

HOUSE OF COMMONS

Wednesday, June 7, 1972

The House met at 2 p.m.

HOUSE OF COMMONS

TABLING OF FOURTH REPORT OF CLERK OF PETITIONS

Mr. Speaker: I have the honour to inform the House that the Clerk of the House has laid upon the table the fourth report of the Clerk of Petitions.

The report was then read by the Clerk, as follows:

Fourth Report of the Clerk of Petitions

Wednesday, June 7, 1972.

The Clerk of Petitions has the honour to report that he has examined the petition of Herman Weisz, of the City of Ottawa, Ontario, in relation to a report entitled "Concentration in the Manufacturing Industries of Canada", dated March 31, 1971 and published by the Queen's Printer for Canada on behalf of the Department of Consumer and Corporate Affairs, presented by Mr. Andrew Brewin, Member of Parliament, on Tuesday, June 6, 1972, and finds that the petition meets the requirements of the Standing Orders as to form.

Respectfully submitted,
Fernand Despatie,
Clerk of Petitions.

PETITION OF HERMAN WEISZ—RULING BY MR. SPEAKER

Mr. Speaker: The House has just heard the Clerk read the fourth report of the Clerk of Petitions in relation to the petition filed yesterday by the hon. member for Greenwood. Since the filing of the petition yesterday, I have had an opportunity to study very carefully the contents and substance of that document. The substance of the petition is that the petitioner who was a public servant was largely the author of a report entitled "Concentration in the Manufacturing Industries of Canada" published by the Department of Consumer and Corporate Affairs. This report was attributed to be the work of a public servant, not the petitioner, under the direction of yet another public servant, also not the petitioner.

The suggestion is that it was wrong, and inaccurate in failing to give the petitioner credit for his part in the publication, thereby damaging his reputation. The petitioner urges the House of Commons to cause the person or persons responsible for the alleged wrongful appropriation of his work to publish a correction and to give him credit for his part in the publication.

Hon. members will recognize that it is a heavy responsibility of the Chair to ensure that petitions are in accordance with the historic practices and usages of the House. There is a fundamental right to petition the House of Commons, but that right should not be used to put aside other and probably more effective remedies. It is my understanding that there is an avenue open to the petitioner which has not been referred to in his statement of grievances. There is a precedent in the year 1956 to the

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effect that the House will not receive a petition dealing with a matter, the jurisdiction of which has been assigned to another body. This precedent may be found at page 163 of the *Journals* of the House for Thursday, February 16, 1956. I quote from the *Journals* of the House:

Mr. Speaker decided that, although the abovementioned petition met the requirements of Standing Order 70—

Now Standing Order 67.

—it was irregular in that it did not set forth a case in which the House had jurisdiction to interfere since Parliament had vested in the Governor in Council and in the Minister of Transport the exclusive authority to approve and issue licences for the operation of private television stations, and that the petition could not be received.

The Chair has other reservations concerning the substance and the language of the petition filed by the hon. member yesterday. The document, in my estimation—and I say this after much serious thought and consideration—is more in the nature of a remonstrance or a listing of grievances rather than a petition as it is understood by our usages and practices. Included in the substance of the purported petition are statements which, in my opinion, are charges of a very strong character against a minister and a senior departmental official.

• (1410)

As the House knows, assuming a petition to be acceptable from a procedural standpoint, further discussion or consideration of it may be carried out only by consent. We have to go back to the year 1962 for an instance where such unanimous consent was given to allow a debate in the House followed by a referral of the matter to a committee. Perhaps I might be allowed at this point to refer to Dawson's Procedure in the Canadian House of Commons, page 242, dealing with modern practice in relation to petitions:

These rulings and the procedure surrounding the reception of petitions have acted, in recent years in particular, to discourage petitioning. At many times the House has shown itself willing to waive its rules, however strict, to allow the introduction or the passage of a measure it desires, but it has consistently refused to do the same with petitions. Not only is the possible subject-matter limited today, but the forms are strictly observed. The examination by the Clerk of Petitions ensures that many petitions will never be received by the House. Even if they are drafted properly and deal with a proper subject, the petitions cause little stir in the House: the Speaker informs the House that they may be received and they disappear from sight without comment. At best a member may present a petition in person and read the prayer; his fellow members nod agreeably and the petition disappears; there is no debate. The result of these restrictions and this procedure is that petitions are of little use today. Petitions for private bills are still common, but the old tradition by which an individual could pray for redress of wrongs and expect an alleviation of difficulties has fallen into disuse. It is unlikely ever to be revived.

In light of what I have read and said I wonder whether hon. members would not agree that, if allegations con-