

*Point of Order—Mr. H. Gray*

to reintroduce the Bill and commence the debate and its proceedings all over again.

The Hon. Parliamentary Secretary to the Deputy Prime Minister and President of the Privy Council (Mr. Lewis) admitted that the Memorandum of Understanding had not been tabled as had been originally intended and conceded that a clerical error had been made. He suggested that the correction of the date of the tabling and the insertion of the proper Sessional Paper number in Clause 2 could be made by way of amendment at committee stage. The Hon. Parliamentary Secretary argued that the date of the tabling of the Memorandum of Understanding and the absence of the Sessional Paper number did not go to the essence of Bill C-37.

*[Translation]*

The Hon. Member for Ottawa—Vanier (Mr. Gauthier) maintained that because there was a blank in line 12 on page 2 of this Bill, this made the Bill entirely unacceptable, according to Standing Order 108, and that consequently, the Government should withdraw the faulty Bill and present an amended version with the correct date and the correct numbers of related documents.

*[English]*

The Hon. Member for Humboldt—Lake Centre (Mr. Althouse) and the Hon. Member for Churchill (Mr. Murphy) referred the Chair to a previous Speaker's ruling on the drug patent Bill which occurred in June 1986 when the Speaker refused to propose the question on the introduction of the said Bill because the Royal Recommendation which was required in that case had not been secured. They drew the analogy that, not having gone through the proper procedures, Bill C-37 ought to be rejected in the same manner.

The Hon. Member for Winnipeg—Fort Garry (Mr. Axworthy) and the Hon. Member for Spadina (Mr. Heap) claimed that since the Memorandum of Understanding is essential to the functioning of the law, Bill C-37 is defective because the said Memorandum of Understanding is not contained therein. The Hon. Deputy Prime Minister and President of the Privy Council (Mr. Mazankowski), in his presentation, attempted to define an imperfect Bill. He stated that a blank Bill would be imperfect. He submitted that failure to outline the principles of a Bill or details pertaining to the principles of a Bill could render a Bill void, but that in the present case the House is faced with "simply a slight technicality that can be easily changed".

The Hon. Member for York South—Weston (Mr. Nunziata) contended that because of the wrong date and the omitted document number, Bill C-37 is flawed, that the flaw is fatal, that the proceedings thus far are irregular and that the Bill and the debate thereon should be ruled void *ab initio*.

*[Translation]*

The Parliamentary Secretary to the Minister of Transport (Mr. Kilgour) countered that no Bill was perfect in itself and

that Bill C-37 was sufficiently complete to be adopted on second reading and referred to a committee, where it could be improved. He added that no Members had been prejudiced by this and that the Chair should decide to let the debate continue.

*[English]*

The Hon. Member for Western Arctic (Mr. Nickerson) referred to a ruling of the Chair in the previous Parliament which can be found at *Hansard*, page 5139, of June 26, 1984. At that time there were blanks in copies of the printed Bill in the hands of Hon. Members but, as the Deputy Speaker informed the House, there were no blanks in the House copy filed with the Table at the time of introduction. Therefore, that particular case is unfortunately of little guidance since there was in fact a blank in Bill C-37 when it was introduced on January 19 last.

At this point, it might be desirable to relate what proceedings have transpired so far on Bill C-37.

On January 19, 1987, during Routine Proceedings, the Hon. Minister for International Trade (Miss Carney) tabled a Notice of Ways and Means motion relating to the Canada-U.S. softwood lumber Memorandum of Understanding and asked that a day be designated for its consideration pursuant to Standing Order 84(1) and 84(2). At three o'clock p.m. the same day, by unanimous consent so as to waive the restrictions of Standing Orders 84(1) which prevent the consideration of such motions on the same day they are tabled, the said motion of Ways and Means was concurred in on recorded division.

Bill C-37, the Softwood Lumber Products Export Charge Act, was introduced and read the first time, again by unanimous consent so as to waive the notice prescriptions of the Standing Orders. A Royal Recommendation duly signed by the Governor General was properly attached to the Bill.

The House gave unanimous consent once again to proceed forthwith with the consideration of the second-reading motion, thereby suspending Standing Order 111(1) which stipulates that the three several readings of a Bill shall occur on separate sitting days. During the debate on the same day, the Right Hon. Leader of the Opposition (Mr. Turner) moved a six-month hoist amendment to the second-reading motion. On Thursday, January 22, the question was put on the amendment and it was negated on a recorded division.

*[Translation]*

The Parliamentary Secretary to the Minister for International Trade (Mr. McDermid) subsequently moved the previous question, namely: "That the question now be put."

That is where we were after four days of debate on the motion for second reading of Bill C-37, and it was at this point that the Hon. Member for Windsor West (Mr. Gray) raised his point of order.