

Point of Order—Mr. Beatty

[English]

HOUSE OF COMMONS

CONGRATULATIONS TO MR. LEWYCKY ON ENGAGEMENT

Hon. Jim Fleming (Minister of State (Multiculturalism)): Madam Speaker, in this battle for the floor, I rise on a point of order simply because I would not want to mislead the House, albeit inadvertently. I offered congratulations earlier concerning the marriage of the Hon. Member for Dauphin (Mr. Lewycky). I was a little in anticipation of the event. I want to change that instead to congratulations on his engagement. It was the light smile on his face recently and his pleasant comportment in the House which obviously misled me!

Some Hon. Members: Hear, hear!

Madam Speaker: What will it be when he gets married?

Some Hon. Members: Oh, oh!

Mr. Laverne Lewycky (Dauphin): Yes, I accept that. The reason I was rising was because I was sure the Minister had inadvertently misled the House. The best is yet to come!

Some Hon. Members: Hear, hear!

ROUTINE PROCEEDINGS

[English]

EXTERNAL AFFAIRS

TABLING OF EXCHANGE OF NOTES BETWEEN CANADA AND UNITED STATES ON USE OF CANADIAN FACILITIES AND AIRSPACE

Hon. Allan J. MacEachen (Deputy Prime Minister and Secretary of State for External Affairs): Madam Speaker, in accordance with the provisions of the Standing Order, I would like to table in both official languages an exchange of notes between Canada and the United States constituting an agreement between our two Governments on the use of Canadian facilities and airspace for the testing and evaluation of U.S. defence systems. The notes are being signed today in Washington by the Acting Secretary of State, Mr. Kenneth W. Dam, for the United States and by Ambassador Gotlieb for Canada.

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POINT OF ORDER

MR. BEATTY—FAILURE TO TABLE ORDER PURSUANT TO CANADA GRAIN ACT

Hon. Perrin Beatty (Wellington-Dufferin-Simcoe): Madam Speaker, I have a point of order with regard to the tabling of documents. I wanted to see whether the Minister of Agriculture (Mr. Whelan) would rise today to table an order under the Canada Grain Act which was an amendment to the Schedule

to the Act, SOR/82-620. Section 15(6) of the Canada Grain Act contains the following clause:

An order made under subsection (2) shall be laid before Parliament within 15 days from the making of the order or, if Parliament is not then sitting, on any of the first 15 days next thereafter that Parliament is sitting.

That particular instrument was published in the *Canada Gazette* in June of last year. Fifteen days expired on July 8. I recognize the fact that Your Honour has indicated in the past that you have no ability to tell the Government to obey the law, but I would point out that this was drawn to the attention of the Department and, consequently, the Minister's Department, by the Counsel of the Standing Joint Committee on Regulations and Other Statutory Instruments, who wrote to the Department on September 20.

We received a response from the Department of Agriculture several months later, on December 29, in which the Assistant Deputy Minister acknowledged that the law had not been kept by the Government. It had not complied with the law by tabling that instrument in the House on the following grounds:

Due to an oversight on our part the referenced Order was not tabled.

We have now prepared the necessary documentation for Mr. Whelan's signature and we expect that the Order will be tabled when Parliament resumes sitting in mid-January 1983.

That Order has never been tabled in Parliament.

I certainly recognize that Your Honour has made a finding that you cannot force the Government to comply with the law, but there is nothing more fundamental to the role of Parliament than the whole question concerning the rule of law. In instances where the Government recognizes itself that it has not complied with the law, and where it chooses to simply ignore the law, surely Parliament's function is being undermined by the Government.

Parliament does not frivolously include in legislation the requirement that an order be tabled in Parliament. When the Government simply ignores the law, thumbs its nose at it and pretends it is of no consequence, I think there is serious damage done to respect for the rule of law in Canada. Second, it seriously undermines the ability of Parliament to discharge its functions. That is why I draw this matter to the attention of Your Honour and the House today.

Some Hon. Members: Hear, hear!

Madam Speaker: I am sure that the point of the Hon. Member has been taken by the House. As he rightfully said, the Speaker has no means of determining whether the law has been followed or not; nor is it the responsibility of the Speaker to interpret the law. The Speaker certainly has no authority or way to force anyone to follow the law.

• (1510)

The point of the Hon. Member is well taken by the House. I would urge him to take recourse other than that which he has now taken in order to satisfy his request.