

HOUSE OF COMMONS

BENEFITS AND PRIVILEGES ACCORDED NEW DEMOCRATS
AS OPPOSITION PARTY—REQUEST FOR UNANIMOUS
CONSENT TO MOVE MOTION

Mr. Speaker: Perhaps I might refer to a small incident which happened yesterday when the hon. member for Leeds (Mr. Cossitt) proposed a motion under Standing Order 43 which had reference to the position of the New Democratic Party in the House. I was looking at the hon. member and he was looking in the direction of the Chair as he proposed this motion, and I think we agreed that his motion was perhaps actually made with tongue in cheek. The Chair took it that this was so, and in conversation the hon. member has confirmed to me that he really did not expect that the Chair would put the motion. It was on this basis and in the same vein that I said the matter would be taken under advisement. I regret very much if either the motion of the hon. member or the comment of the Chair was taken too seriously.

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INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

CONCURRENCE IN SECOND REPORT OF STANDING
COMMITTEE

On the order: Motions:

April 4, 1973—Mr. Howard:

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. Frank Howard (Skeena): Mr. Speaker, I should like to proceed with this motion today if I may.

Mr. Speaker: The hon. member wishes to proceed with the motion. As he knows, a point of order was raised previously. I would be pleased to hear him on the point of order, and this time the matter would be taken under advisement seriously. In view of the importance of the point of order which was raised before and debated in the House I would be prepared to make a ruling, and I am sure this is what the hon. member has in mind.

Mr. Howard: Mr. Speaker, the motion relates to endorsement of the second report of the Standing Committee on Indian Affairs and Northern Development which made some recommendations to the House on the subject matter of aboriginal rights. It asks the House to endorse the concept of aboriginal rights. A preceding motion dealing with the same report and the same subject matter was introduced and moved by the hon. member for Kingston and the Islands (Miss MacDonald) some months ago. It was debated for one whole day and, as I understand the procedure and rules, was subsequently transferred to government orders. Therefore it is lost to the House and cannot be revived unless the government should think it worth while to do so.

There is a rule in Beauséjour called the anticipation rule. It is Citation 131, and I should like to read the first paragraph:

In determining whether a discussion is out of order on the ground of anticipation, regard shall be had by Mr. Speaker to the

Indian Affairs

probability of the matter anticipated being brought before the House within a reasonable time.

I think my motion can only be ruled out of order on the ground of anticipation, because the preceding debate was held to be in order. It is the question of the determination by Mr. Speaker of the probability of the subject matter of the motion, namely, aboriginal rights, and the report of the Standing Committee on Indian Affairs and Northern Development being brought before the House within a reasonable period of time that should be settled. It is some five months since the motion of the hon. member for Kingston and the Islands for concurrence in the second report of the committee was brought before the House, debated and then moved from motions to government orders.

● (1420)

The anticipation rule has been in the rules of procedure of the House for many years prior to 1968-69 when the House embarked upon a new structure and concept regarding the operation of the standing committees. The rules at that time were revised to give the standing committees of the House a much larger role than they had had previously. For example, estimates are automatically referred to committees. The practice of referring annual reports of departments or agencies of government is now commonplace. The practice of establishing special committees such as the Food Prices Committee is more commonplace now than prior to 1969. Therefore, I think the anticipation rule must be read in conjunction with what parliament has conceived shall be the function and role of committees.

This House referred a certain subject matter to the Standing Committee on Indian Affairs and Northern Development. That committee saw fit to make a recommendation to the House on April 3 or 4 on the subject matter of aboriginal rights. I believe that not only is the House entitled to expect reports from committees to which it refers subject matters, but if a committee of the House, which is a committee of all the House and not just one part of it, makes recommendations the House of Commons which set up the committee and referred the subject matter to it is entitled also to be able to approve or disapprove of the recommendations. It should be able to respond by vote to the particular recommendations of any committee.

I submit that the government is abusing the principal concept of the rule of anticipation with respect to the House making a decision about a subject matter referred to a committee, about which the committee has made a recommendation. The government has virtually swept aside the question of aboriginal rights and has virtually denied the House the opportunity to pass judgment on the recommendations of that committee. At no time since April, when the subject matter was debated, has the leader of the House once indicated that the motion under government orders standing in the name of the hon. member for Kingston and the Islands for concurrence in the second report of the standing committee would be listed as an item to be brought forward for debate in the House. At no time in the discussions between House leaders has there been any indication that the subject matter to which I have referred is to be entered on the agenda for debate.