

*Canada-U.S. Free Trade Agreement*

[English]

Faced with a similar difficulty on January 18, 1984, Speaker Francis had the following to say, which is found on page 526 of the Commons *Debates*:

...if a Bill based on a Ways and Means motion with spending clauses requires a recommendation by His Excellency, such Bills, as has been done in the past, should be placed on the Notice Paper with the Recommendation and later transferred to the Order Paper under Routine Proceedings when it can be introduced in the House and given first reading under our usual practice.

[Translation]

I must repeat that the procedure followed on May 19 and on May 24, that is the vote on the Ways and Means motion, followed by a separate second vote on the introduction of the Bill, followed by a third vote on first reading, was in accordance with Speaker Francis' ruling and the usual practice of the House.

● (1540)

[English]

The Chair would like to remind the House that the complexity and even the necessity of the procedure relating to Ways and Means has often been questioned in the past, for example, by the Standing Committee on Procedure and Organization in its first report presented to the House on December 19, 1985, respecting the Canadian budgetary process. Among other things the committee recommended that Ways and Means motions be abolished, and that tax changes announced at a time outside the budgetary process should be given first reading when they are announced. In its wisdom and in light of the committee's recommendations, the House may well wish to consider further the issues of Ways and Means, in particular in the case of a taxation Bill accompanied by a Royal Recommendation for certain expenditures, the necessity to go through two different procedures for introduction in the House.

These occurrences are infrequent but, unless and until the House decides to clarify this, the Chair will continue, out of an abundance of caution, to follow both procedures and seek twice the permission of the House before proceeding to the first reading stage on such Bills, as was done with Bill C-130 on May 24, even though logically leave to introduce such a Bill appears to be a redundant question.

[Translation]

Again, I must thank the Hon. Member for Ottawa—Vanier and the Hon. Member for Kamloops—Suswap for allowing the Chair to give this explanation which, I sincerely hope, has been helpful in better understanding the procedure related to bills based upon Ways and Means motions.

[English]

Next, I should like to deal with the arguments that relate to the omnibus nature of Bill C-130.

The Hon. Members for Windsor West, Winnipeg—Fort Garry (Mr. Axworthy), and Kamloops—Shuswap argued on

May 30 that Bill C-130, because it seeks to amend 27 statutes, has gone, in the words of Speaker Lamoureux, "beyond what is acceptable from a strictly parliamentary standpoint".

The Hon. Member for Windsor West suggested that the ruling of Speaker Sauvé in 1982 relating to the energy security Bill should not be used as guidance because it was "so brief as to be peremptory". He also referred to the outcome of the 1982 crisis over the energy security Bill whereby the Government proposed a motion dividing the Bill into several pieces of legislation and the House concurred with that proposal. He suggested that the Chair use that decision of the House to establish a precedent of splitting a Bill by a ruling of the Speaker.

The Hon. Member for Kamloops—Shuswap argued a parallel between the decision to split a resolution during the flag debate, made by then Speaker Macnaughton on June 15, 1964, and the splitting of this Bill. He referred to Citation 415(1) of Beauchesne's Fifth Edition which clearly empowers the Speaker to divide a motion which contains "two or more distinct propositions".

In attempting to resolve the issues relating to this Bill and omnibus Bills generally, I believe it might be useful to attempt first to define such a Bill. There appears to be no specific definition in the procedural authorities. The most exact definition the Chair could find and agree with is that given by the Hon. Member for Windsor West, which is found at page 15880 of *Hansard* for May 30, 1988, where he said the following:

The essential defence of an omnibus procedure is that the Bill in question, although it may seek to create or to amend many disparate statutes, in effect has one basic principle or purpose which ties together all the proposed enactments and thereby renders the Bill intelligible for parliamentary purposes.

The Chair is grateful to the Hon. Member for Windsor West for those words. They have indeed assisted me greatly in arriving at a decision. I believe that his definition will stand the test of time and be useful to the House and future chair occupants for years to come.

[Translation]

It might also be useful for the House to address the differences between the Energy Security Bill of 1982 and Bill C-130, now before the House.

[English]

In 1982, Bill C-94, an Act to implement the National Energy Program, was a Bill to enact, through several statutes, the policy of the then administration respecting national energy. The scope of that policy was set according to criteria and the parameters as determined by the Cabinet of the day. It met with considerable opposition because parts of the Bill or the policy were objectionable to many Members. The result of the ensuing crisis was the eventual splitting of the Bill by agreement of the House. I wish to underline that it was not by order of the Speaker.