

Report of Special Committee

support their lack of ethics vis-à-vis their colleagues. In the circumstances, we definitely object to a debate on this report today, and the Chair was entirely correct in requesting the unanimous consent of the House, and allowing the Member for Yukon to proceed is tantamount to allowing an appeal from the Chair's ruling.

[English]

Hon. Ray Hnatyshyn (Saskatoon West): Madam Speaker, I will be very brief. I want to deal with three points which are novel and new with respect to this issue. First, my colleague for St. John's East (Mr. McGrath) did not in the course of standing on this motion ask for unanimous consent. It was not a question of his proceeding on that basis.

The second point which is relevant is that the President of the Privy Council (Mr. Pinard) imputes motives with respect to moving a legitimate and quite proper motion in the course of Orders of the Day. Any Member imputing motives with respect to a legitimate motion regarding parliamentary reform is out of order. How preposterous that is. I will not comment further because I do not want to be in the same position as the President of the Privy Council when he enters into argument as to whether or not this motion should be supported.

Third, I want to talk in terms of analogous situations on which Your Honour has ruled on many occasions. When a Member has initiated proceedings on the Order Paper, we in this House have accepted the proposition that, notwithstanding the absence from the House of that Member, valid motions or petitions are dealt with and sustained.

The most obvious example I can give is that the former Member for Leeds, the late Mr. Cossitt, had a number of motions on the Order Paper, I dare say hundreds, with respect to the production of documents and Questions on the Order Paper. It was ruled and held that those questions remain extant and can be pursued by any Member of this House. The analogy is there with respect to a legitimate proceeding of the House.

We have here a situation where the Member in question, performing his responsibilities as a Member of Parliament, has specifically authorized and directed a Member of the House of Commons to move or proceed on a motion which is properly before the House. With the greatest deference, I do not see how any of the arguments made by the President of the Privy Council are relevant.

In my experience, unanimous consent is never asked for with respect to analogous situations in this House. There have been specific rulings with regard to Questions on the Order Paper and motions for the production of papers. I say, Madam Speaker, that you are quite justified in saying whether or not it meets the pleasure of the House. However, when we have a situation of this nature, it does not mean that that particular statement which is made by you is willy-nilly a ruling of the House. In other words, I do not think the President of the Privy Council can come forward and say that you have ruled for all time forward that this circumstance is barred from argument. I would hate to see the day when the House of

Commons, by virtue of your initial reaction to matters, would be barred from bringing forward a motion which is of the essence of the parliamentary system and our House of Commons procedure.

I simply urge you, Madam Speaker, to allow my colleague for St. John's East to proceed with this motion, which is on the Order Paper legitimately and has been properly brought forward by my colleague.

Mr. McGrath: I will be brief, Madam Speaker. When I rose to move concurrence on behalf of the Hon. Member for Nepean-Carleton (Mr. Baker), I did not request unanimous consent because, with respect, I did not think it was necessary for me to do so. I say to the Chair, with the same respect, that the Chair inadvertently sought the consent of the House when it was not necessary.

The reason I did not seek unanimous consent to move concurrence in the sixth report on behalf of my absent colleague, the Hon. Member for Nepean-Carleton, whose absence today is for a very good and honourable reason, was because when your distinguished predecessor, Speaker Lamoureux, ruled that any Member could move concurrence, there were no restrictions placed on it. I was rising in my place today not only as a colleague of the Hon. Member for Nepean-Carleton, having been requested to act on his behalf, but as a member of the committee wanting to get along with the business of the House in moving concurrence in a report on which notice had been served by the Hon. Member for Nepean-Carleton.

I believe, Your Honour, with respect, that requiring unanimous consent was not at all necessary because the practices of the House since the ruling of Speaker Lamoureux are such that it is not unusual for an Hon. Member to nod to move concurrence or to move a motion on behalf of an absent Member. It is a frequent occurrence on all sides of the House. If we were to be restricted in that, you would not only be restricting Members of the House but also Members of the Treasury benches who could not in fact move motions on behalf of their absent colleagues. That would seriously hamstring the business of the House.

Madam Speaker: I have listened to all of the arguments and I am certainly confirmed in my first move that it was necessary to ask for unanimous consent in this particular case. The fact that the Hon. Member for St. John's East (Mr. McGrath) did not ask for unanimous consent does not apply, I feel, because the practice of the House is that if someone else but the one who has given notice of such a motion moves a motion, he must get the unanimous consent of the House.

● (1520)

I will read to the Hon. Member from the portion of Bourinot which was quoted by the Hon. Member for Yukon (Mr. Nielsen):

A Member may not propose a motion in the absence of another who has placed it on the notice paper—