

HOUSE OF COMMONS

Wednesday, March 18, 1987

The House met at 1 p.m.

Prayers

REVIEW OF DELEGATED LEGISLATION

[*English*]

Mr. Speaker: I advise the House that the Hon. Member for York Centre (Mr. Kaplan) will be rising, but before he does I have the obligation to deliver the following observations.

Before proposing the question of the Hon. Member for York Centre the House might allow the Speaker to express certain reservations about the form of the third report of the Standing Joint Committee on Regulations and other Statutory Instruments which will be the subject of the next hour's debate, if indeed there is an hour's debate.

For the first time since the new and still provisional Standing Orders were adopted on February 24, 1986, the joint committee has chosen to exercise its new powers under Standing Order 44 and ask the House to order the rescinding of a specific regulation.

[*Translation*]

The Minister has elected, as it is his right, to demand a debate on the question.

[*English*]

The question to be eventually put to the House today is that "The Third Report of the Standing Committee on Regulations and other Statutory Instruments be concurred in". In the said committee report I found the following key and principal words:

Pursuant to Standing Order 44 of the House your Committee now moves: that the Fruit, Vegetables and Honey Regulations (C.R.C. c.875) be revoked.

In the opinion of the Chair, this phrase creates an ambiguity as to what in fact will be the order of the House should the concurrence motion proposed by the Hon. Member for York East (Mr. Redway) be adopted.

I wish to point out that the ambiguity originates with Standing Order 44 itself, which in the English version mentions a report of the committee "containing a proposed motion which, if the report is concurred in, would be an Order of the House . . .". The French version, however, is clearer

and refers to a "resolution of the Committee" and not a motion. A motion is a proposal, usually requiring notice, and is debatable and amendable. It only becomes a resolution when put and adopted.

However it happened, we must understand that we have an English version which talks about a motion, with all of the implications of what that word means, and a French version which talks about a resolution, something arrived at after a motion is put which amounts to a decision. In the opinion of the Chair, the French version is preferable because it makes a lot more sense procedurally.

If the House were to concur in this report, it would only have agreed to the committee moving a motion. The decision of the House would not provide for a clear direction to the Ministry to rescind a regulation but only express the House's agreement to the moving of a particular motion by the committee. Furthermore, such a procedure would be quite sterile for there is no mechanism in the Standing Orders for a committee to in fact move a motion and have it debated and adopted.

The Chair has reviewed the practice in other Commonwealth countries, more particularly that in Australia, and I have found that our Standing Orders are procedurally unique. Because this is a new procedure, the Chair is reluctant to reject outright the said report. Such a decision would not be supportive of the spirit of our recent reforms. Therefore, for the purposes of this report and of this report only, the Chair will deem the words used in the report to be a clear expression of the committee's intent to have the regulations revoked and, should the report be adopted, the Ministry will not be in doubt as to what the House has ordered.

I am grateful, as I am sure all Hon. Members are, that the Hon. Minister is in the Chamber at this time. I am sure the Minister will take careful note of the comments of the Chair.

In future reports of this kind, the Chair would ask the committee to use a form of words which will unequivocally express its intentions and, if adopted, can be extracted from the report and also be a clear expression of the House's resolve.

[*Translation*]

The Chair hopes that the Standing Committee on Privileges and Elections will look into this ambiguity in our Standing Orders as soon as possible.