

Mr. Evans: Madam Speaker, I would ask if it would be in order now to respond to a point raised by the Hon. Member for Yukon (Mr. Nielsen) yesterday regarding the Royal Recommendation.

Some Hon. Members: One o'clock.

Mr. Evans: Could I call it one o'clock, Madam Speaker?

Madam Speaker: Order. It being one o'clock, I do now leave the chair until two o'clock this afternoon.

At 1 p.m. the House took recess.

AFTER RECESS

The House resumed at 2.05 p.m.

Mr. Deputy Speaker: Order. When the House adjourned at one o'clock, the Parliamentary Secretary to the President of the Privy Council (Mr. Evans) had the floor.

Mr. John Evans (Parliamentary Secretary to President of the Privy Council): Mr. Speaker, the reason for my intervention at this time on the arguments with regard to procedure relates to an intervention made yesterday by the Hon. Member for Yukon (Mr. Nielsen) with regard to whether or not Royal Recommendation had been provided in the required form for some of the Government's amendments. In his intervention, the Hon. Member relied upon two citations from Beauchesne to support his argument that a Royal Recommendation had indeed not been appropriately given. He first quoted Citation 548, found at page 183 of Beauchesne's Fifth Edition, which states:

Amendments to Bills are out of order if they attempt to substitute an alternative scheme to that proposed with the Royal Recommendation. *Journals*, April 11, 1939, p. 325.

That particular citation was brought into conjunction with our Standing Order 79(6), which indicates:

When a recommendation of the Governor General is required in relation to any amendment to be proposed at the report stage of a bill, at least twenty-four hours written notice shall be given of the said recommendation and proposed amendment.

The Hon. Member then said: "Citation No. 548 in Beauchesne's gives me some difficulty in that it appears to contradict Standing Order 79(6)". I would agree that the interpretation he gave to Citation 548 does indeed contradict Standing Order 79(6). The solution to his dilemma was apparently found as he went back to Citation 540 of Beauchesne, which deals specifically with the Royal Recommendation and states:

The guiding principle in determining the effect of an amendment upon the financial initiative of the Crown is that the communication, to which the Royal Recommendation is attached, must be treated as laying down *once for all*—

The Hon. Member made much of the words "once for all". It continues:

—(unless withdrawn and replaced) not only the amount of the charge, but also its objects, purposes, conditions and qualifications. In relation to the standard

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thereby fixed, an amendment infringes the financial initiative of the Crown not only if it increases the amount but also if it extends the objects and purposes, or relaxes the conditions and qualifications expressed in the communication by which the Crown has demanded or recommended a charge.

The following is the important part of the citation which the Hon. Member perhaps did not notice to a proper extent:

And this standard is binding not only on private Members but also on Ministers whose only advantage is that, as advisors of the Crown, they can present new or supplementary estimates or secure the Royal Recommendation to new or supplementary resolutions.

The problem in this particular case is that when Beauchesne's Fifth Edition was brought out in its revised form, the editorial changes were lacking in this particular area. Citations 540 and 548, referring to the nature of the Royal Recommendation, continue to put forward a point of view that reflects, in content, the procedures that were established prior to 1968 and prior to the time the rules were revised. In other words, when Beauchesne's Fifth came out it did not reflect the changes made in 1968 to the Standing Orders of the House.

• (1410)

Prior to 1968, as we all know, Mr. Speaker, the procedure used with regard to Royal Recommendations dealt with a resolution. A resolution was put; the Minister would stand and put the recommendation. After 1968, this procedure was changed substantially and the present procedure does away with the resolution stage and substitutes the printed recommendation with the notice. Citation 540 at the end, as I mentioned, makes it clear that Ministers may:

—secure the Royal Recommendation to new or supplementary resolutions.

With the resolution stage abolished, this clearly must now be interpreted to mean that Ministers may obtain new or supplementary Royal Recommendations that are printed on the Notice Paper. Indeed, Standing Order 79(6), which was adopted unanimously by this House subsequently to the original writing of these obsolete citations in Beauchesne, provides exactly for this. The Rule, as I read earlier, is:

79(6) When a recommendation of the Governor General is required in relation to any amendment to be proposed at the report stage of a bill, at least twenty-four hours written notice shall be given of the said recommendation and proposed amendment.

This practice, the practice followed in Bill C-155 with regard to the amendments to which the Hon. Member for Yukon (Mr. Nielsen) made reference and objects to, is the precise procedure that has been followed in such cases for the past 15 years. I suggest the only error that was made is the error made by the Hon. Member for Yukon in not noticing that procedures had changed in 1968 and that these references he cited in Beauchesne were badly out of date.

Mr. Jesse P. Flis (Parliamentary Secretary to Minister of Transport): Mr. Speaker, the Minister of Transport (Mr. Axworthy) gave the Government arguments why Government motions, in our opinion, should be acceptable. I will not repeat those. I just have some concerns about eight consequential motions that I would like to address.