

HOUSE OF COMMONS

Wednesday, April 11, 1973

The House met at 2 p.m.

ROUTINE PROCEEDINGS

FISHERIES RESEARCH BOARD

TABLING OF ANNUAL REPORT FOR 1972

Hon. Jack Davis (Minister of Fisheries): Mr. Speaker, in accordance with Standing Order 41(2) I wish to table in both official languages the annual report of the Fisheries Research Board of Canada for the calendar year 1972.

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INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

CONCURRENCE IN SECOND REPORT OF STANDING COMMITTEE

Miss Flora MacDonald (Kingston and the Islands) moved that the second report of the Standing Committee on Indian Affairs and Northern Development, presented to the House on April 4, 1973, be concurred in.

Mr. Speaker: Is it the pleasure of the House to adopt the said motion?

Mr. Reid: Mr. Speaker, I believe a point of order could legitimately be raised as to the appropriateness of putting this motion at the present time. Yesterday when we were discussing the motion to concur in the report of the Special Committee on Trends in Food Prices the point was made that some of the recommendations exceeded the powers of the committee in that they involved the expenditure of money. If Your Honour were to examine closely the second report and the document contained in issue No. 8 of the proceedings of the Standing Committee on Indian Affairs and Northern Development at page 42—this is the document on aboriginal title which the motion proposes we concur in—and the legal consequences of Indian or aboriginal title and what this document considers to be those legal rights, I think Your Honour would find that the same point arises as was raised yesterday as to the appropriateness of a committee of the House of Commons making a recommendation to the House that would involve the expenditure of money. I would refer Your Honour to Beuchesne, citation 260(1), which reads as follows:

The tendency has been in the Canadian House of Commons, for the past 25 years, to rule out all motions purporting to give the government a direct order to do a thing which cannot be done without the expenditure of money. Our Journals are full of precedents to this effect.

Numerous other precedents and citations from Beuchesne and May might be quoted, but I think the general principle is quite clear. I would make the argument that this motion to concur in the second report of the Standing Committee on Indian Affairs and Northern Development does involve a commitment for the government to expend money not only to enter into negotiations but to right alleged wrongs by the expenditure of money. I suggest that this would not only be against the Standing Orders of the House but also any authorities on the subject that Your Honour might care to consult. On that basis I think Your Honour might be asked to give a ruling on the appropriateness of this motion and on the appropriateness of a standing committee of the House of Commons making such recommendation to the House itself.

• (1410)

Mr. Baldwin: Mr. Speaker, we pursued this point yesterday. I made my comments then and will not repeat them. I understand that the parliamentary secretary in effect is repeating the caveat that the government House leader entered yesterday in reserving the right not to have this matter taken as a precedent if Your Honour should decide that the debate should continue. I will not repeat the argument. I simply say that the fact that Your Honour, after having been elected Speaker, goes to the other place to claim on behalf of this House the right of free speech, makes it incumbent upon Your Honour, in any case where there is a reasonable doubt and there is no inconsistency with specific rules, to resolve that doubt in favour of the opportunity for debate in the House, and any further attempt by the government to restrict the freest possible debate should not be countenanced.

Mr. Howard: Mr. Speaker, may I put to you, in addition to the remarks made by the hon. member for Peace River (Mr. Baldwin), that there should be no doubt whatever on the motion before us whether an expenditure is involved, and so I think there is no necessity to rule on the side of parliament as distinct from ruling on the claimed right of government with respect to expenditures. I say there is no doubt because of the very wording of the report that is before the House. Let me read the pertinent words to you, as found at page 241 of *Votes and Proceedings* for April 4, 1973:

Your Committee accepts and endorses the concept of aboriginal title as set out in the paper entitled "Aboriginal Title" presented to the committee by Mr. George Manuel, President of the National Indian Brotherhood, on Thursday, March 29, 1973, and urges the Prime Minister, on behalf of the government of Canada, to publicly accept and endorse the said concept of aboriginal title—

There is no question of expenditure there. It is simply a declaration of recognition that is asked for. The report continues:

—and to take steps immediately to enter into negotiations with the Indian people with respect to the said title.