

Mr. Nielsen: Mr. Speaker, permit me first to make a submission with respect to the applicability of Standing Order 75(5). In my respectful submission that rule does not apply to anything other than a notice of an amendment to a bill, and contains a further refinement requiring that that notice make reference to the appearance thereof on the notice paper. I do not believe that that rule was ever intended to preclude members from moving amendments at the report stage. If that interpretation were to be placed on Standing Order 75(5), it would mean that all other members of the House would be precluded from moving any amendment to any of the motions now standing in my name on the order paper. In my respectful submission that standing order was never intended to be applied in that restrictive sense. It follows consequently that all hon. members are free to move an amendment to a motion which appears properly on the order paper at the report stage of any bill.

Dealing with the other two points raised by the Chair, I take it that both deal with the question of relevancy. The authority quoted by you, Sir, cites a long standing rule of the House that not only debate must be relevant but any amendment must also be relevant. I can only assume that the Chair has doubts with respect to the substance of the amendment moved by the hon. member for Moose Jaw, perhaps by virtue of a failure to appreciate the intricacies and the finer points involved in the legislation and the structure within which that legislation operates in the territorial scheme of things in this federal structure of ours.

● (2020)

Clause 4 of the bill purports to make any rates which are set by the Northern Canada Power Commission subject to the approval of the governor in council. To say that the amendment moved by the hon. member for Moose Jaw is out of order on the ground that his amendment, calling as it does for that power to reside in the hands of a public utilities board rather than the governor in council, is to suggest that any amendment which would substitute any body other than the governor in council for the purpose of performing the function called for in a government bill would be irrelevant, and it would therefore follow that the motion on the order paper would also be irrelevant and therefore out of order, which I submit is certainly not the intention of the rule as to relevancy.

I would suggest that the relevance rule cited by Your Honour would catch any amendment moved which attempted to do away in its entirety with the function which is to be performed by the governor in council under the government bill, and by the commissioner in council under motion No. 3 standing in my name. The rule as to relevance, in my submission, does not apply to the function of the governor in council under clause 4 of the bill. If I, by my motion, or if the hon. member for Moose Jaw, by his motion, had suggested that the approval of the fire department or of the dogcatcher of the city of Whitehorse would perform that function, I might find myself in some agreement with the Chair, but in my respectful submission the suggestion in my motion No. 3 on the order paper, that the approval of the commissioner in council rather than that of the governor in council should be sought, does

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not make that motion out of order on the grounds of irrelevancy.

If Your Honour accepts that, then the amendment put forward by the hon. member for Moose Jaw attempting to substitute for Commissioner in Council the public utilities board of the Yukon and Northwest Territories must also be a proper amendment. In order for an amendment to be caught by the relevancy rule with respect to this section, the amendment would have to introduce a subject matter which could not in any way be relevant or connected to clause 4(3) of the bill, but the mere substitution of one agency for that which is called for under the terms of the proposed subsection (3) of section 10 in clause 4 of the bill does not make the matter irrelevant.

In the event that the preliminary statement made by Your Honour did not encompass the inventory of possible objections the Chair might have, I might anticipate that it could be said by the Chair that substituting anything for the phrase "governor in council" would somehow be objectionable by reason of the fact that we were eliminating the omnipotent powers of the governor in council under our constitution, but here I simply point to the government's action in the amendment to section 6 of the act where it abolished in its entirety the control of the governor in council over the activities of the commission.

In brief summary, Standing Order 75(5) simply was never intended to prohibit members from moving amendments to motions standing on the order paper which have been moved in the proper way under Standing Order 75(5). Second, the rule as to relevancy, in my respectful submission, was never intended to prohibit a member from seeking, as in this instance, to substitute a different vehicle for the purpose of approving rates set by the commission.

All motion No. 3 seeks to do is substitute the commissioner in council for governor in council, and all the amendment proposed by the hon. member for Moose Jaw seeks to do is replace that amendment with another one which would make the approval of the public utilities board necessary rather than either the commissioner in council or the governor in council. Thank you for hearing me, Sir.

Mr. Deputy Speaker: If there is no other hon. member who wishes to express his point of view on this amendment proposed by the hon. member for Moose Jaw, I shall try to be as explicit as possible and make my decision in the light of the comments made by the hon. member, but at the same time in the light of my convictions and on the basis of the practices and the rules of this House. I wish to remind hon. members that this applies to any kind of ruling or decision rendered by the Chair.

The Chair is not here to judge the value of an amendment nor to support an amendment as to its substance. The hon. member for Yukon in his remarks addressed himself to whether the Chair was capable of seeing the substance of the amendment because of the complicated nature of the legislation before the House at this time and the implications of the amendments. He was actually asking the Chair to make a judgment on the legislation proposed, and more or less make a decision on a proposal