

Investment Companies

I suggest, however, that if the recommendation of the Governor General has in fact been received—and I have not had the opportunity to check on this fact—we would have to decide whether the provisions of Standing Order 62 (2) are directory only with respect to the carrying on of the business of the House, and do not involve a fundamental defect in the procedure of the House to the extent that the matter could not be proceeded with. I suggest that the provisions under the Standing Order do not involve a constitutional matter; they are with regard to the *Votes and Proceedings* and *Orders of the Day* only.

● (3:40 p.m.)

Of course, as Your Honour knows, *Votes and Proceedings* are not under my direct control. There may have been an omission in *Votes and Proceedings* on that particular day, an oversight in their preparation. I suggest it is an oversight of a directory character only and does not go fundamentally to the propriety of receiving the bill. Not having had any opportunity to give the matter advance consideration, I regret I cannot bring an argument to bear more fully on it for the benefit of the Chair. But I suggest that we proceed with discussion of the bill. I assure the House that if it be decided that there is a formal defect in the introduction of the bill, it would not be the government's intention not to proceed with the legislation but we would reintroduce it.

I suggest that while the records of the House may be examined with regard to the hon. member's point of order, and while you, Mr. Speaker, may have an opportunity of considering the procedure in this regard, we should proceed with the debate as scheduled this afternoon so that we can at least have a preliminary discussion of the matters involved in the proposals put before the House.

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, this is a very interesting point of order that the hon. member for Peace River (Mr. Baldwin) has raised. Like the President of the Privy Council (Mr. Macdonald), I had no advance warning that it was coming, but I suppose that does not deter me from getting into the discussion. It seems to me, Mr. Speaker, that it is pretty hard to get around the language of Standing Order 62(2) so far as our procedures are concerned. To that extent I concur in the argument that has been put forward by the hon. member for Peace River. However, I feel I cannot support

his argument that there is any danger of a court case over a piece of legislation because some of our Standing Orders were not followed.

Not having had time to look things up or bring the citations here, I have not got them in front of me; but I know. Citations exist which state that once a bill is finally passed, provided it is within the terms of the constitution the courts do not look back into our procedures to determine whether or not we kept every one of our rules. My, oh my, the courts would be busy if they had to do that. I submit, therefore, that the question of the constitutional requirement being kept really does not come into this question.

Section 54 of the British North America Act says that a money bill is not lawful unless there has been the recommendation by the Governor General. The bill itself, in the printed form that we have it, carries that recommendation, and it may well be a defect that *Votes and Proceedings* does not show that that recommendation was actually noted by the Chair when the bill was given its introduction. I believe that that is the form that Your Honour usually follows in these bills. Usually, when a bill of this kind is introduced, Your Honour makes a note of the fact that it has been recommended to the House in this session by the Governor General. Therefore, Mr. Speaker, I think I am bound to take the position that it is not a constitutional problem but it is a procedural one, and I think either one of two things should be done, or perhaps both. On the one hand, the practices of the table in this matter perhaps should be looked into. It may be that when a bill of this kind is introduced, *Votes and Proceedings* should note that the recommendation was referred to by the Chair. The other thing is that perhaps Your Honour will say again that this is something you should refer to the Committee on Procedure and Organization to see whether the rule does not need to be refined.

In other words, I am not worried about the constitutional angle but I think there is a point so far as the procedural angle is concerned. But if this is the position, perhaps we could resolve it this afternoon by giving unanimous consent to proceed with the legislation at this time, and that is what I suggest.

Mr. Speaker: I am not sure whether other hon. members wish to participate in the procedural discussion, but I believe I am sufficiently guided to reach a decision. The hon. member for Edmonton West (Mr. Lambert)