

Supplementary Retirement Benefits Act (No. 2)

I am now suggesting on my point of order that, under the rules and practices of this House which go back for some period of time, those amendments should be accepted; and equally by the practice we ought not to consider Bill C-133 until the appropriate period of time has passed for those amendments to be filed, printed and dealt with in the normal way.

The Hon. Member for Ottawa-Vanier gave us the precedent with the judgment of Mr. Speaker Jerome on July 15, 1977, and that was the precedent for a report stage on a Friday, the Hon. Member being allowed until six o'clock on the following Monday to file his amendments. That is the weekend principle, and I think that a weekend principle applies as well.

Therefore, I have another case which I would like to bring to the attention of the Chair. It is the judgment of Mr. Speaker Lamoureux given on Tuesday, October 6, 1970, and it dealt with the case over a summer adjournment of the House of Commons. The only difference between these two is the weather more than anything else, but it was a long adjournment. I am going to read briefly from the judgment of Mr. Speaker Lamoureux, if I may. It appears at page 8841 of *Hansard* and reads as follows:

The report of the Standing Committee on Agriculture was tabled in the House on Friday, June 26 last, as appears in *Votes and Proceedings* for that date. This was the day on which Parliament recessed for the summer.

In this case we recessed for the Christmas adjournment. He continues:

As is the usual practice, distribution was made of those *Votes and Proceedings* the following Monday, June 29. The House met after the summer recess on Monday, October 5. Again, as is the practice, during the week before the resumption of the business of the House on October 5, the Order Paper was distributed to hon. members. That Order Paper carried as a government order the entry dealing with the report stage of Bill C-196. According to the Notice Paper appended to today's Order Paper, a number of motions standing in the name of hon. member for Crowfoot and other hon. members were received prior to 6 p.m. yesterday, October 5. Standing Order 75 deals with the report stage of public bills following their consideration in committee.

Hon. Members have referred the Chair to sections 5 and 8 of Standing Order 75. Perhaps for the record I may be allowed to quote sections 3 and 5 of the relevant Standing Order.

Mr. Speaker Lamoureux went on to do so, and then he continued:

The question for the Chair to determine is whether the requirements of the relevant Standing Order have been met. Section 3 of Standing Order 75 is clear that a committee report cannot be considered by the House until 48 hours have elapsed following the presentation of the report. How is this requirement to be interpreted?

There is another Standing Order which requires 48 hours notice. The unquestioned practice of the House has been that the 48-hour notice requirement is met when that period extends over a weekend or over two sitting days. For example, a notice tabled at six o'clock on Monday may be dealt with at two o'clock on Wednesday. Similarly, a notice filed at six o'clock on Wednesday can be dealt with by the House at eleven o'clock on Friday. A notice filed Friday afternoon can be dealt with on Monday afternoon at two o'clock, in spite of the fact that two sitting days have not elapsed . . .

I am sorry I am using a precedent which dates back to April 14, 1913, but I thought we should go back somewhat to indicate that this has been the practice for many years now. This precedent confirms my interpretation of the Standing Order, an interpretation which was accepted before the ruling of 1913 and which

has been followed since then. The ruling can be found in *Beauchesne's* third edition at page 827.

If the 48-hour requirement is met in the circumstances I have just outlined, it has certainly been met if the report has been filed on a Friday and the report is brought forth for consideration on the following Tuesday, even if there has been an extended recess between the two days. I appreciate the point raised by the hon. member for Crowfoot, that it would have been unfair and contrary to the spirit of the Standing Order to have attempted to proceed to the report stage yesterday—

"Yesterday" was the day the question arose.

—since in practice there would not have been the proper time in which to file amendment motions. On this basis I suggest the report stage could not have been proceeded with yesterday. In fairness to the hon. member for Winnipeg North Centre (Mr. Knowles), this is a point which was made very clearly by him.

I quote this precedent, Madam Speaker, to indicate that I was denied, rightly or wrongly—and I am not making an accusation when I use the word "denied"—the right to file an amendment on January 11. I filed formally on January 11 an amendment which is important to me as a Member of Parliament and, incidentally, important to the Party. I believe I ought to have time to file that amendment, or I should have the unanimous consent of the House to file the amendment. We could argue about the procedure later on.

In any event, it appears that the Standing Orders of the House indicate that Bill C-133 cannot be considered, at least to the detriment of my right to file an amendment. That is my whole point. I am not arguing to hold up for an extra day the consideration of Bill C-133, but if it means that I cannot file my amendment or that my amendment is not now acceptable and will not be printed, then I am quite prepared to say that the Government business should stand. The Government House Leader said there are 17 other pieces of legislation which he has. One other of them should be called today so that my amendment can be filed in accordance with the practice set forth by Mr. Speaker Jerome in 1977 and Mr. Speaker Lamoureux in 1970. That is the point I wish to make.

[*Translation*]

Hon. Yvon Pinard (President of the Privy Council): Madam Speaker, I listened with a great deal of interest and also, I must admit, with sympathy to the comments made by the Hon. Member for Nepean-Carleton (Mr. Baker). On the one hand, the old Standing Order 75(5)1, that 24 hours must elapse before consideration at the report stage and that there has to be at least 24 hours, notice for the amendments, but this does not prevent the House from proceeding to the report stage on a Monday if a bill is reported on the previous Friday. On the other hand, the Hon. Member tells us that he attempted to give notice of an amendment to a bill during a recess. He also referred to a few precedents, namely a precedent dating back to 1939 which is so mouldy that it is difficult to read, and one more recent of a ruling given on February 15, 1977, which also seems relevant to the discussion.

The situation is therefore that Standing Orders prescribe the procedure to be followed on the one hand, and the Government has dutifully followed this procedure by calling Bill C-133, today which is now under consideration. I would like to refer