

### *Extension of Sittings*

Kamloops—Shuswap (Mr. Riis), who says that this motion was entered in the wrong place in the Order Paper.

[English]

The second question to be addressed is: Can the Government initiate a motion to suspend the provisions of the Standing Orders?

In order to answer that question, we should initially look to the Canadian authorities.

First, the current Canadian House of Commons Standing Orders in Section 56, paragraph (1), subparagraph (o) have at least envisaged the concept of the suspension of the rules. That subparagraph declares that motions for the suspension of the Standing Orders are debatable motions. There is no specific direction as to how such motions are to be decided but such a motion is clearly subject to the provisions relating to notice, debate and amendment.

Second, Citation 21 of Beauchesne's Fifth Edition refers to the rules of procedure generally:

The most fundamental privilege of the House of the whole is to establish rules of procedure for itself and to enforce them. A few rules are laid down in the British North America Act, but the vast majority are resolutions of the House which may be added to, amended, or repealed at the discretion of the House. It follows, therefore, that the House may dispense with the application of any of these rules by unanimous consent on any occasion, or, by motion, may suspend their operation for a specified length of time.

Citation 9 of Beauchesne's Fifth Edition gives further precision by stating:

All rules are passed by the House by a simple majority and are altered, added to, or removed in the same way—

Beauchesne's Fourth Edition amplifies more specifically on the Standing Orders by stating in Citation 10:

Standing Orders may be suspended for a particular case without prejudice to their continued validity, for the House possesses the inherent power to destroy the self-imposed barriers and fetters of its own regulations. It may even pass an order prescribing a course of procedure inconsistent with the Standing Orders. A motion for such temporary suspension requires notice—but in urgent cases the notice can be waived—Any alteration in the regular procedure may be made effective by force of a simple resolution. This is one of the characteristics of British procedure and it has contributed in no small degree to the elasticity of our parliamentary system.

Furthermore, there are several precedents of such occurrences in the Canadian House found in the Journals for March 16, 1883, June 1, 1898, April 8, 1948, April 24, 1961, and May 14, 1964. Clearly then both the authorities and our practices allow for our Standing Orders to be suspended or amended by motion on notice.

The Speaker was urged by many Members to rule on this matter by using Standing Order 1 and referring to traditional parliamentary practice in other jurisdictions, if applicable.

The Hon. Parliamentary Secretary to the Government House Leader (Mr. Hawkes) has already referred to the British practice, and the citation on page 212 of May's Twentieth Edition is worthy of repetition:

Standing Orders are not safeguarded by any special procedure against amendment, repeal or suspension, whether explicitly or by an Order contrary to their purport. Ordinary notice only is requisite for the necessary motion; and some Standing Orders have included arrangements for the suspension of their own provisions by a bare vote, without amendment or debate.

The Chair has also looked to the Australian practice as commented on by J.A. Pettifer in *House of Representatives Practice*. It is clear the Australian House does deal with such motions on a regular basis. Its Standing Orders specifically provide for the suspension of a Standing Order on notice. Such motions are debatable, amendable and require only the majority of votes cast to be adopted. The Chair is reluctant to use this practice as a convincing authority because it is supported in Australia by a specific Standing Order. Reference to the Australian practice does, however, demonstrate that suspension of the Standing Orders is not foreign to other Houses in the Commonwealth.

Therefore, in answer to the second question, the Chair is bound by the Canadian practice on the precedents cited earlier, and I must rule that the Government is acting within the rules when it files notice of a motion to suspend certain Standing Orders, and such motions pursuant to Standing Order 56 (1) are debatable, amendable, and votable.

I should now like to address the next question: Does such a motion require the unanimous consent of the House or a simple majority decision?

There is no doubt in anyone's mind that the House can amend or suspend its rules by unanimous consent. That is a given.

A review of our present Standing Orders reveals that they are, unlike those in the Australian House, totally silent on the manner of suspension. The practice reported by the Journals of the House reveals at least one specific case which was challenged and was ruled on by the Speaker. On March 16, 1883 the Chair "decided that it was perfectly competent on notice having been duly given, as in the presence case, for the majority of the House to suspend the rule". I refer to Journals, page 128 for March 16, 1883.

I am conscious of the fact that some Members may feel that that particular ruling may be "dated", but I would argue it is a very important one. It is one thing to find a series of precedents where the House did something and to demonstrate thereby evidence of an established practice, but a proceeding supported by a Speaker's decision must stand as firm guidance to future chair occupants unless the rules specifically relating to that subject are altered or events subsequent to it change its nature. I have been unable to find any other guidance or event that would alter my view of that ruling by Speaker Kirkpatrick in 1883. I must, therefore, rule that a motion, duly before the House, to suspend a Standing Order requires a simple majority decision by the House.

I will now address the last question: Has the recent parliamentary reform changed our practice fundamentally and rendered prior precedents inapplicable?