

Supplementary Retirement Benefits Act (No. 2)

● (1200)

[English]

Hon. Erik Nielsen (Yukon): Madam Speaker, if I heard the Government House Leader correctly, notwithstanding the fact that the amendments the Hon. Member for Nepean-Carleton (Mr. Baker) wishes to propose do not appear on the Notice Paper today, the Government is prepared, at the appropriate time in the report stage debate, to have those two questions put and to allow us, should we so choose, to divide on them.

In addition, if I understand it correctly, the position of the Hon. Member for Ottawa-Vanier (Mr. Gauthier) is that he still has an amendment to propose. I, therefore, on behalf of this party am prepared to extend the same courtesy to the Hon. Member for Ottawa-Vanier with respect to his amendment, notwithstanding the fact that it does not appear on the Notice Paper.

Mr. Baker (Nepean-Carleton): They should be on tomorrow's Notice Paper.

Mr. Nielsen: As my hon. friend says, if the debate goes beyond today they should certainly appear on tomorrow's Notice Paper.

I want to endorse completely what the Hon. Member for Nepean-Carleton has had to say with respect to the precedent set by Mr. Speaker Jerome, but I also want to raise what I consider to be an equally important and related point to the whole process of filing amendments, perhaps not only at the report stage. It involves the nature and extent of the responsibilities of Table Officers. I do not wish them to take anything I am about to say in a personal way at all. I think we have some of the finest professional talent at the Table that I have seen here in many years in the House. However, the submission I am about to make to the Chair is going to require the Chair to clarify and perhaps reconfirm the duties of the Officers in the service of the House, and I intend to back up my submissions by appropriate citations from our precedents.

There is no doubt, in my submission, Madam Speaker, that among the duties the House Officers have is the task of receiving Members' notices of amendment and ensuring that such notices are printed on the Notice and Order Papers. Citation 139 of Beauséne's Fifth Edition outlines the procedural duties of the Clerk. Subsection (6) reads as follows:

He prepares and issues a daily *Order Paper* for each sitting of the House and, as required, a *Special Order Paper*.

Furthermore, Madam Speaker, Citation 141 outlines the duties of the Clerk Assistant, and in Subsection (2) this appears:

They receive the notices of questions, motions and amendments which have to be entered on the *Notice Paper*. They also receive amendments from Members proposing to amend the motion before the House at that time. It is their duty to see that these are drawn according to the rules of the House and to refer to the Speaker, the Clerk or the interested Member any that appear to be out of order.

That is as to content, Madam Speaker, of the draft submitted by the Hon. Member wishing to file the amendment, and not with respect to the interpretation which Table Officers may from time to time place upon the Standing Orders with

respect to the time of filing. That is a very important distinction.

Clearly it is the duty, in my submission, of the Table Officers to receive notices no matter what form they take. They also have the duty to ensure that such notices are drawn according to the rules of the House. However, they do not, in my respectful submission, have the authority to reject notices which in the view of the Table Officers are in an improper form. Indeed, where irregularities occur, it is their duty to notify the Member concerned and/or the Speaker of their belief that a given notice is not in proper form or fails to meet some other requirement of the rules. It is not, however, the duty of the Table Officers to make a decision on such a question. That authority resides in the House itself, and through the House in the hands of the Speaker.

● (1210)

Citation 120 of Beauséne illustrates the point I am attempting to make. At page 39, under the heading "Procedural Duties of the Speaker", it reads as follows:

Foremost among his many responsibilities, the Speaker has the duty to maintain an orderly conduct of debate by repressing disorder when it arises, by refusing to propose the question upon motions and amendments which are irregular, and by calling the attention of the House to bills which are out of order. He rules on points of order submitted to him by Members on questions as they arise. Many powers have been vested in the Speaker by virtue of the Standing Orders.

It is my submission that the rules and practices of the House are open to continuing interpretation both by the Speaker and by the House. This fact is underlined by Citation 11 at page 6 of Beauséne. I draw your attention to that citation but I shall not quote it.

Finally, it is well established that the final authority in determining the proceedings of the House is the House itself. This point is emphasized by Citation 13 of Beauséne. It was raised by my friend a moment ago and was anticipated by the Government House Leader when he gave an indication that the Government was prepared to have the question put that the Hon. Member for Nepean-Carleton would have proposed in his amendment.

My point in support of that raised by the Hon. Member for Nepean-Carleton is that the Table Officers are obligated to accept notices which Members wish to file as long as they meet the requirements of the Standing Orders and their practices as to form. In my submission, they have no authority to reject those notices, as appears to have been done in this case. The decision as to the acceptability of those notices should be made in this House by Members of this House, according to our long-established practices.

When notices appear on the Order Paper and they appear to any Member to be irregular for whatever reason, then it is the duty of the Member to raise that matter as a point of order, if he so wishes, for decision by the Chair.

What we have here, with the greatest respect expressed as to the conduct of whatever Officer or Officers at the Table rejected this notice, is that a judgment was made as to the interpretation of Standing Order 79(5). With great respect to