

Canada-U.S. Free Trade Agreement

somewhat unclear, in that Citation 736 indicates that an instruction *per se* can include the direction to do something which a committee might otherwise not do. I emphasize the term "to direct". That seems to me to move it beyond the permissive realm.

● (1530)

Mr. Gray (Windsor West): Mr. Speaker, perhaps you would be good enough to hear me on this point, because this was the one I was going to raise. Your ruling is very thoughtful and helpful as it is, and it will certainly do much to advance the growing importance of the committee system before our House of Commons. However, I would very respectfully suggest to you, since the motion by the Hon. Member for Essex—Windsor (Mr. Langdon), which led to the point of order on which you have ruled, is clearly only a permissive motion and not a mandatory motion, that you would be willing to limit your ruling today within the four corners of the motion which has given rise to it, and leave open the opportunity for us to argue the course of action which the House can follow if a motion is presented to give a mandatory instruction to a committee. I make the suggestion with the utmost respect. Your comments on the entire question have been most helpful, but I do submit that the only issue before you is with respect to a permissive motion rather than a mandatory motion.

Mr. Speaker: I have the point of both the Hon. Member for Kamloops—Shuswap and the Hon. Member for Windsor West. Certainly, at the moment, my ruling applies to the motion of the Hon. Member for Essex—Windsor. Since omniscience is seldom given to any of us here on earth and certainly not to Speakers, it might be that at some other occasion I might be persuaded by the procedural knowledge of Hon. Members, who I know would want to assist me, that another view might be taken of a mandatory motion. Naturally, what I am saying here today would not preclude an Hon. Member from rising and arguing that at some other point, at some other time.

At the moment, at least, it is my view that that argument would not prevail. It does not mean for one minute that I would not hear it. I am indicating pretty clearly, I think, at least at the moment, that until I can be persuaded otherwise—despite the citation in Beauchesne's that the Hon. Member for Kamloops—Shuswap has quoted—if that is put into context and into history, at least I feel today that the appropriate inference to be drawn is that the proper practice is permissive motions only. If Hon. Members wanted to raise that matter at another time, I would most certainly hear them.

If I could be persuaded that I have misinterpreted the tangled history of this particular matter, then of course I would act accordingly. The Hon. Minister of State (Mr. Lewis).

Mr. Lewis: Mr. Speaker, I would like to take this opportunity to thank the Chair for its ruling and clarification of the instruction motion. I want to indicate on behalf of the Government that I think the ruling makes good sense in terms of

today's existing practices and Standing Orders. I am sure we can understand the opposition Members' interest in pursuing matters in this way, and I want to indicate that we will consider each case and each motion moved on its merits and act accordingly.

Mr. Axworthy: Point of order, Mr. Speaker. I apologize. I had to step out of the Chamber for a few short moments to attend to a piece of business, but I was wondering if the Speaker, in providing a ruling about the permissive nature of a motion, would indicate whether that still incorporates or encompasses a certain judgment from the House that is in effect advice to the committee.

Aside from just providing authorization, it also incorporates a certain will or set of advice to the committee to act upon, as a result of that motion being presented which, I think, in terms of the role of the committee *vis-à-vis* the entire Chamber, it is a very important distinction to make. It certainly has great relevance in this case, where there was major dispute in the committee about the advisability of travelling and whether in fact if there was a motion in the House, to express the will of the House in this case, it might affect the judgment or decision of the committee within the realm or parameters of that permission.

Mr. Speaker: The Hon. Member for Winnipeg—Fort Garry (Mr. Axworthy) is very persuasive. However, I think it is important that this ruling be taken in the context in which it has been argued and given. It is not for the Chair to go beyond what is clearly the practice and the precedents. That is, it is quite clear in our practice that whatever effect a permissive motion given to a committee may have on the committee, it is for the committee to decide what it is to do with it.

As the Hon. Member will have noticed in listening to my reasons as I read them, I have made it very clear that the committee does not have to necessarily act. What went on in that committee is not for the Chair to speculate upon. I am trying as much as possible to meet the appropriate concerns of the Hon. Member for Essex—Windsor and other Hon. Members who have raised this matter, to ensure that all Hon. Members, as can the Government, can move a permissive motion.

If the motion was, for example, passed on some occasion by the House and sent to the committee, what effect that might have on the committee is not for the Speaker to say. It certainly is open to the Hon. Member for Winnipeg—Fort Garry to perhaps approach individual members of the committee—as is of course the right of any Member—and say: "Look, in view of this, don't you think you should do something?" That is not something upon which the Chair can speculate. I know that the Hon. Member would understand that.

What moral weight may be given to a permissive motion is something for the committee itself, and other Hon. Members