

Canada-U.S. Free Trade Agreement

Mr. Speaker: Before trespassing into the difficult ground of this ruling on amendments, I am informed, and I hope that this is so, that copies of my ruling, in both official languages, have been distributed. This may well be because we had a few extra days to task the translators with what has been for them a difficult time, which I know all Hon. Members understand. I am sure Members would want me to indicate to our translators that we do sympathize with their difficulties and appreciate what they do for us so much of the time.

I am now ready to give a final ruling on the motions in amendment to Bill C-130, an Act to implement the free trade agreement between Canada and the United States of America.

There are 102 motions in amendment set down on the Notice Paper in relation to Bill C-130, an Act to implement the free trade agreement between Canada and the United States of America. As Hon. Members know, I gave a preliminary ruling Friday last on the first three groupings. Members will thus bear with me, I am sure, as I go over all the motions in this final ruling as I wish them to be as complete as is possible.

[Translation]

Motions Nos. 1, 61 and 65 are in order and will be debated together and a vote on Motion No. 1 will apply to Motions Nos. 61 and 65.

On Motion No. 2, I have serious reservations because the intent of the amendment is to add a definition of cultural industries to the Bill. This is a substantive amendment as there is no mention at all of cultural industries in the Bill.

I would refer the Hon. Member to Paragraph (10) of Citation 773 of Beauchesne's 5th edition, on page 233:

A substantive amendment may not be introduced by way of a modification to the interpretation clause of a bill.

The reference is to the Journals of May 21, 1970, page 835. Consequently the motion is out of order.

[English]

I have misgivings with respect to Motion No. 3. The Member's intention is to amend the agreement as published in the Canada Treaty Series under subsection 2 to exclude explicitly the large scale export of fresh water. I wish to remind the Member that treaty-making power is within the prerogative of the Crown and, therefore, the agreement itself cannot be amended. In Beauchesne's Fifth Edition, Citation 778, it is stated:

When a Bill is introduced to give effect to an Agreement and the Agreement is scheduled to the Bill as a completed document, amendments cannot be made to the schedule. An amendment to the clauses of the Bill for the purposes of withholding legislative effect from the document contained in the schedule is in order; also as are amendments to those clauses which deal with matters not determined by the document contained in the schedule.

Consequently, I have to rule the amendment out of order.

[Translation]

I also have misgiving with respect to the admissibility of Motion No. 4. This motion seeks to amend Clause 3 which stipulates the purpose of the Bill and sets out the objectives of the Agreement in terms identical to those found in Article 102 of the Agreement. The Chair is of the opinion that this motion changes the intent of the objectives as stated in the Agreement and, therefore, rules it out of order.

Motions Nos. 5, 6 and 8 are in order and will be grouped for debate but will be voted upon separately.

[English]

Motions Nos. 7, 18, 26, 27, and 34 were moved in committee. Motions Nos. 26 and 27 were ruled out of order and Motions Nos. 7, 18, and 34 were moved, debated, and negated in committee. Slight variation in the wording does not affect the intent of the motions. Therefore, according to Standing Order 114(10), I will not select them for debate.

I also have misgivings with regard to Motions Nos. 9, 10, 12, 13, and 14. There is nothing mentioned in the Bill or the agreement concerning aboriginal claims and the various programs referred in these motions. However, the intent of these motions is to limit the operation of this Act with respect to these matters. I would, therefore, give the benefit of the doubt to the Hon. Member and allow these motions to be put to the House. In addition, the Hon. Member for Winnipeg—Fort Garry after consultation has convinced me that Motion No. 11, which was debated and negated in committee, is of enough importance that it warrants further consideration.

[Translation]

Thus Motions Nos. 9, 10, 11, 12, 13 and 14 will be grouped together for debate and a vote on Motion No. 9 will apply to Motions Nos. 10, 11, 12, 13 and 14.

Motion No. 7A which is similar to Motion No. 10 will not be selected.

[English]

I also have reservations with regard to Motions Nos. 15 and 35. These Motions seek to ensure that the provincial Governments are free to exercise certain powers notwithstanding the provisions of the agreement. There is, however, no reference in the Bill to any restrictions or obligations on the provinces in the matters stated in the motions. Both the Bill and the agreement place the responsibility for implementation on the Government of Canada. These motions go beyond the scope of the Bill and are thus out of order.

Motion No. 16 causes me concern because the intent is to restrict the powers granted to the federal Government to proceed with legislation in the future with regard to this agreement as set out in Clause 6. This, in my opinion, goes beyond the scope of the Bill because it is introducing a new concept which is inconsistent with Clause 6. Therefore, I must rule it out of order.