

December 30, 1986 and tabled in the House of Commons on January 19, 1987 and recorded as document number—

There are two major problems with this particular section. First, there is a major error. The Bill says that it was tabled in the House on January 19, 1987. It was not. The Memorandum of Understanding was not tabled in the House on that particular day. On that particular day, first reading was given to Bill C-37.

**Mr. Speaker:** Order, please. The Hon. Member is absolutely accurate in what he says about the Bill where it says tabled January 19, which was the first day of debate; that was Monday. In fact the agreement, that document, was not tabled; he is absolutely correct. However, I think it is important for Hon. Members to remember also that that apparently was not as a consequence of any deliberate neglect.

The argument used by the government side is that the entire situation is a consequence of the arrangements, loose as they may have been, on that day. The Hon. Member's point is exact with regard to January 19 and the blank, which would have been the number of the tabled document; that is how the Bill appears. The Hon. Member's point is that that is enough to fatally flaw the document.

**Mr. Nunziata:** Mr. Speaker, I was not suggesting that there was deliberate neglect. However, I would submit that there was neglect. It is not my intention this afternoon to lay blame at the doorstep of any individual. Someone erred, someone fell asleep at the switch. If anyone is to assume responsibility for the negligence surrounding this particular incident, it is the Government. However, it is not my intention now to criticize the Government. We are faced with this situation. Your Honour is put in a position where you must make a rather difficult decision.

In my view, as I indicated, there is only one course of action for the Chair to take, that is, to declare the debate which has occurred null and void and thereby require the Government, if it so desires, to reintroduce the Bill, whenever it so decides.

To rule otherwise would not only be in contravention of Standing Order 108, but it would set a very dangerous precedent in the future. It would set a precedent which would say to Governments and Parliaments of the future that they could introduce legislation in the House of Commons which is imperfect, which is in direct contravention to Standing Order 108, and that they could introduce a Bill with blanks in it. That is no way to run a railroad; it is certainly no way to run a Government.

If one considers the public interest—and I submit that your decision, Mr. Speaker, should be based exclusively upon what is in the public interest—I believe you should rule in favour of respect and adherence to the rule of law, including the Standing Orders.

I can draw an analogy to the criminal law. Often arguments are made based upon technicalities surrounding the laying of an information in a criminal court, or surrounding the

### *Point of Order—Mr. H. Gray*

obtaining of evidence. There are technicalities in criminal law which are considered so basic and important in going to the root of the criminal justice system in Canada that charges are thrown out of court. Judges and courts have said that they must show to the world, or to all citizens of Canada, that they believe in respect for the rule of law. Notwithstanding that an individual may be set free after having likely committed an offence, it is more important that they respect the rule of law and, therefore, based upon a technicality, they declare a certain proceeding null and void.

Similarly, given our democratic system, I believe it important for you, Mr. Speaker, to send a very clear message, not only to the Government but to all parliamentarians and Canadians, that as lawmakers we will respect the laws we pass and that we will follow very strictly rules and regulations in place in Parliament to ensure that democratic principles are followed. They are part of our democracy, these rules which give the Opposition certain rights of debate and reply and give the Government certain rights.

One could argue that there is really no necessity for second reading debate on any particular piece of legislation. One could ask, what prejudice is there to the public if we eliminate a certain portion of the proceedings? In order to pass a piece of legislation in Parliament there are very firm rules and regulations. A Bill must be introduced in the proper form. Second reading debate follows. The Government is given an opportunity to introduce the Bill. The Opposition is permitted to respond. After second reading debate, which is debate in principle, is exhausted or closure is brought in it is referred to a committee, or goes into Committee of the Whole. Committee has the opportunity to amend. It comes back to the House for third reading. Royal Assent is given.

It is very important in our parliamentary system to ensure that democracy is pursued. The moment we start tampering with those very important and crucial rules, the moment we start saying "Well, we made a mistake, but so what; it is technical in nature; it is a slight technicality; it is really not that important", that is the moment the system starts to crumble. That is the moment respect for our parliamentary rules and regulations is adversely affected.

• (1420)

I respectfully request, Mr. Speaker, that you rule in this particular case that the Bill is flawed, that the flaw is fatal, that the proceedings that have taken place were irregular and that the debate cannot proceed on this Bill introduced in the form it was introduced. The only alternative then would be for the Government to re-introduce a Bill that complies with Standing Order 108 and complies with all other rules and regulations of this House. Thank you for the opportunity to speak, Sir.

**Mr. David Kilgour (Parliamentary Secretary to Minister of Transport):** Mr. Speaker, I will be very brief. The Hon. Member for York South—Weston (Mr. Nunziata) is confusing an indictment in a criminal case where, you will recall, it is