

*Canada-U.S. Free Trade Agreement*

the principle and title of free trade are clear and precise. It reads:

This Act may be cited as the *Canada-United States Free Trade Agreement Implementation Act*.

I suggest there is one unifying purpose in Bill C-130 to which all of those clauses relate.

Second, the energy security Bill contained a number of different elements capable of surviving independently. However, with the Bill before us, all of the elements are needed to achieve the purpose of the Bill, which is to implement the signed agreement between the two parties. Just to expand on that I will refer to the argument made by my hon. colleague on March 1, 1982. He divided his argument in dealing with it. He referred to Part A and the Petroleum Incentives Program Act, the new Canadian Ownership and Control Determination Act, amendments to the Canada Business Corporations Act, as well as amendments to the Foreign Investment Review Act. He went on to say that we then had Part B which refers specifically to energy monitoring, and Part C which was energy administration. There were four different parts which dealt with amendments to oil and gas production. Then there was the creation of the Motor Vehicle Fuel Consumption Standards Act. My colleague was pointing out that these were all separate and different, whereas in this Bill there is one principle, that of implementing the free trade agreement which is attached to the Bill.

I referred earlier to the fact that there was one difference. This Bill is going to a legislative committee. We will have full and ample debate at second reading. A legislative committee will then have a chance to hear witnesses and review the Bill clause by clause. Members will have a chance to vote at report stage if they wish, and third reading, and say that they like the Bill except for this part or that part, and then put forward an amendment to delete. That was not the case in the energy security Bill. It was going to Committee of the Whole House under the rules as they existed at that time. I suggest that is the difference.

I want to just take a glance at this Bill itself as I near the end of my argument. Members opposite dwelt on the omnibus nature of the Bill. I understand that. We knew that was going to be the main focus of their argument. However, as I have suggested, this House has in the past dealt with several omnibus Bills, and the question on the Bill before us is this: Does it have more than one principle and does it put Members in the position of having to vote on multiple principles at the conclusion of second reading? I suggest to you that the Bill before us contains one outstanding principle, and that is implementation of the Canada-U.S. Free Trade Agreement. That is what it is entitled. I referred to Clause 3:

● (1240)

The purpose of this Act is to implement the Agreement, the objectives of which are to—

Then it lists them.

The Bill itself is divided into four parts. The first is entitled "Implementation of Agreement Generally", under which there are some six clauses which provide for general powers to implement the agreement. Part II is entitled "Procurement Review Board". It establishes the forums, the duties, and the powers of the Procurement Review Board which is established subject to Annex 1304.3 of the free trade agreement.

Part IV is entitled "Related, Etc. Amendments". This covers some 120 clauses amending a number of statutes in accordance with the agreement. If you examine those clauses, Mr. Speaker, you will find that in many cases they focus on the agreement itself which, after all, is what the Bill is designed to do.

Part V is entitled "Transitional and Coming Into Force". That contains the provisions which are common to many Bills and is in no way a new principle. Finally we have the agreement itself, which is contained in the Bill as Schedule 1.

I suggest to you, Mr. Speaker, that nowhere in the Bill is there a clause or proposition which contradicts the free trade agreement. The Bill contains one clear, fundamental principle set out in the "purpose of" statement and reflected in virtually each and every clause of the Bill.

I would like to discuss for just a minute, if I may, the question of constitutionality and when Bills are tested in the courts. I am prepared to argue this at length at a later time. I suggest to you, Mr. Speaker, that the House is responsible for what it deals with, and that it is the function of the courts to decide on the constitutionality of laws after they are passed by the House.

It is not up to the Chair to adjudicate on matters of law. That is not your position, Mr. Speaker, and I think that has been clearly stated in other cases. We have a clear division of responsibility in this country between the powers of the legislatures and the judiciary. I suggest to you—and if we have to argue this at length, I can bring out the cases—that it is the responsibility of Parliament to pass laws and the responsibility of the judiciary, when these laws are challenged, to review the laws, that is, the question of whether or not this Bill is constitutional.

There is also another question, that is: Who is to challenge the Bill? I think it is interesting to note that in the past week the provinces have not come forward stating that there will be legal challenges. In fact, Québec said that as the federal Government may appear to pick up some of the powers which Québec reserves to itself, it will therefore legislate within its jurisdiction to come into compliance with the Bill.

The Province of Ontario which, it was suggested, was to be a major opponent of the Bill, has decided that in fact the federal Government has the right to bring this Bill forward.

We are prepared to argue constitutionality at a later date. We are fully confident that this Bill deals with one principle, that is, the enactment of the free trade agreement with the United States. We believe that it is not what might be called