

Canada-U.S. Free Trade Agreement

One or two honourable Members have argued that there would not be an opportunity for Members to express 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 this distinction before now. For honourable 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 at the third reading stage 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 honourable 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 is still a measure of protection afforded honourable Members.

Mr. Speaker Jerome, on May 11, 1977, at page 5522 of *Hansard* pointed out:

The use of the omnibus amending bill is well enshrined in our practices, and I really can find no reason to set aside my predecessor's very clear and sound reasoning for the practice. Nor can I find any authority which would support an order of the Chair at this second reading stage that the Bill be divided.

He went on to point out that there were remedies for Members to deal with this, that was, by a motion to delete at report stage pursuant to the Standing Orders. He stated that that had not been fully developed in the past but that the remedy was available to Hon. Members. He then completed his argument.

I argue that both these approaches are available to Members when we consider Bill C-130, and the way we distinguish the energy security Bill from Bill C-130 is this: that Bill would have been dealt with in Committee of the Whole House and that would not have allowed Hon. Members to have a recorded vote of the House on each and every clause. I submit that this Bill, in its present format and under our present rules, will give every Member the opportunity to vote, either at second reading, in committee, or at report stage if the proper amendments are put, on where they stand on the various clauses of the Bill.

● (1230)

I have referred specifically to omnibus legislation, and let me now just revisit some of the arguments, if I may. We have discussed Speaker Lamoureux's point that one can go too far and there must be a limit on what is done. I submit this Bill does not go beyond what has been suggested in keeping with the rules and practices of the House. On March 2, 1982, at page 15532 of *Hansard*, Madam Speaker Sauvé recognized the previous comments of Mr. Speaker Lamoureux with respect to authority and stated as follows:

It may be that the House should accept rules or guidelines as to the form and content of omnibus bills, but in that case the House, and not the Speaker, must make those rules.

Therefore, having heard arguments and having examined Bill C-94, I must now rule on the basis of existing precedents, which do not support the proposition that the Bill should be divided or struck down.

There have been suggestions that the House come up with rules for handling omnibus Bills. However, since Mr. Speaker

Lamoureux's ruling, the House has not yet decided to take up that option.

To revisit a precedent that was not referred to by my hon. colleagues, I want to refer to the comments of the then Minister of Justice, now the Right Hon. Leader of the Opposition (Mr. Turner), who introduced Bill C-150 in 1969 which covered in the ambit of omnibus legislation such diverse topics as abortion, lotteries, gun control, and breathalyser tests. Here is what my hon. friend said, as reported at page 4717 of *Hansard*, on January 23, 1969:

HON. JOHN N. TURNER (MINISTER OF JUSTICE) moved second reading and reference to the Standing Committee on Justice and Legal Affairs of Bill C-150, to amend the Criminal Code, the Parole Act, the Penitentiary Act, the Prisons and Reformatory Act and to make certain consequential amendments to the Combines Investigation Act, the Customs Tariff and the National Defence Act.

He went on to say:

I speak this afternoon with the confidence that this legislation is the most important and all-embracing reform of the criminal and penal law ever attempted at one time in this country. The omnibus measure contains matters of deep social significance which, in the course of time, will affect the lives of most of us, perhaps each one of us, in varying degrees.

In 1977 another Bill was introduced, once again Criminal Code amendments of an omnibus nature, dealing with items such as wire-tapping, gun control, and dangerous offenders. In none of those cases was there a unifying theme which I suggest you will find in the legislation presently before the House, and that is the implementation of a specific agreement between Canada and the U.S. respecting international trade. I suggest to you that it is that single overriding principle which links all of the clauses of the Bill together. That was not the case when the energy security Bill, which I am going to get into a minute, was brought in and finally divided into 10 separate, distinct, and unrelated Acts. Here we have one unifying principle: implementation of the free trade agreement.

We anticipated that the comments of my colleague from Calgary Centre in 1982 might be brought forward today, so I want to try and specifically distinguish that Bill, if I may, in a little more detail. There are some very significant differences that I want to point out. First, the principle of the energy security Bill was complicated. I want to just read the title:

Second reading and reference to a Committee of the Whole of Bill C-94, an Act to amend and enact provisions related to the Petroleum Administration Act, the National Energy Board Act, the Foreign Investment Review Act, the Canada Business Corporations Act, the Petro-Canada Act, the Energy Supplies Emergency Act, 1979 and the Oil Substitution and Conservation Act; to repeal the Energy Supplies Emergency Act; to amend an Act to amend the Petroleum Administration Act and the Energy Supplies Emergency Act; to amend the Adjustment of Accounts act, and to enact the Petroleum Incentives Program Act, the Canadian Ownership and Control Determination Act, the Energy Monitoring Act and the Motor Vehicle Fuel Consumption Standards Act.

All of those were brought forward in that one Bill. However, I refer you to the Act we are dealing with today. In Bill C-130