

Northern Ontario Pipe Line Corporation

element in any notice of motion is just as important as is the element of content.

This is an unprecedented situation, sir, and I say to you that, lacking any precedent, lacking any express provision in standing order 33 to deal with a situation where the motion is not disposed of on the day on which it is moved, you have no right to rule that the motion retains some life, some effect which standing order 33 does not declare it to possess or retain because if you made such a ruling you would be reading into the terms of standing order 33 provisions that are not contained there.

While there is no precedent on this matter, nevertheless there are some precedents in cognate situations that I think ought to be some guide to us. For instance, sir, in *Beauchesne*, third edition, page 126, citation 315, you will find two short paragraphs of one sentence each which I should like to read to you. It reads:

A modification of a notice of motion standing upon the notice paper is permitted, if the amended notice does not exceed the scope of the original notice.

A new notice must be given in the *Votes and Proceedings*, under standing order 45, when a material change is to be made to a notice of motion before it is taken up by the house.

A material change in this notice of motion would have been a change in the date because the date on which the motion is to be moved is just as important an element in the notice of motion as is the content of the motion that is to be moved. There you have a cognate citation. It is not under standing order 33 but it is a relevant and cognate citation as applied to any change in a notice of motion. It cannot be done without proper notice and there was no notice given here. The reference there is to the *Journals* of the house, volume 65, pages 200 and 201. I will just touch on that very briefly, sir. It is a ruling on March 26, 1928. The Speaker is dealing with standing order 45 which prescribes 48 hours' notice and he proceeds to say:

It is true that according to paragraph 363 of *Beauchesne's Parliamentary Rules and Forms*, a modification of a notice of motion may be permitted. That paragraph reads as follows: "A modification of a notice of motion standing upon the notice paper is permitted, if the amended notice does not exceed the scope of the original notice". The above reference is taken from *May*, 13th Edition, page 234, where the following is found: "A modification of a notice of motion standing upon the notice paper is permitted, if the amended notice does not exceed the scope of the original notice". The next sentence however, reads as follows: "If a motion is proposed, which differs materially from the terms of the notice, it can only be made with the consent of the house, or upon a renewal of the notice".

If the consent of the house is unanimous, such a motion may proceed. But failing

unanimous consent and failing renewal of the notice, such a motion cannot proceed. I say to you, Mr. Chairman, that a fortiori that rule applies with infinitely greater strength to a motion under standing order 33 than it does to the generality of motions requiring 48 hours' notice under the rules of the house.

An hon. Member: Sit down.

Mr. Fleming: I note that is the hon. member for Pontiac who likes to talk that way, who always does his talking sitting down.

The Deputy Chairman: Order. The hon. member's time has expired but I would be grateful if the committee would give unanimous consent for him to give me these other references.

Some hon. Members: Agreed.

Mr. Fleming: I shall be brief. That paragraph at page 374 of *May* under the heading "Renewal of Notices of Motion" reads as follows:

A notice of motion standing upon the notice paper for the day's sitting, which is not brought on before the adjournment of the house, disappears from the paper, unless the member in whose name the notice stands, or a member in his behalf, gives a direction at the table for the replacement of the notice upon the notice paper for a future day.

That is not a citation, of course, under rule 33 because there is no British counterpart of rule 33. But it emphasizes the importance of maintaining the integrity of that rule with regard to the requirement of notice. Further, at page 377 there is this paragraph under the heading of "Change of Day for a Motion":

Should a member desire to change the day for which he first gave notice, he must defer the notice to a more distant day, it being irregular to fix an earlier day than that originally chosen; nor can this rule be evaded by changing the motion into an amendment to another question.

This is not a situation where an attempt is made to advance the day on which the motion is returnable according to the notice but it is an attempt to use a notice, returnable yesterday on a motion which was then proceeded with but not disposed of, as though it had some lingering or surviving effect.

The final paragraph is on page 379 under the heading "Change of Terms of Notice of Motion":

A modification of a notice of motion standing upon the notice paper is permitted, if the amended notice does not exceed the scope of the original notice. If a motion is proposed, which differs materially from the terms of the notice, it can only be made with the consent of the house, or upon a renewal of the notice.

Mr. Chairman, there was here no renewal of the notice. The motion died last night at ten o'clock. Any proceedings in this committee today purporting to be proceedings on