

Canada-U.S. Free Trade Agreement

yourself to resolve these matters. However, this one strikes me as of extraordinary importance.

I am concerned on the basis of the principle that has been referred to, Citation 415 of Beauchesne's, which reads:

A motion which contains two or more distinct propositions may be divided so that the sense of the House may be taken on each separately.

I am concerned that what we have here is not only many separate propositions but, worse than that, propositions of two or three significantly different kinds. There are obviously propositions amending a couple of dozen existing Acts or Acts which are under consideration. They are as different as, for example, as referred to in Section 48, the Canada Agricultural Products Standards Act and, the Bank Act as referred to in Sections 50 to 52—

Mr. Speaker: I hesitate to interrupt the Hon. Member but, in fairness to all other Hon. Members in this place, it was my understanding that we would continue this discussion this afternoon in order to raise some matters that had not been debated previously. Hon. Members and the public will know that the entire day on Monday was set aside for argument. The important matter which the Hon. Member for Spadina (Mr. Heap) is addressing was addressed very fully and very capably at that time. Those interventions were of great assistance to the Chair.

My difficulty now is that in recognizing a number of Members who may very well like to say something, and were not here or were not recognized on Monday, I may be slipping into an error whereby I will be allowing something to take place which was not in the contemplation of the House Leaders when they had discussions with me and we arrived at a working arrangement. I will hear the Hon. Member for Windsor West (Mr. Gray) and the Minister of State on my concern.

Mr. Gray (Windsor West): Mr. Speaker, on reflection I do have to say that your point is well taken. I certainly do not want to impede other Hon. Members who want to contribute to the very important issue that you are being called upon to consider. However, I do have to be fair and say that it is my understanding, as a result of our consultations, that today was to be used for arguing points of order other than the one that was raised last Monday.

Of course, I am not saying this in any way intending to cut off other people who want to bring things to your attention, but I do have to be fair and state what my honest recollection is as to the understandings of the purpose of the discussions today on the acceptability of Bill C-130.

Mr. Heap: Thank you, Mr. Speaker. I certainly do not want to obtain a disruption of what was agreed to on Monday. I was about to come immediately to my second category of points. I do not know whether this was fully addressed on Monday or not and I stand to be corrected.

There is a difference of kind between the changes to a couple dozen of the Acts, to which I made a brief reference, and the transfer of powers as in Section 8 from Parliament to Cabinet in a generic way. As I understand it, Parliament would no longer have the right to debate all the matters referred to there. They would all be matters exclusively for Cabinet consideration by way of regulation.

This seems to me quite different from amending the Canada Agricultural Standards Act, the Bank Act, or whatever. It was this point upon which I wished to rise. I mentioned the others by example in order to set the contrast between, as I said, the amendment of a particular Act and a general principle of removing from Parliament the right to consider, debate, and vote on certain matters which is what seems to me would be enacted by Section 8 and perhaps also by Section 9.

As a sort of a third class, in addition to the Acts specified for amendment, with all future action relating to those apparently reserved to Cabinet only, the wording of Section 8 seems to me wide open in the sense that Acts which are not mentioned here for amendment may be, in effect, amended simply by Cabinet regulation without any opportunity of parliamentary consideration.

That seems to me an extraordinary departure from normal peacetime practice. It is almost like the War Measures Act. During war, and especially under conditions of secrecy, this sort of thing would be accepted. We discussed that in Bill C-77.

However, it says here: "Notwithstanding anything in any other Act or law, in the event of any inconsistency or conflict between" this Act and any other provisions the other provision "is inoperative and of no force".

We have very limited opportunity at this point to consider what Acts that might be considered to affect. It might be something quite unthought of even by the Cabinet or the American legislature but would come up two or three years from now, raised in the United States, brought to our Government, and dealt with by our Government simply by regulation with discussion behind closed doors, as is normal within Cabinet. Members of Parliament would be deprived of any opportunity to debate that, let alone to discuss it with interested members of the public, either by personal meetings, correspondence, or our committee process.

Therefore, I believe that at the very least Part I, Implementation of Agreement Generally, should be separated from the other parts because it is of a much more far-reaching and undefined nature.

Mr. Speaker: I thank the Hon. Member for Spadina (Mr. Heap) and I thank other Members for their patience. Keeping in mind the understanding upon which we came back to the House today, I must ask Hon. Members for their co-operation, not only with the Speaker but with the arrangements that were made in the House. I want to assure the Hon. Member for