

Routine Proceedings

and rules, then we must ensure that these are mastered, not mutilated.

I am not a lawyer but I hope others here who are will at the appropriate time tell you, Mr. Speaker, that in our justice system a natural justice is always enforced. If a process is followed in our courts that is seriously flawed and demonstrated to be unfair to one side, then the result of that process is appealable to a higher court.

I think of the recent examples Canadians have witnessed when the courts turned to the government and said: "The way you conducted your environmental assessment was flawed. You did not follow the rules. You did not play fair. Go back and do it again properly".

Similarly, if in a court of law witnesses are prevented from being heard or evidence is withheld in a manner which is not consistent with legal traditions and precedents, then the outcome of that proceeding is appealable. In the justice system a mandatory instruction can in fact be issued. A decision can in fact be overturned.

I suppose the question is: Is a lesser standard of justice then applied in this House? Will a lesser test be put in the process to decide to impose a tax on virtually every good and service than was applied to the process to decide on dams and pulp mills?

I am asking for your guidance, Mr. Speaker, on the following questions: Has a precedent been set by the chairman of the finance committee in his ruling of March 20, 1990? Does a committee chairman have the right to impose closure or time allocation without debate or without decision by the committee? Has the review of the finance committee of Bill C-62 been tainted by the chairman's March 20 ruling? Last, if it has been tainted, is the report of the committee still receivable by this House?

In closing, Mr. Speaker, I am also going to make a request. Your panel of chairs for legislative committees has been developing a code of conduct. In this House we notice that the chairs are voluntarily restraining themselves from even voting at second reading on bills and are taking other steps to ensure that they not only act impartially but are seen to act impartially. It would be most helpful, Mr. Speaker, to all members of this House if this protocol could be more formally codified, printed

and distributed to all offices, to enhance all of our understanding of the role of chairs when legislation has been referred to committees. I appreciate, Mr. Speaker, your willingness to hear me out.

• (1230)

Mr. Peter Milliken (Kingston and the Islands): Mr. Speaker, the member for Kamloops has made a masterful presentation to the House, and I congratulate him on the points that he has raised.

I think the fourth question that he put to Your Honour is the crucial issue in this case. It goes to the very root of parliamentary democracy and our sense of justice, our rules of natural justice, as they are referred to in the courts, and our sense of fairness. I suggest to Your Honour that the report from the committee has been tainted significantly by the actions of the chairman, who in my submission has acted beyond the proper bounds of a committee chairman in this case, or at least that is what it appears.

I have not had the opportunity to review the evidence in the detail I would like in order to assist the House today. I think that the activities of the chairman have tainted this report, and have rendered it one that perhaps ought not to be received by the House. It may be that the proper course to follow in this case is for Your Honour to review the facts and refer the entire bill back to a new legislative committee for detailed study.

As I say, the hon. member for Kamloops has raised this most interesting point and I prefer to have some time to look at the precedents that may exist. I would like to review the evidence of the committee in some detail, and I wonder if Your Honour would not consider taking this matter under advisement for the moment so that we could continue the discussion on Monday when there would be some time for preparation. I would invite the House to adjourn the discussion at this point so that we could continue it on Monday.

Then I will come back with proper arguments. I am prepared to advance some now, but I prefer to wait so I have had an opportunity to review the committee's work.

The Acting Speaker (Mr. Paproski): I would appreciate that very much, if that is at all possible.