

Income Tax Act

of this motion and bring it on in the usual way at a later time. I suggest then, with the permission of the house, that I ask now whether unanimous consent be given for the minister to introduce this motion today? I have in mind that it has the effect of suspending standing order 63. The house could then proceed with a discussion of the motion and to a vote on the motion when that discussion is concluded. Is the house prepared to give the minister unanimous consent to introduce this motion?

Mr. Pearson: No.

Mr. Winch: Are you, Mr. Speaker, prepared to advise the house on the powers of this house and whether or not you think this is proper?

Mr. Speaker: I have indicated that it is for parliament to decide what will be the disposition of this motion. My concern is rather a procedural one, the matter of bringing this motion before the house so that it can deal with it. If the government cannot do it today, it can do it again; therefore, it seemed to me that it might be the course of wisdom and economy of time to give the minister unanimous consent to have this motion brought before the house. Is the house prepared to give unanimous consent at this time to this motion being brought before the house for debate and to be voted on?

Hon. L. B. Pearson (Leader of the Opposition): In view of the constitutional implications of this matter and its importance, I think the government should take its responsibility and put a notice on the order paper and discuss it in due course. I am sure if the matter comes up for discussion there will not be any delay as far as we are concerned. Our views have already been made known in regard to the proposition itself.

Mr. Speaker: In the absence of that unanimous consent I have come to the conclusion—and I may say I appreciate that it may not be in accordance with the views of all members of the house—that this motion is not properly before the house now. Notice must be given on the order paper. I say that because of the practices which we have followed and which are set out in Beauchesne's fourth edition, citation 10, and because of the view that I take that in effect this motion is a suspension of standing order 63. The citation reads:

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 order. A motion for such temporary

[Mr. Speaker.]

suspension requires notice under standing order 41, but in urgent cases the notice can be waived under standing order 42.

It seems to me that that is the thing to do; in the absence of waiver by the house the motion is not to be proceeded with.

Hon. Donald M. Fleming (Minister of Finance): Before you leave that matter, Mr. Speaker, may I point out that on previous occasions where this course was followed the point was not raised that unanimous consent was required. The same standing order, of course, has been in effect in this house for many years. But rather more specifically on the point than the citation which you read, if I may say so, is citation 281, the concluding portion of which reads:

The question whether the Senate has power to amend a bill to impose taxation is a point of constitutional law in respect of which the Speaker must not give an official decision; but the house may adopt as its own the amendments made by the Senate and order that a protest be entered in the *Journals*.

Therefore, what the government has done is simply and completely in keeping with the course that has been followed on previous occasions where the issue was precisely the same. The point is that unanimous consent was not involved. The standing order to which reference has been made was in effect on those occasions, Mr. Speaker.

Mr. Speaker: May I say that the minister has introduced a further consideration. I am not, in my view, making any constitutional decision. I am dealing simply with an order of the house, standing order 63, which it is my duty to enforce. The purport of that order is that a money bill is unalterable by the Senate and unless that order is suspended I do not see how I can permit alterations of a money bill by the Senate to be brought before the house for approval.

I take the view that if the rule is to be suspended, it must be suspended in accordance with our practice. It is purely a procedural matter, so far as I am concerned, and therefore if the house would give unanimous consent the matter could be dealt with, without notice, under standing order 42. However, in view of standing order 42, we cannot proceed with it without proper notice. Standing order 42 says:

A motion may, in case of urgent and pressing necessity previously explained by the mover, be made by unanimous consent of the house without notice having been given under standing order 41.

However, it still requires unanimity, and that apparently we do not have.

Mr. Winch: May I ask a question of the Minister of Finance?