

*Representation Act, 1985*

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

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● (1140)

**REPRESENTATION ACT, 1985**

## MEASURE TO ENACT

The House proceeded to the consideration of Bill C-74, an Act to amend the Constitution Act, 1867 and the Electoral Boundaries Readjustment Act and to provide for certain matters in relation to the 1981 decennial census, as reported (without amendment) from the Standing Committee on Privileges and Elections.

**Mr. Murphy:** On a point of order, Mr. Speaker, before we consider Bill C-74 I would like to inform the House that I do not intend to move Motions Nos. 1 and 7 standing in my name since the Government has now introduced amendments fulfilling the needs which I expressed in committee.

**Mr. Speaker:** Accordingly, there were seven motions, but there are now five at the report stage of Bill C-74 on the Order Paper. I have looked at them all and have found that some are out of order for various reasons. Motions Nos. 1 and 7 standing in the name of the Hon. Member for Churchill (Mr. Murphy) have now been withdrawn, therefore I need make no comment with regard to them. Motions Nos. 2 and 3 are in order and will be debated and voted on separately.

Motion No. 4 standing in the name of the Hon. Member for Nickel Belt (Mr. Rodriguez) and Motion No. 5 standing in the name of the Hon. Member for Algoma (Mr. Foster) give the Chair some procedural difficulty in that they appear to go beyond the scope of the Bill. It is my intention, however, to hear procedural arguments as to their acceptability when they are called. Motion No. 6 is in order and will be debated and voted on separately. Accordingly, I now propose to go to Motion No. 2.

**Hon. Ray Hnatyshyn (President of the Privy Council)** moved:

Motion No. 2

That Bill C-74, be amended in Clause 2

(a) by striking out lines 10 to 13 at page 2 and substituting the following therefor:

"number assigned to that province on the date of coming into force of this subsection, there shall be".

(b) by striking out lines 17 to 34 at page 2 and substituting the following therefor:

"number of members as were assigned on that date."

**Mr. Gauthier:** On a point of order, Mr. Speaker, I just want to clarify something. I take it that Motions Nos. 1 and 7 have been withdrawn by unanimous consent, or is it required?

**Mr. Hnatyshyn:** He ruled them out of order.

**Mr. Speaker:** In fact, the Hon. Member in whose name they stood on the Order Paper has indicated that he has no intention of moving them. There is then no way for them to come before the House because he has chosen not to move them. Does that deal with the point of order of the Hon. Member for Ottawa-Vanier (Mr. Gauthier)?

**Mr. Gauthier:** Yes.

**Mr. Hnatyshyn:** Mr. Speaker, I would like to make a few remarks with respect to this particular amendment. At the outset I would like to say that I appreciate very much the position taken by the Hon. Member for Churchill (Mr. Murphy). He is always vigilant and always prepared to pursue his particular point of view. I would just like to remind the House that at the outset of the clause-by-clause discussions I had, on the basis of the evidence that had been presented to the committee and on the basis of representations received from members of the committee, given my undertaking to make certain amendments to this legislation which I thought would respond to some of the concerns that had been expressed. Due to the fact that there was an element of expenditure involved, it was necessary to obtain a Royal recommendation which is the reason this is being dealt with at report stage as opposed to having been dealt with in committee.

As I indicated, Mr. Speaker, I undertook to propose an amendment at report stage and told Members at that time that I would give serious consideration to adopting the wording proposed by the Hon. Member for Churchill. Motion No. 2 fulfills the undertaking which I gave to the committee. The motion, if adopted, would ensure that no province would lose any seats from its present representation in the House. At the same time it eliminates Rule 3 from Clause 2 which provided for growing provinces to receive only one-half of the increase in the number of seats to which they would otherwise have been entitled.

I believe, Mr. Speaker, you have dealt with Motion No. 3 in the name of the Hon. Member for Algoma (Mr. Foster) which seeks to accomplish essentially the same goal as Motion No. 2. However, it leaves out an important safeguard which I think is essential if we are to ensure fair representation in the future. In view of the fact that there are transitory migration patterns within a province or between provinces, it seems only reasonable to ensure that, in removing the cap on the growth of representation, we allow a mechanism for such transitory shifts to have only a temporary effect on the representation. I do not anticipate that the provisions of Rule 2 will very often operate to reduce the number of seats given to any province, however, it seems to me to be an essential safeguard.

I may say, in closing, that the effect of deleting Rule 3 and the changes proposed in Clause 6 of the Bill will, in large measure, provide the commissions with the tools to carry out the intentions of the two motions previously ruled out of order by the Chair concerning the interests of northern Ontario constituencies. In Ontario the average population per riding in 1988 will be 87,122. The application of 25 per cent will allow