

● (1130)

[English]

In arriving at a decision the Chair has reviewed all of the arguments and I will attempt to deal with most of them. I have already told the Hon. Member for Western Arctic that the precedent he alluded to, while similar in its content, was of little guidance because the official copy of the Bill he referred to did not contain blanks at the time of introduction in June of 1984. I thank him nevertheless for his comments.

The Hon. Member for Churchill and the Hon. Member for Humboldt—Lake Centre make reference to the June, 1986 drug patent Bill and I must say that that precedent is not quite on point either. If the Speaker ruled, as he did in June, 1986, it was not because of Standing Order 108 but because of Standing Order 86(2) which requires that the Royal Recommendation be annexed to every Bill which requires one. Bill C-37 had, on January 19, 1987, a Royal Recommendation properly attached to it.

The Hon. Member for Winnipeg—Fort Garry and the Hon. Member for Spadina made reference to the fact that the Memorandum of Understanding is not contained in the Bill. I refer them to a ruling made on May 17, 1956 which established that it was not necessary to include agreements in Bills providing for the carrying into effect of those agreements. The Speaker referred the House to Chapter 71 of the Statutes of 1948, an Act to provide for the carrying into effect of treaties of peace between Canada and Italy, Romania, Hungary and Finland, in which none of the agreements were inserted in the Bill.

[Translation]

After resolving these two important points, the Chair still has to deal with what was said by the Hon. Members for Windsor West (Mr. Gray), Ottawa—Vanier (Mr. Gauthier) and York South—Weston (Mr. Nunziata), with respect to Standing Order 108 and their statement that Bill C-37 was a Bill in blank and in an imperfect shape owing to lines 11 and 12 on page 2 of said Bill.

[English]

My predecessors have been very diligent in the past in ruling blank Bills out of order. These Bills were usually Private Members' Bills introduced and read a first time and subsequently found to have only a title and for which no text existed or had been finalized. I refer Hon. Members to a ruling of Speaker Jerome on May 16, 1978, at page 5461 of *Hansard*, and more particularly to a ruling of Speaker Sauvé who, on December 15, 1980, declared the proceedings relating to Bill C-622 null and void. She said the following and I quote from page 5746 of *Hansard*:

—while the document with respect to the motion was prepared, the Bill itself had not been drafted and, therefore, was not ready for introduction.

Standing Order 69 is very clear:

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

*Point of Order—Mr. H. Gray*

It seems that Standing Order 108 was very clear to Speaker Sauvé and the Bill in blank shape meant simply a Bill with only a title or only partially drafted.

The aforementioned references are cited to establish the difference between a Bill in blank shape and a Bill containing a blank. In the opinion of the Chair, Bill C-37 is not a blank Bill according to our practice and previous Speakers' rulings, but without doubt, as was so ably demonstrated by the Hon. Member for Gander—Twillingate (Mr. Baker), Bill C-37 does contain a blank. It also contains an error, namely, the reference to the tabling of the Memorandum of Understanding on January 19, 1987. Having come to the conclusion that what we are dealing with are errors or anomalies in this Bill, the Chair must decide whether these errors render the Bill imperfect in relation to Standing Order 108.

On September 24, 1985 the President of the Privy Council sought the unanimous consent of the House to correct errors in Bill C-75, an Act to amend the Canada Shipping Act, which had been introduced earlier, and stated that a new Royal Recommendation had been obtained accordingly. The House gave its consent. While there was no ruling from the Chair, it was obvious at the time that the errors in Bill C-75, which omitted in its title and text as well as in the Royal Recommendation, references to the Oil and Gas Production and Conservation Act, were so grave as to render the Bill imperfect. Because the errors were fundamental to Bill C-75, only two recourses were available to the Minister; either obtain consent to correct the errors or start again.

The Chair has reviewed the errors at page 2 of Bill C-37 and the arguments surrounding them, including those of the Deputy Prime Minister and his Parliamentary Secretary. I have concluded that the two mistakes do not affect the essence, the principles, the objects, the purposes or the conditions of Bill C-37. The Chair is also satisfied that the terms of the Royal Recommendation are not affected or altered.

However, the matter cannot lie there. This point of order has taken up much of the House's time, indeed a full sitting day. The House might allow me to add that it has preoccupied your Speaker over the past weekend.

In seeking a solution I was inspired by the ruling of May 17, 1956, which I referred to earlier. In elaborating on the first reading procedure Speaker Beaudoin said:

—at the moment the Honourable Member cannot raise a point of order because he does not have a copy of the bill. The bill has not been printed. My satisfaction must be made on a very summary basis because Honourable Members cannot expect the Speaker to study every bill in an effort to find whether or not something has been omitted. Honourable Members have taken care of that situation themselves by insisting in their procedure that after second reading all bills be referred to one of their standing committees or to the Committee of the Whole.

Beauchesne's Fifth Edition at page 79, Citation 238, says:

When a bill is under consideration, points of order should not be raised on matters which could be disposed of by moving amendments.

The errors in Bill C-37 could indeed be corrected by an amendment in committee, but it seems to the Chair a rather