

*Petition*

bodies. Your Honour also wondered whether it was advisable to include in the petition comments or reflections upon decisions already taken by the government. You suggested that might be a bit of a departure.

● (1410)

The word "reflects" is ambiguous and might be taken to mean "refers to", or "alludes to". If one uses the word "reflects" in that sense, it is clear that in the past there have been reflections on or referrals to previous government decisions on legislation which has been passed.

Mr. Speaker Lamoureux decided to refer a petition to committee on December 11, 1970. That petition clearly dealt with legislation which had been passed by the House of Commons, namely, the Cape Breton Development Corporation Act, and with decisions taken by other authorities under the framework of that legislation. Therefore if the word "reflects" is taken to mean "a referral", there is precedent for accepting the petition which I have presented to the House.

The word "reflects" may also carry with it the connotation of "critical" or "hostile to a decision of the government or of the House of Commons." That leads to this question: What are the limitations on language which can be presented in a petition? Let me refer to Standing Order 67(4) which reads:

Members presenting petitions shall be answerable that they do not contain impertinent or improper matter.

That is the standard against which one must judge whether something is presented in a critical or a hostile way.

I take it that Your Honour is objecting to the phrase or language saying that the petitioners as Canadians view with dismay the absence of resolve of the government of Canada, and, secondly, that they believe Canada's abstention at the United Nations "cannot be justified". I take it that is the language to which Your Honour objects. I think you may feel that the word "justified" is being used in a moral sense. I understand that the petitioners believe that it cannot be justified in a logical sense. In either case I suggest that the language "view with dismay" and "cannot be justified" hardly constitutes impertinent or improper matter. If it did, members of the opposition would be impertinent and improper every day in this House.

A further elaboration on the language required in a petition is found in citation 333 of Beauchesne which says in part:

The language of a petition should be respectful and temperate and free from disrespect to the Sovereign, . . .

This is certainly the case in the petition I presented. I continue:

. . . or offensive imputation upon the character and conduct of parliament, or the courts of justice, or other tribunal, or constituted authority.

The words which I have read out in the petition certainly contain no imputation on the character or conduct of Parliament or the government. Criticizing an action does not carry with it an imputation on the character, good faith, goodwill, integrity and honesty of the decision which has been taken.

[Mr. Roberts.]

It may be that the matter which most concerns Your Honour is the decision of Mr. Speaker Lamoureux of June 7, 1972, when he found unacceptable the petition presented by the hon. member for Greenwood (Mr. Brewin). I contend that that decision is to be clearly distinguished from the situation with which you are being asked to deal now. It is clear, from *Votes and Proceedings* of that day, that Mr. Speaker Lamoureux had two other grounds not related to the language of the petition for rejecting the acceptability of the petition. He said, first, that it was his understanding that there is an avenue open to the petitioner which has not been referred to; in other words, there was a means of redress which he had not utilized and on that ground alone the petition would have failed. That is not the case in the petition I have presented. Mr. Speaker Lamoureux indicated also that:

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.

In other words, they are allegations of a strong nature to do with their individual conduct.

A subsequent paragraph of the decision reads in part:

. . . I wonder if honourable members would not agree that if allegations contained in a document were allowed to be inserted into our records, another possible injustice would not be created.

I think he was referring to the idea that people whose character had been attacked in the petition would not have an opportunity to reply to that attack. Again, quite clearly the petition which I presented makes no such imputations of conduct or character of members of the House of Commons nor the government nor on individuals. It does not impugn motives. It does not charge lack of good faith or question integrity. It seems to be fairly clear that the precedents do not enjoin the rejection of this request that the petition be read.

There are one or two other points I wish to make, although I apologize for trespassing on the time of the House with this matter. It seems clear that the petitioner meets the required form of petitions. It rests with the Clerk of Petitions. It is of course possible for members of parliament to see it. They have a right to see it and to go to the Clerk and have access to it.

I suggest that the reading of the petition by the Clerk of the House or the printing of it in *Votes and Proceedings* is simply the question of accessibility and convenience for the members. It is a little bit like the process of giving first reading to a piece of legislation so that members are able to regard it and look at it.

I suspect Your Honour is concerned about the possible disruption of the House if this tactic were used frequently by members to introduce matters which concern them. I would suggest the control of that kind of procedure is in the good sense of the members themselves. Of course, any single member could deny consent to have such a petition read or printed in *Votes and Proceedings*. In any case, the same objection might be made to rules 26 and 43 of the Standing Orders. Would Your Honour on that ground rule those motions out of order *ab initio*. I suggest if there is a problem with the conduct of the House business responding to the presentation of petitions, it should be discussed by the procedure committee.