubted rights of Members of Parliament. He stated:

● (1200)

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—

Here, Mr. Speaker, there is a clear and unequivocal affirmation of the Speaker's prerogative, as outlined in Beauchesne's, to divide motions that go beyond the normal practices of this House and combine more than one proposition into a single motion. So it is, in my estimation, with Bill C-130.

Bill C-130 is an omnibus Bill intended to implement the ill-conceived trade deal negotiated between this Government and the Government of the United States. It is important, however, not to confuse the objective of that Bill with the manner in which that objective is achieved. Even the most cursory examination of this Bill will show that it contains several

distinct and separate elements and, I submit, my right as a Member of Parliament, to cast judgment in principle in each of these elements in a separate vote.

One of the principles in this Bill is the necessity of establishing a new trade dispute settlement mechanism. It was a fundamental belief of the Government that existing international trade dispute settlement mechanisms as established by the GATT were, in the case of the Canada-U.S. trade, insufficient vehicles for settling trade irritants between our two countries. That we should have this new proposed mechanism put to a vote in the House is not at issue. What is at issue is the fact that it is included as simply one of a number of many proposals and initiatives that leave us, as Members of Parliament, incapable of registering our vote on this fundamentally new and important issue.

There is also the whole question of the move toward a continental energy market which this agreement creates and this legislation attempts now to implement. This, as is recognized by all, is a radical departure from any previous government policy in this most critical resource sector. This is a fundamentally important issue, and this public policy decision of the Government should stand alone and be voted on separate from the other proposals included in the legislation.

There is also the whole question of establishing greatly liberalized investment rules between the two countries. You will know, Mr. Speaker, that the whole question of the extent and scope of the regulation of direct foreign investment in Canada has been a matter which has been on the public policy agenda of our country for 25 years to 30 years. Yet this Bill, if left in its present form, will deprive Members of Parliament the opportunity to debate in full, to amend, and to vote in principle on this fundamental change in our investment laws *vis-à-vis* the United States.

In recent days, Mr. Speaker, as you undoubtedly will be aware, several provincial Premiers, including those of Alberta, Ontario, Québec, Nova Scotia, and Prince Edward Island, have all expressed reservations about those clauses of this Bill that suggest that the federal Government will be allowed to trample on areas of provincial jurisdiction to ensure that the provinces comply with the terms of the agreement.

Surely this most delicate issue of the federal-provincial jurisdictional balance cannot be lumped together with these other matters in any reasonable way. This matter goes to the very heart of our federation, and any attempt by the federal Government to tamper with the jurisdictional boundaries between the two levels of Government must be seen as a most serious and potentially destructive initiative that Members of Parliament must be allowed to address independently of the other issues included in the Bill.

I have now listed what I consider to be at least four separate and distinct propositions brought together in Bill C-130. It is my contention that the tradition and customs of this House supported by Beauchesne's leaves you, Mr. Speaker, with the responsibility to uphold the rights and privileges of all