Point of Order—Mr. Gray (Windsor West)

Second, the Parliamentary Secretary quoted from Erskin May. I submit that, unless it is shown that the words of Erskin May relate to a Standing Order of the British House of Commons in the exact words of our Standing Order, that which the Parliamentary Secretary has cited to the House has no relevance or application here at all.

With regard to the matter of prejudice, I suggest that when the House of Commons, in its wisdom, decides that it should have a Standing Order formed in certain words, you are required to take juducial notice that the House of Commons has decided that, in the absence of that Standing Order being followed, there would be prejudice to the public interest. There is nothing in the rules which permits you to decide that some of these rules will be followed in part, or some not followed at all, on the basis of a determination of the degree to which the public interest would be harmed or supported by the following or lack of following of those rules.

With all due respect, if a principle that it is the degree of prejudice to the public interest that counts in determining whether a rule should be followed is to be enshrined into the precedents of this House, it would be open to you, Sir, or another Speaker to say that it does not prejudice the public interest not to follow the rule requiring a debate and vote on second reading. It would be open to you or another Speaker to say that it does not prejudice the public interest if the Government forgets to allow committee stage proceedings on a Bill.

With the utmost respect, Mr. Speaker, there is nothing in our Standing Orders which permits you or any other Speaker to pick and choose which rules are to be applied in the fullest and which are to be applied only in part, depending upon the circumstances.

Standing Order 108 says:

No bill may be introduced either in blank or in an imperfect shape.

That Standing Order exists to the same extent as do any of the other Standing Orders. It is not put into a special category headed, "Rules to be followed if it is not important or the public interest is not prejudiced". It is set out in Chapter XX, Proceedings on Public Bills, in exactly the same way as are all the other Standing Orders in that chapter.

Some may wish to argue that there is some vagueness or imprecision which would allow the Speaker to make a ruling apart from the clear wording of the rule. In that case, I respectfully draw to your attention Standing Order 1 which reads:

In all cases not provided for hereinafter, or by other Order of the House, procedural questions shall be decided by the Speaker or Chairman, whose decisions shall be based on the usages, forms, customs and precedents of the House of Commons of Canada and on parliamentary tradition in Canada and other jurisidictions, so far as they may be applicable to the House.

I have already pointed out that the citation read to us from Erskine May has not been shown to be relevant. However, the real reason I read the Standing Order is to say that the case we are dealing with is provided for exactly as is set out in Standing Order 1. It is "provided for hereinafter" in the very specific words of Standing Order 108.

In conclusion, I submit again that in adopting this rule the House has said that it is contrary to the public interest, that there is a prejudice to the public interest in not following Standing Order 108 to the same extent as any and all other rules of the House are followed. I submit, therefore, Mr. Speaker, that if you do not uphold the very clear words of this rule, which apply very clearly to the defect in the Bill, the public interest, by definition, will be subject to a prejudice, and both In the short and long run the operations of this House and our democratic systems will be harmed.

Hon. Don Mazankowski (Deputy Prime Minister and President of the Privy Council): Mr. Speaker, the points made by both sides are well taken. However, you will recognize, Sir, that there were some rather extraordinary circumstances which allowed us to embark upon debate on Bill C-37. There was a desire by at least two Members in this Chamber to have an emergency debate on the issue under Standing Order 29. There was a great amount of co-operation by all Hon. Members to allow a debate on this issue to take place to the fullest extent. Presumably that is why both opposition Parties, after consideration of the matter, decided to provide the unanimous consent required to allow us to proceed with the tabling of the Ways and Means motion and with the motions for first and second reading, allowing us to begin the debate in an abbreviated length of time. There has been a great deal of co-operation. It was in the interest of all Hon. Members to facilitate the process to allow this piece of legislation to proceed.

Standing Order 108 states:

No bill may be introduced either in blank or in an imperfect shape.

The decision which you must make, Mr. Speaker, is whether this Bill was imperfect in shape. I am not sure whether there is a clear definition of an imperfect Bill. Certainly a blank Bill would be imperfect. I would submit that failure to outline the principal aspects of the Bill or details pertaining to the principle of the Bill would put the Bill in a position of being void. However, we are dealing here with simply a slight technicality which can quite easily be changed.

The issue is whether Hon. Members opposite had access to the agreement, which is clearly part of the Bill, and to answer your question as to whether any prejudice has been suffered. We are now told that Hon. Members did have access to the agreement. I understand that they quoted from it during the course of debate and they have quoted from it during Question Period. To suggest that it was not available is inaccurate. It was available and was used.

To deal with this issue in its clear technical sense, I refer you to Standing Order 235 which suggests that any Member is bound to bring to the Speaker's notice any incident that he considers a breach of order, and that he should do that at the earliest possible time. It has been suggested that Members