

Report of Special Committee

● (1500)

ROUTINE PROCEEDINGS

[English]

COMMISSION ON JUDGES' SALARIES AND
BENEFITSTABLING OF REPORT AND RECOMMENDATIONS—REFERENCE
TO COMMITTEE

Hon. Mark MacGuigan (Minister of Justice): Madam Speaker, I am pleased to lay upon the Table, in both official languages, a copy of the report and recommendations of the Commission on Judges' Salaries and Benefits; and I ask that this report be referred to the Standing Committee on Justice and Legal Affairs.

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[Translation]

CANADA ELECTIONS ACT (NO. 3)

MEASURE TO AMEND

Hon. Yvon Pinard (President of the Privy Council) asked for leave to introduce Bill C-169, "An Act to amend the Canada Elections Act (No. 3)".

Motion agreed to, Bill read the first time and ordered to be printed.

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[English]

STANDING ORDERS AND PROCEDURE

CONCURRENCE IN SIXTH REPORT OF SPECIAL COMMITTEE

On the Order: Motions:

October 3, 1983—*Mr. Baker (Nepean—Carleton) (Vice-Chairman of the Special Committee on Standing Orders and Procedure):*

That the Sixth Report of the Special Committee on Standing Orders and Procedure, presented to the House on Tuesday, March 29, 1983, be concurred in.

Hon. James A. McGrath (St. John's East): Madam Speaker, the Hon. Member for Nepean-Carleton (Mr. Baker) cannot be in the House today because he is attending the funeral of the police officer who was so tragically shot last Friday. On the weekend he asked me if I would move concurrence in the sixth report on his behalf.

Madam Speaker: Is there unanimous consent for the Hon. Member for St. John's East (Mr. McGrath) to move this motion in the absence of the Hon. Member for Nepean-Carleton (Mr. Baker)?

Some Hon. Members: Agreed.

Some Hon. Members: No.

Madam Speaker: There is no consent.

Hon. Erik Nielsen (Yukon): Madam Speaker, I rise on a point of order. I submit that consent is not required. I anticipated this kind of situation arising. I am prepared for it, and I want to make submissions to the Chair.

There has been a long standing practice in the House that, where there has been a specific request by an absent Member in whose name a motion stands on the Order Paper for another Member to move it, it has been done as a matter of routine. I wish to cite some precedents for consideration by the Chair. The first is Citation 402 of Beauchesne's Fifth Edition, wherein the following is set forth:

Merely formal motions for the adoption of reports or for certain papers, to which there is no objection, are usually permitted to be made in the absence of the Member who has placed the notice on the Order Paper.

I ask the Chair and its advisers to pay particular attention to the position of the commas in that sentence, because I propose referring to the Fourth Edition as well as to the French edition of Beauchesne for an elaboration on this submission.

Citation 402 at first glance would appear to preclude motions for the adoption of reports to be made in the absence of the Member who placed the notice on the Order Paper in cases where there has been an objection heard. However, reference to the Fourth Edition of Beauchesne shows that Citation 402 was drawn from previous Citation 188(4). The only change to the words of the citation from edition to edition was the inclusion of a comma after the word "papers". By placing the words "to which there is no objection" within commas, the effect has been to change the original intent of the citation.

In the original citation the matter of the raising of an objection referred only to motions for the production of papers. This interpretation is consistent with the French text of Citation 402 in Beauchesne's Fifth Edition and with Bourinot's Fourth Edition from which the words are taken. I refer the Chair to the French text to be found at page 147 of Beauchesne. I do not wish to fracture the French language by reading the citation, but the Chair will notice immediately the validity of the comparison I draw, supporting the contention I make, which seems to be bolstered by a reading of the French text.

As well, Bourinot provides references to instances where motions have been moved in the absence of the Members who gave notice of these motions. Footnote (c) at the bottom of page 299 of Bourinot's Fourth Edition—and I will not burden the Chair by reading it—cites instances where motions were moved in the absence of the Member in whose name the motion was standing on the Order Paper. I have dug up the citations to which Bourinot referred that indicate the practice goes all the way back to 1878.

In this instance the Hon. Member for St. John's East (Mr. McGrath) informed the Chair that he was specifically requested by the Hon. Member for Nepean-Carleton (Mr. Baker) to rise today to move the motion on behalf of the Hon. Member, who is unavoidably absent. It would be different if that specific request were not present. There would be some merit in the suggestion that a Member could not rise to move a motion