

[English]

### POINT OF ORDER

#### EFFECT OF PROROGATION ON REQUEST FOR GOVERNMENT RESPONSE TO COMMITTEE REPORT—SPEAKER'S RULING

**Mr. Speaker:** I have one more matter with which I must deal. Unfortunately it is a little longer than normal. Yesterday the Hon. Member for Ottawa—Vanier (Mr. Gauthier) asked me to deal with a matter, and I think it is important to deal with it before we break for the summer recess.

The Hon. Member raised a point of order as to the effect of prorogation on requests made for Government responses to committee reports. Implicit in the Hon. Member's query is the understanding that normally the effect of prorogation is to abolish all pending proceedings. However, an exception is made in some respects. Standing Order 121 provides:

A prorogation of the House shall not have the effect of nullifying and Order or Address of the House for returns or papers, but all papers and returns ordered at one session of the House, if not complied with during the session, shall be brought down during the following session, without renewal of the Order.

Standing Order 99(2) which pertains to responses to committee reports reads as follows:

Within 120 days of the presentation of a report from a standing or special committee, the Government shall, upon the request of the committee, table a comprehensive response thereto.

It would be well perhaps to engage as briefly as I can at this point in some textual analysis of the terms "order for return" and "Standing Order". As noted in Citation 412 of Beauchesne's Fifth Edition, at page 150, an order of the House is a decision of the House directing that something be done. Abraham and Hawtrey in "A Parliamentary Dictionary", Third Edition, at page 186, define a return as "a paper or document presented to either House in pursuance either of its order or an address". By combining these two definitions we may deduce that an "order for return" is a short form of stating that there is a decision of the House directing that a paper or document be presented to it.

A Standing Order is, as its very name implies, an order of the House which is to have a continuing effect. In my view by its adoption of Standing Order 99(2) on February 24, 1986 the House therefore made a decision directing that within 120 days of the presentation of a report from a standing or special committee, the Government shall, upon the request of the committee, table a comprehensive response thereto. In other words, the House thereby made a continuing order for the return of requested responses and, by virtue of Standing Order 121, further ordered that such returns should survive prorogation.

It seems to the Chair that the same reasoning developed earlier in these remarks can be applied in respect of responses to petitions as required by Standing Order 106(8) which provides:

The Ministry shall, within 45 days, respond to every petition referred to it.

The practice has developed of tabling these responses in the House. It would therefore appear that that practice has

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accorded to responses to petitions the status of returns ordered by the House, which are capable of surviving prorogation.

**Mr. Gauthier:** Mr. Speaker, I accept your decision, and I think I agree with it also. However, I just want to make one important point. If the report in question had not been adopted by the House, would it still be an order of the House? If the report is pending, in other words no concurrence motion has been made, does Your Honour's ruling still apply?

**Mr. Speaker:** The answer to that question is that if Standing Order 99(2) applies today, it applies tomorrow.

## ROUTINE PROCEEDINGS

[Translation]

### PETITIONS

#### GOVERNMENT RESPONSE

**Mr. Doug Lewis (Parliamentary Secretary to President of the Privy Council):** Mr. Speaker, pursuant to Standing Order 106(8), I have the honour to table, in both official languages, the Government response to the following 16 petitions: 331-547, 331-548, 331-582, 331-587, 331-594, 331-612, 331-616, 331-618, 331-620, 331-621, 331-623, 331-707, 331-708, 331-710, 331-739 and 331-749.

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[English]

### WESTBANK INDIAN BAND

#### TABLING OF DOCUMENTS

**Mr. Doug Lewis (Parliamentary Secretary to President of the Privy Council):** Mr. Speaker, if I could have one of your stronger pages, I would table some documents. In accordance with Standing Order 67(1), I have the honour to table, in both official languages, the documents related to the Westbank Indian Band.

**Mr. Speaker:** Perhaps the Parliamentary Secretary will understand that I hope he does not have any further tablings today.

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## INTERPARLIAMENTARY DELEGATION

#### PRESENTATION OF FINAL REPORT OF CANADIAN SECTION OF CANADA-U.S. INTERPARLIAMENTARY GROUP

**Mr. Pat Nowlan (Annapolis Valley—Hants):** Mr. Speaker, pursuant to Standing Order 101, I have the honour to present to the House, in both official languages, the final report of the