

I refer the hon. member to Citation 370 of Beauchesne, which indicates that parliamentary secretaries should not be asking questions since they have access to ministers and can be informed about questions they should like to ask. I must confirm—and it was not an oversight this afternoon—that I distinctly feel the Standing Order, as written, allows parliamentary secretaries to put motions under Standing Order 43.

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### PRIVILEGE

#### MR. BEATTY—ALLEGED BREACH OF SAFE CONTAINERS CONVENTION ACT—RULING BY MADAM SPEAKER

**Madam Speaker:** Yesterday the hon. member for Wellington-Dufferin-Simcoe (Mr. Beatty) raised, as a matter of privilege, the failure of the government to lay an order made under the Safe Containers Convention Act before Parliament within the period required by the act. The act provides that an order “shall be laid before Parliament not later than the tenth sitting day of Parliament after it is issued”. The hon. member, in his presentation, indicated that the order in question was issued on January 21 and was registered on January 22. As he pointed out, Parliament has sat for more than a full month since the issuance of the order. I therefore doubt he has raised this matter at the earliest opportunity. That is one point.

Of course, it is not the function of the Chair to interpret the law. I must also point out that alleged errors in the tabling of documents have not in the past been ruled to be breaches of parliamentary privilege. The hon. member quoted from a ruling given by my predecessor on February 1, 1979, but I am afraid I cannot agree with his interpretation of the implications of the ruling.

I would draw attention to two other rulings given by my predecessors. In a decision given on June 27, 1972, concerning the failure to table a report of the National Harbours Board within the period required by the National Harbours Act, the Speaker in the course of his ruling said:

—I fail to see how this can be considered a breach of the privileges of the House.

On June 19, 1978, dealing with a complaint concerning the late tabling of the annual report of the post office, my predecessor ruled:

—I feel that the hon. member is raising a grievance rather than a question of privilege. I do not see how, under the guise of privilege, the Chair can be drawn into determining a question of law—

The hon. member further quoted Erskine May in support of his submission and cited in particular the paragraph appearing on page 138 of the nineteenth edition concerning disobedience to the orders of the House. I cannot agree that the failure to comply with the law constitutes disobedience to an order of the House. While it may be argued that legislation is adopted by Parliament and therefore reflects the will of Parliament, I do not think it possible to sustain an argument that an act of

### Tabling of Documents

Parliament constitutes a specific order of the House, either of this House or of the other place. I would also refer the hon. member to page 578 of the nineteenth edition of Erskine May, wherein he has stated:

Breach of a statutory duty to lay an instrument before Parliament will not of itself invalidate the instrument, though it may amount to a misdemeanour. The resulting situation has been dealt with both by statute and by statutory instrument.

It seems clear that such a failure on the part of the government has never come within the scope of parliamentary privilege.

In this particular case it is my view that, if the government is indeed in violation of the law—and if it is, it is not for me to determine—the hon. member may have a grievance rather than a valid question of privilege. If the government has not properly complied with the requirements of the Safe Containers Convention Act, a remedy could be sought through the courts or otherwise. However, it would appear—although I emphasize that I am not interpreting the law—that orders issued under the act have no force until the procedures laid down in Section 8 of the act have been complied with. If the government, therefore, chose to rectify any error which might have been made with the least possible delay, Parliament would have an early opportunity of debating the order and coming to a decision on it. Therefore, I cannot find that the matter raised by the hon. member should take precedence over other business as a *prima facie* case of privilege.

## ROUTINE PROCEEDINGS

[English]

### REGULATIONS AND OTHER STATUTORY INSTRUMENTS

Eleventh report of the Standing Joint Committee on Regulations and Other Statutory Instruments, in both official languages—Mr. Beatty.

[*Editor's Note: For above report, see today's Votes and Proceedings.*]

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[Translation]

### OFFSHORE RESOURCES

TABLING OF AGREEMENT BETWEEN CANADA AND NOVA SCOTIA

**Hon. Marc Lalonde (Minister of Energy, Mines and Resources):** Madam Speaker, under the provisions of Standing Order 41(2), I would like to table the historical agreement between Canada and Nova Scotia on management and revenue-sharing of offshore oil and gas resources.