

Joint Committee on Pensions

the other place saying that they had concurred. In other words, a bill had been referred to a committee that had not been perfected.

Mr. Diefenbaker: Mr. Speaker, would the minister refer to specific examples, if he has them there?

Mr. McIlraith: I do not have them with me at the moment. I did a lot of work on this on Friday and I regret that my right hon. friend was not here, because it troubled me a great deal. The difficulty about leaving it until after second reading is that then you have to have unanimous consent to bring it on.

I went further than that; I consulted with the leader of the other place to see when that place would reassemble. The motion on the order paper is that they have adjourned, I think it is, until next Tuesday or an earlier date. I am not sure whether the motion reads "at the call of the Speaker" or "the leader", but in any event it can be reconvened at an earlier date and I would anticipate that this course may be followed, although I cannot say, in fairness, that it will.

Mr. Churchill: Mr. Speaker, we are not raising any objection to the proposed resolution to set up a joint committee, but I want to make some reservation about the minister's suggestion that after second reading the motion to refer to the committee should be adopted by this house, until we have heard from the other place. I would prefer to reserve judgment on that suggestion, because unless there is an established procedure whereby following second reading a bill can be referred to a committee which is only partially set up, we would be rather reluctant to adopt that procedure now.

Mr. McIlraith: I have no objection whatever to the hon. member reserving his position on that point. I must admit that the point did cause me some concern on Friday when I was trying to look up the authorities to decide just what procedure should be followed.

Mr. Diefenbaker: Mr. Speaker, could not the minister give us a general outline—he has a very good memory—and give us examples of this procedure being followed; because it seems most unusual.

Mr. McIlraith: Yes, Mr. Speaker. There is a good example in the 1960 *Journals*, when the right hon. gentleman had a motion, I think it was on the bill of rights resolution. It went to a special committee. In that case the right

hon. gentleman, at the conclusion of second reading, asked for the unanimous consent of the house to set up the committee.

Mr. Diefenbaker: That is quite different.

Mr. McIlraith: When he obtained unanimous consent he then proceeded immediately to refer the bill to the imperfect committee. That is one example that I can recall.

Mr. Diefenbaker: That is the very reverse.

Mr. Monteith: Mr. Speaker, could the minister tell us what happened back in 1950 at the time a joint committee was set up on the same subject.

Mr. McIlraith: There was no bill. It was a different point altogether. That is not applicable to this situation. The one precedent which seems to have a bearing on this point is the one in 1960 to which I referred. I will get the exact reference and give it to the hon. member. In that case the unanimous consent of the house was required, and with unanimous consent the bill was referred to the, if I may so describe it, unperfected committee.

Mr. Diefenbaker: Mr. Speaker, I should like to ask the hon. gentleman if that is not the antithesis. In this case you are placing the matter before a committee before second reading has been given.

Mr. McIlraith: No, there is no motion to refer the bill to a committee at this stage. This motion is to create a committee to which the bill can be referred when it receives second reading. This motion merely creates the House of Commons part of that committee. I think this is the usual procedure. As a matter of fact, the right hon. gentleman will recall that earlier this session there was some objection taken in the house because standing committees were not perfected, although they were already in existence and bills were referred to them. There could be objection taken if this committee was not in existence when second reading was given to a motion for referral.

Mr. Monteith: Mr. Speaker, do I gather from what the minister has said that he is arguing that there must be a committee of some sort before the bill can be referred?

Mr. McIlraith: That is the whole point.

Motion agreed to.

Mr. Knowles: Mr. Speaker, before we proceed to the next item may I ask the house leader whether the government is in a position