

Electoral Boundaries

which contains the original proposed boundaries. It must be the report which has followed the public hearings the commission is required to hold.

Let us suppose for a moment that in the title to Schedule B the word "original" were simply deleted. Would the commission then have met its legal obligations? The answer, I submit, is categorically, no. What has the Commission said in Schedule B? They have done no more than paraphrase for us the language of the very law passed by parliament. In what way does that constitute the justification which parliament has demanded from the commission?

On page four, the commissioners, in this document which purports to be their report, go on simply to tell us what they have done. They say, for example, that all of the non-urban electoral districts in Northern Ontario are below quota. I submit that this statement is factually incorrect, but more seriously, and more pertinent to this point of order, the commissioners have made no effort whatsoever to offer any reason in support of their recommendations.

Consider, for a moment, what they have proposed for Northern Ontario—a reduction of the present level of representation from 12 seats to 11. This is a recommendation which has caused deep-seated dismay across the entire region of Northern Ontario. Where is the justification for this particular recommendation?

Mr. Speaker: I am reluctant to interrupt the hon. member but I do want to restrict him from talking about the merits of the report itself. We must be clear about what is taking place. The President of the Privy Council (Mr. Sharp) has put down a notice which would legalize the calling of this question tomorrow. The minister has now sought the consent of the House to deal with it today, not tomorrow. Before the consent of the House could be sought, the hon. member raised a point of order which has something to do with whether or not the motion could be dealt with at all by the House. I respect that. But I want to confine him strictly to the technicality of whether or not the House can deal with the report.

Mr. Penner: I appreciate very much what you have just said, Mr. Speaker. My reference to Northern Ontario was designed to illustrate the point I was about to make. A serious recommendation is made but it is supported by no reason or reasons whatsoever.

I hasten to add that in this proposed redistribution Ontario is gaining seven more seats than it has at present. All of these, of course, will go to the more populous southern part of the province, and understandably so. But why has the commission found it necessary to subtract one from Northern Ontario? My point is that it has offered no reason for such an important decision. However, in keeping with Your Honour's ruling, I do not wish to dwell on that point. I will conclude by simply reiterating my point of order.

The commission is required by statute to present reasons justifying its recommendations. This document fails to offer reasons and should, therefore, not have been tabled. Hence I contend, with respect, that it would be out of order to proceed with any debate regarding the distribution of seats in Ontario. The debate to take place next week,

[Mr. Penner.]

should it take place, and should Your Honour accept the point I am making, would have to exclude any discussion of the Ontario report.

Mr. Cafik: Mr. Speaker, I rise to participate in the debate on this point of order because I strongly believe that the hon. member for Thunder Bay (Mr. Penner) has presented a very valid argument. His submission is strengthened by the fact that the Electoral Boundaries Commission has, in every province with the exception of Ontario, provided reasons to support the recommendations. Thus the commission as a whole recognizes the obligation to provide those reasons. However, in the case of Ontario the commission did not do so.

● (2150)

The second point I would make is that this argument is not exclusively a technical argument. I think the requirement to provide reasons for recommendations not only applies to this particular aspect of the report that has been tabled in the House or given to Your Honour, but is a requirement to provide that reasons existed for the original report that was given public debate and participation. The reasons did not exist at that particular point either. Therefore it appears to me, Mr. Speaker, that the report is not only invalid and in fact fails to be a report under the law at this particular time, but it was so even prior to its arriving in this House.

I contend that the very essence of the function performed by the commissioners was to make recommendations as to the disposition of proposed new ridings. When one looks at the act giving rise to this commission, "recommendation" itself is defined in the interpretation section, section 2(1). A recommendation is defined as one that contains a reason to justify it. If there is no justification, then there is no recommendation, because a recommendation itself is defined to be that which contains within it a justification for a recommendation.

I therefore contend that there is in fact no recommendation whatsoever in the report of the Ontario Electoral Boundaries Redistribution Commission. If that is true then you have withdrawn the very essence of the report, the very thing that gives it meaning, the recommendation itself. If those recommendations fail to exist, I find it extremely difficult to contend that the report in fact exists. I maintain that when you withdraw the essence of it, you have withdrawn the very thing itself. The report therefore does not exist, and it cannot be dealt with by the House of Commons if it is not here.

I make one other point, Mr. Speaker. The requirement for reasons is one that appears to be fully understood and recognized by Mr. Castonguay, the representation commissioner. On April 26, 1974, at the privileges and elections committee, there was in fact extensive discussion with the representation commissioner respecting a proposed amendment that would require these reasons. At that time the commissioner indulged in quite a lengthy discussion, and indicated to the committee that if such recommendations required reasons it would make eminent sense that those reasons would not only have to be present in the report to be tabled in the House of Commons but, by the same token, should be present prior to the public hearings.