

Point of Order—Hon. Walter Baker

question could refer to either the Maritime Freight Rates Act or the At and East subsidy. I do not know which of those two my friend is talking about.

As usual, before doing anything in the Department of Transport we research everything in great depth, and a number of times. My hon. friend has cautioned me about something now, so I will look at it very seriously. If any change is to be brought about, I will consult with him and with many others beforehand.

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POINTS OF ORDER**MR. BAKER (NEPEAN-CARLETON)—TABLING OF EXCHANGE OF NOTES BETWEEN CANADA AND UNITED STATES**

Hon. Walter Baker (Nepean-Carleton): Madam Speaker, I rise on a point of order which arises out of the tabling of the document described on p. 22714 of *Hansard* yesterday, February 10, 1983. The Deputy Prime Minister and Secretary of State for External Affairs (Mr. MacEachen) tabled, in both official languages, a document described as follows:

—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.

Under the rules of the House of Commons adopted unanimously some time ago, Standing Order 46(4) reads as follows:

Reports, returns or other papers laid before the House in accordance with an Act of Parliament shall thereupon be deemed to have been permanently referred to the committee designated by the Member tabling the report, return or paper.

The Minister tabled the report in the House of Commons as a Member of the House but also as the Secretary of State for External Affairs, as designated in *Hansard*. His tabling was therefore deficient. That deficiency should be cleared up immediately by the Minister designating the appropriate Committee, which would be the Standing Committee on External Affairs and National Defence.

It is not that the tabling was improper; it is that he did not follow the second step required by the rules in order to carry out the intent of the new rules, and that is to designate the Committee. I think it is appropriate that the Minister now designate the Committee. He could do that today or tomorrow, but it should be done without delay.

Hon. Allan J. MacEachen (Deputy Prime Minister and Secretary of State for External Affairs): Madam Speaker, I would just remind the Hon. Member that reports, returns or other papers laid before the House are governed by the expression "in accordance with an Act of Parliament". In other words, if a report is obligated for presentation by an Act of Parliament, then it is automatically referred.

In this particular case, there was an exchange of notes not flowing from any particular section of an Act of Parliament. Therefore, I do not think that the particular Standing Order applies in this case. I make that point as a procedural matter.

The substantive point made by the Hon. Member, namely that whether, when there is an exchange of notes, that ought to be considered by a committee, is a matter which I will take up with the Government House Leader. I believe it would be beneficial for the Committee to examine this whole question. It could be done in the normal way when the Estimates go to Committee or it may be desirable to do what the Hon. Member suggests. That is what I should like to discuss with the Government House Leader.

Mr. Baker (Nepean-Carleton): Madam Speaker, I appreciate that the hon. gentleman is going to discuss that with the Government House Leader.

Let me say, however, with respect to Acts of Parliament, that the Minister is acting under the authority of an Act of Parliament. First, he is a Member of the House of Commons and therefore his conduct is governed by the Statutes dealing with the House of Commons. Second, and perhaps more important, as Secretary of State for External Affairs he has charge over the external relations of the country, the operation of the Department and the matters to be dealt with by Parliament.

I hope that under the new procedure we are not going to rely on legalisms which are doubtful to start with, and which was not the intent of the Committee when it wrote the rules. The intent of the Committee and the intent of the House was that Members of the House of Commons who are not Members of the Government should be engaged in the affairs of state to the extent that is possible. The best way to do this would be to have a debate immediately, of course. The Government may decide, as a matter of policy, that that is not right.

It would equally not be right if the Government decided that a committee of the House with their new powers, to which under the new rules the Government must respond after a report of a committee, was not allowed to work. I think the Parliamentary Secretary to the President of the Privy Council (Mr. Smith) is as mindful as anyone else of the purposes of the Committee's report to the House: it was to allow Members of Parliament to engage in policy matters.

I hope the investigation to be undertaken by the Minister will be with respect to his powers and that he will not rely on what I term a petty legalism.

Mr. MacEachen: Madam Speaker, I am glad that the Hon. Member is back in his former role of arguing procedure. I find it rather compatible to join him in a pursuit which we followed almost daily in the past.

I would make two observations on this matter. First, if one accepts the reasoning of the Hon. Member, then every paper tabled in the House must go to a standing committee. I do not think that is the intent; the intent is that where the Minister must lay upon the Table the report required by Act of Parliament, then it must automatically be referred. That is the sound approach. It is not the explicit requirement of the rule nor was it the intent to have every paper, no matter what it is, sent to a standing committee.