

Government Organization Act, 1970

Annapolis-Kings, the Hon. George C. Nowlan, raised the same point. He said, as reported at page 9086 of *Hansard* for October 15 of that year:

As the minister has told us, we are dealing here with the Canadian and British Insurance Companies Act, the Foreign Insurance Companies Act, the Trust Companies Act and the Loan Companies Act. Quite a mélange.

● (4:00 p.m.)

Perhaps hon. members might have wanted to say the same thing about the bill now before the House. There is no question, without going further into the details, that this is a long established practice. We have had this type of omnibus bill before the House on many occasions. The President of the Privy Council and the Minister of Agriculture have quite rightly argued their case that this is long established practice and that the government has followed past practice. That is their argument and it has to be respected. Certainly, the Chair must take that into account because of the importance of precedent in our system.

However, where do we stop? Where is the point of no return? The hon. member for Winnipeg North Centre, and I believe the hon. member for Edmonton West, said that we might reach the point where we would have only one bill, a bill at the start of the session for the improvement of the quality of life in Canada which would include every single proposed piece of legislation for the session. That would be an omnibus bill with a capital "O" and a capital "B". But would it be acceptable legislation? There must be a point where we go beyond what is acceptable from a strictly parliamentary standpoint.

At the same time, having now reached second reading and having had this bill before us for some time, I doubt whether we should take the very drastic and extreme position, as I suggest to hon. members it would be, of saying that this bill is not acceptable to the House, that it should not be put by the government and that it should not be considered by hon. members. In my view it should be the responsibility of the Chair, when such bill is introduced and given first reading, to take the initiative and raise the matter for consideration of the House by way of a point of order, as I have taken the liberty of doing with a number of private members' bills. When those bill came before the House for first reading I entered a caveat about them and gave hon. members an opportunity of expressing their views. At any rate, some of those bills were refused by the Chair.

At that point, it is much easier for the government to go back to the legislative mill, to the judicial luminaries of the Department of Justice, where these bills are prepared for the consideration of Parliament. If I may say so, I think that even those very learned gentlemen should take into account the fact that this aspect of legislation is of interest to all hon. members, of interest I am sure to the government, and certainly of interest to the Chair, namely, that there must be a point where an omnibus bill becomes more than an omnibus bill and is not acceptable from a procedural standpoint.

One or two hon. members have argued that there would not be an opportunity for members to express

[Mr. Speaker.]

their views by way of a vote on individual parts of the bill or individual clauses. That is perhaps not entirely correct. I am not here referring to the committee of the whole; I have made that distinction before now. For hon. members to express their view in committee of the whole on a particular clause of the bill is not the same as being given an opportunity to express their views on a clause of the bill by way of a recorded vote.

The House must note that there is a third reading stage of a bill. When a bill comes to the House for third reading, there is not one clause or one part of the bill that cannot be brought into question by way of an amendment proposing that the particular clause or section be referred back to committee. I think this gives every hon. member an opportunity to vote either for or against, or to express his views in the House either for or against, a particular clause or part of the bill, and to do so by way of a recorded vote. Accordingly there still is a measure of protection afforded hon. members.

Having said this, I would have to rule—if I must rule—that the government has followed the practice that has been accepted in the past, rightly or wrongly, but that we may have reached the point where we are going too far and that omnibus bills seek to take in too much. All hon. members should be alerted to this difficulty of which the Chair is fully conscious. When another omnibus bill is proposed to the House, it should be scrutinized at first reading stage, when hon. members will be given the opportunity of expressing their view, and the Chair can express its view, either that the bill goes too far or that it is acceptable from a procedural standpoint.

I think that this discussion has been a valuable one, certainly as far as the Chair is concerned, and I thank hon. members for the views that they have expressed. Certainly, I am very impressed by them and propose to take them into account when the circumstances warrant an examination of the point of order in the future.

Mr. Alexander: Mr. Speaker, on a point of order. I am always first to stand and say that I appreciate the wisdom and experience of the Speaker. In view of the preamble to your ruling, so properly given, and in view of the fact you have indicated that an omnibus bill might encompass all matters related to the improvement of the quality of life of all Canadians, it seems to me it would be proper and justifiable to reach the conclusion that Mr. Speaker has perhaps chastised the government lightly but firmly.

Mr. Speaker: I suggest that is hardly a point of order; it is more a point of disorder.

Mr. Nesbitt: Mr. Speaker, I have a brief point of order which is perhaps more in the nature of a question. At some future date, perhaps after this legislation has gone through the House with whatever the result, I wonder if Your Honour might give consideration to giving the House your views on the set of principles which should be applied to omnibus bills.