

*Disposition of Supply Motions*

My friend from Winnipeg North Centre suggests that a member can move an amendment only if he gains the floor. I submit that is not the case. With regard to what is meant by "debate" or "amendment," if the word "debate" is given its normal parliamentary meaning, then in my submission it includes the moving of a motion. This parliamentary meaning was approved as recently as last Tuesday, December 4, by Mr. Deputy Speaker in the Chair. It is interesting to note that in the debate on the protection of privacy bill, at page 8405 of *Hansard* the following statement by the hon. member for Winnipeg North Centre is recorded:

There is another rule which says that when an hon. member moves a bill even without speaking, or even if he only tips his hat, he is regarded as having spoken; that is his last chance—

Mr. Speaker, in response, said:

That is the position the Chair adopted in this instance—

Standing Order 37(1) provides:

No member may speak twice to a question—

Beauchesne's Fourth Edition, 1958, contains the following at page 137 in citation 165(1):

The member who makes a motion may give the name of his seconder who will, if necessary, lift his hat as evidence that he had intimated his consent, and the seconder will then be allowed to speak on the question. But if the seconder should rise and say only a word or two—for instance, 'that he seconds the motion'—he is precluded from again addressing the House.

Bourinot's Fourth Edition at page 345 states:

But if a member who moves an order of the day or seconds a motion, should rise and say only a word or two—that he moves the order or seconds the motion—he is precluded from again addressing the House according to a strict interpretation of the rules.

These citations are in accord with a ruling by Mr. Speaker Lemieux on March 14, 1928; *Journals*, 1928, volume 65, page 154. In my submission, it is obvious that the word "debate" in the normal parliamentary sense extends to the moving and seconding of a motion. If this sense or meaning is applied to the word "debate" in Standing Order 58(10), then the President of the Treasury Board (Mr. Drury) cannot move any motion with respect to the supplementary estimates because the moving of the motion, by the reasoning as set forth, is debate and surely the rules were not intended to preclude the President of the Treasury Board moving the motion now before us.

It follows from that, sir, in my submission, that no one could move or second an amendment to the motion which, as stated, cannot be debated, and it is debated in the parliamentary sense if it is moved and seconded. If that incongruous interpretation were accepted, not only would I be out of order but also the President of the Treasury Board would be out of order in moving the motion. There is nothing in the Standing Orders or the precedents or Mr. Speaker's ruling which holds that "debate" as used in Standing Order 58(10) is to be given a special meaning.

The explanation whereby Standing Order 58(10) becomes workable in this regard, I submit, is one of timing and is of importance. The words "without debate or amendment" are applicable only after Mr. Speaker has put the question which you, sir, have already done. In my submission, the reference to "debate" or "amendment" does not apply before the question is put by the Chair. In fact, further, it cannot apply because there would be no

[Mr. Nielsen.]

question to put, since to refuse to permit members to move and second a motion would be to preclude the moving of any question or any motion.

This sentence in Standing Order 58(10), in my submission, must be interpreted to mean that members can move a motion that properly can be put. Mr. Speaker must then forthwith put such questions without debate. It is the word "forthwith" which I draw to the attention of the Chair, which precludes debate on the motion at this stage: it does not, however, preclude amendment. There is nothing in the Standing Orders to preclude amendment at this stage. I suggest this is so even though no notice of amendment is filed under Standing Order 58(4) (a). In support of that suggestion I should like to read from Beauchesne's Third Edition, 1943, at page 47, citation 86 which sets out as follows the procedure on the putting of a question by Mr. Speaker:

● (2240)

When the debate on a question is closed, and the House is ready to decide thereon, the Speaker says: "Is the House ready for the question?" If it is evident that no member claims the right of speaking, the Speaker proceeds to put the question by reading the main motion, and then the amendment or amendments in their order as the case may be.

Under the procedure set out in Standing Order 58(4) (a), 48 hours' notice of a motion to concur in supplementary estimates is required. That notice has been given. At the proper time the motion is moved and seconded, and debated to that extent. At this point—and there is no provision to the contrary—the motion may be amended by a motion duly moved and seconded. The motion to amend may be amended. The question to be put by Mr. Speaker is not the original motion, but the motion as amended.

It may be that notice is required of any amendment: there does not appear to be any Standing Order or rule to that effect, however. In any event, notice has been given in the case of the amendment standing in my name on the order paper. That very fact destroys, in my submission, the argument of the hon. member for Winnipeg North Centre. A notice has been given similar to that required by Standing Order 58(4) (a) in respect of the main motion to concur. Only when the amendments, if any, are in may Mr. Speaker forthwith put the question, in my submission. If the motion has been amended, Mr. Speaker puts the question: the motion as amended or even subamended. In this way, following the words of Standing Order 58(10), he forthwith puts successively, without debate or amendment, every question necessary to dispose of any item of business relating to supplementary estimates or any opposed item in the estimates. That is the case here.

Your Honour will recall that when the last supplementary estimates were before the House we were confronted with an inability to do anything with respect to the reduction or control of those expenditures. Your Honour has intimated in the past that there was a way to do it, and I took it from your previous ruling that it was a matter that could be achieved without necessarily sacrificing one of the allotted days to do so, especially an allotted day of such importance as this one where the choice would have been invidious if we had been put to the choice of dropping our confidence motion in favour of proceeding to test an item in supply.