

*Canada-U.S. Free Trade Agreement*

omnibus nature is the famous ruling by Mr. Speaker Lamoureux of January 26, 1971, in which he said:

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.

I must say immediately, Mr. Speaker, that Speaker Lamoureux went on to rule that in the instance then at question that that point had not been reached. I also want to say immediately that it would appear that neither he nor any of his successors have as yet ruled that that point has been reached.

However, I submit that the principle has been clearly established by Mr. Speaker Lamoureux in the precedent I just quoted. It is open to you, Sir, to decide that that precedent applies here and that the Government has gone too far, that it has passed that point where, to quote Mr. Speaker Lamoureux, "we go beyond what is acceptable from a strictly parliamentary standpoint".

I submit specifically that this trade Bill, Bill C-130, is exactly the kind of Bill Mr. Lamoureux had in mind when he said that there were Bills of an omnibus nature which went beyond the point of what is acceptable from a strictly parliamentary standpoint.

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 energy security Bill of 1982 is the last famous or, in the minds of some, infamous occasion when the matter as to whether a Bill is or is not of an unacceptable omnibus nature arose. The energy security Bill of 1982 included in its long title an exhaustive list of the statutes concerned. I will not take the time of the House to read that title. It is a matter of record as to what it says. I think I am entirely correct in saying that this long title laid out all the statutes that were to be affected by that Bill.

When the House looked at the energy security Bill of 1982, the argument was made by the Government that the entire Bill had to do with energy security and that, therefore, it was entirely appropriate to use the omnibus approach.

I want to say parenthetically that at that time the Opposition of the day had at its disposal an additional argument that arose from the requirement at that time that all Bills based, even in part, on a Ways and Means Motion were referred, not to a standing committee but to a Committee of the Whole, and that, therefore, under the procedure of the day would make it

impossible to hear witnesses whose affairs were vitally affected by the legislation.

This is not exactly the case under the present rules. Bill C-130 will go to a legislative committee if it is ruled procedurally acceptable and adopted on second reading. We are, however, talking about only one legislative committee which could have as few as seven members. One cannot say at this time just how detailed the study of the Bill in that committee would be.

I want to recall to the House that the ruling on the question as to whether the energy security Bill of 1982 was of an unacceptable omnibus nature was made by Madam Sauvé, the Speaker of the day. I do not think it is improper for me to say that Madam Sauvé's ruling in that case was so brief as to be almost peremptory in its nature.

We know, of course, that that ruling was followed by what is commonly referred to as the bell ringing incident, when the bells rang for some two weeks because the Conservative Members of the House, on whose behalf the point of order about the unacceptable omnibus nature of the energy security Bill had been raised in the first place, refused to come into the House in order that a vote could be taken. I believe that the motion at that time was a motion that the House do adjourn.

The whole incident was ended by the Government proposing a motion to the House, which was adopted by the House, that in effect the legislation in its original form be withdrawn and be divided into several individual Bills.

• (1130)

What happened after Speaker Sauvé's ruling was not simply the disorder that ensued through what is known as the bell ringing incident but, more important, the concession by the Government of the impropriety of its course of action and the offering to the House of an order dividing the omnibus Bill into several Bills, which was accepted by the House. That provides strong evidence that from the point of view of acceptable parliamentary usage in Canada, Madam Sauvé's ruling should be found by yourself to be distinguishable from the present situation and to stand by itself in a way that does not mean it should be taken into account in the present case or any subsequent cases where the omnibus nature of a Bill is argued.

Let me point out that in her ruling Speaker Sauvé simply found that the Bill was not an unacceptable omnibus Bill in the light of previous precedents as she understood them, but she gave no analysis of the energy security Bill in comparison with other Bills to which previous precedents had been connected, and she gave no analysis of or answer to the lengthy argument on the point of order offered on behalf of the Official Opposition, the Conservative Party, by a Member of Parliament from Alberta who now sits in the House as the Minister of Consumer and Corporate Affairs (Mr. Andre).