

*Point of Order—Mr. Riis*

Similarly, if you check *Hansard* for April 21, 1879, at page 1375 one can see that there was a division on this similar point with regard to the Supreme and Exchequer Court Acts Amendment Bill. I suspect that you will have almost memorized that Bill by now, Mr. Speaker.

● (1510)

On April 3, 1876, *Journals*, page 245, records another such division on a Bill to amend the Insolvent Act of 1875.

There might be those who argue that, because the precedents cited are from a period when the question that was put to the House reflected a specific date for second reading, these precedents are not valid today. This question was changed, as you know Mr. Speaker, to alleviate the problem of having to go through the Orders each day standing under Government Business and passing motion, to have each put over for another day so that they would not be dropped.

The motion that is moved today, as was noted in Brunette's is "When shall the Bill be read a second time?" which is then answered "At the next sitting of the House". This simply allows Bills to stand over under Government Orders from one day to the next without the risk of being dropped.

However, the questions are exactly the same in that their intent or purpose is to place the Bill on the Order Paper for future consideration. This is why Bourinot asserts that even after the original motion moved by the Minister, that the Bill be read a second time at some future date, fell into disuse, it was still possible to force a division on this question because the question was whether or not the House should, at that particular moment, assign the Bill a place on the Order Paper for future consideration.

This is why, Mr. Speaker, it is my contention that the precedents I have cited, in conjunction with the clear and unequivocal quotation from Bourinot's, indicate that it is proper form to force a division at this stage in the Bill.

My second point, Mr. Speaker, relates to my contention that the motion to affix a date for second reading is also debatable and amendable. During the course of my argument I will cite several precedents to support this position.

I would first like to return to the passage from Bourinot's, Fourth Edition, page 508, which I cited earlier. It states:

This motion passes almost invariably—as it is a purely formal motion—but though it is unusual to raise a debate on the merits of the bill—yet it is perfectly in order to divide the house on the question . . .

Note, Mr. Speaker, that Bourinot does not rule out a debate at this stage but simply says that it would be unusual. I put it to you, Mr. Speaker, that we do many things in this House which are procedurally unusual. Forcing a division at this stage is surely unusual but it is not, I hope I have shown, out of order.

The last phrase in this excerpt, which reads, "... it is perfectly in order to divide the house on the question as at any other stage of the measure" is also important in that Bourinot

implicitly recognizes that the putting of the motion to assign the Bill an order for consideration is a distinct stage or separate step through which the Bill must traverse on its passage through the House.

This, of course, is clearly at variance with Beauchesne's Fifth Edition, citation 713 which reads:

The first reading of a bill, the order for printing and the appointment of a day for second reading are taken together as one formal stage.

Yet, there is no precedent or ruling cited upon which to base this assertion. It is simply an editorial comment with no procedural foundation, or at least none is given in Beauchesne's.

I also draw your attention to Erskine May, Twentieth Edition, page 527, in which it states:

The various stages through which a bill progresses—are intended by the practice of Parliament to provide so many opportunities not only for consideration, but also for reconsideration . . . Though the stages are thus treated as inter-connected portions of a single process of consideration, each stage is regarded as having its own peculiar function and to a certain extent its own more or less limited range of debate.

Erskine May also states, on the same page:

Upon this principle, it is laid down by Hatsell, and is constantly exemplified, "that in every stage of a bill, every part of the bill is open to amendment, either for insertion or omission . . ."

Let us consider again the purpose of the motion in question. It is unquestionably to assign an order for consideration of a Bill at some future date. Cannot we understand this process as arranging the proceedings of the House?

I draw to your attention, Mr. Speaker, Standing Order 56 which lists all those motions which are debatable. Standing Order 56(1)(p) specifically includes:

—such other motion, made upon Routine Proceedings, as may be required for the observance of the proprieties of the House, the maintenance of its authority, the appointment or conduct of its officers, the management of its business, the arrangement of its proceedings, the correctness of its records, the fixing of its sitting days or the times of its meeting or adjournment.

There are those who might argue that, with the revision of the Standing Orders in 1913 and the reclassification and limitation in scope of debatable motions, the opportunity to debate and amend the motion affixing a day for second reading was actually lost. However, it is my contention that this was not lost. It is my interpretation of Standing Order 56(1)(p) that such a debate is indeed in order and that in fact the motion is debatable and amendable.

Historically this has been done on many occasions. I mentioned the division on the motion to set the date for second reading of the Supreme and Exchequer Court Acts Amendment Bill on April 21, 1879. Actually there were two divisions. The first division, as shown at page 1375 of *Hansard* for that day, was on an amendment to postpone the commencement of the second reading debate for three months.

Again, on April 3, 1876, the motion to affix a date for the second reading of the Insolvent Act of 1875 was amended and *Journals*, at page 245, indicates that a debate on the motion