

• (3:50 p.m.)

But the question of the propriety of leaving the resolution on the order paper where it appears on page 5 of today's issue still remains. I feel strongly that it is improper and contrary to the rules that a matter should be at one and the same time referred to a select committee for consideration while still standing for the consideration of the house. I submit on the basis of the precedents cited from Beauchesne and particularly from May that if the government wishes to have the matter considered in a committee, the order standing as item 14 on page 5 should be discharged.

In support of this submission I refer Your Honour to May at page 399 where, under the heading "Motions and the rule of anticipation", it is stated:

A motion must not anticipate a matter already appointed for consideration by the house whether it be a bill or an adjourned debate upon a motion.

Instances are then given in support of the principle, and the citation continues:

Stated generally, the rule against anticipation (which applies to other proceedings as well as motions) is that a matter must not be anticipated if it is contained in a more effective form of proceeding than the proceeding by which it is sought to be anticipated, but it may be anticipated if it is contained in an equally or less effective form.

In other words, on the basis of the elaboration of the rule the proposal that a matter be referred to committee for consideration is, in my submission, less effective than a resolution that it should be considered and acted upon by the house. The motion for reference to a committee was therefore within the rule against anticipation and should not have been proceeded with unless the other motion had been withdrawn.

It seems to me that members should not seek to complicate unnecessarily the procedures of the house and put the house in a difficult position. What was done yesterday was done and cannot be undone. I am not seeking to have it undone. But I am suggesting that in order to regularize the position Your Honour should now, in accordance with the rule against anticipation, make an order that item of business No. 14 be discharged, as in my submission it should have been discharged at the outset if the government wished to proceed by another method. All matters of procedure, all points of order, and in particular the regulation of the order paper, are within Your Honour's control and it

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is, I submit, within Your Honour's power to direct that this item be discharged.

Mr. Speaker: I should like to indicate to the hon. member that I did, of course, take into consideration the point of order he raised the other day. I studied it meticulously and prepared a very learned opinion. Indeed, I was sorry when I learned that the house had unanimously agreed to refer this matter to the committee because it deprived me of the pleasure of reading this learned opinion. I can tell the hon. member, if it will bring him some consolation, that the decision was not in his favour, in support of his point of order. Unfortunately there would have been no appeal from the decision which I would have rendered. Perhaps, however, because the point raised by the hon. member is of interest and importance, I might put on record the fruit of my labours which would confirm the opinion I have that I cannot support the point of order raised by the hon. member.

The proposed ruling—and I am reading it now—was along the following lines:

On January 11 last, as reported at pages 11664-65 of *Hansard*, the hon. member for Kamloops raised a question of order to the effect that it was irregular to have two notices of motions dealing with the question of a national anthem on the order paper under government orders. The hon. member went on to say that he was unable to find an authority for his contention but he suggested that his question of order be taken under consideration by the Chair.

Admittedly, it is unusual to have a duplication of notices dealing with the same subject matter under government orders, but no specific authority bearing on this aspect of the point of order can be found.

The hon. member for Kamloops also suggested that a minister of the crown should ask the house for leave to withdraw item 14 from the order paper. Here again, the Chair might say that it is not in disagreement with the hon. member's statement that it would be tidier were one of these items removed from under government orders. But it is suggested this action may be taken only by a member of the ministry.

At any rate, due notice was given of both item and in turn each was called and transferred to government orders, pursuant to section 2 of standing order 21, for consideration at a subsequent sitting. Since the transfer of government notices is merely a procedural technique adopted in the 1955 session for the