

*Divorce*

is nothing else I wish to add except to say that this legislation will be very well received. I certainly hope the bill will be passed.

Clause agreed to.

Title agreed to.

Bill reported, read the third time and passed.

**BUSINESS OF THE HOUSE**

**Mr. Speaker:** By unanimous consent the house could now proceed with Bill No. 7. In the absence of that consent, the next order of business would be item No. 1. Is the house prepared to give unanimous consent to the hon. member for Port Arthur?

**Mr. Churchill:** No.

**Mr. Speaker:** Then the house will proceed with item No. 1.

**DIVORCE****PROVISION FOR OFFICE OF PARLIAMENTARY PROCTOR, REGULATION OF COSTS, ETC.**

**Mr. Arnold Peters (Timiskaming)** moved the second reading of Bill No. C-41, to establish the office of parliamentary proctor and to regulate taxation of costs.

**Mr. Speaker:** Before calling on the hon. member or recognizing the hon. member, may I say that I feel it to be my duty to draw the attention of the house to the fact that this bill has some of the characteristics of a money bill or one that requires a resolution. I therefore feel that if the debate proceeds I should at least indicate the possible difficulties with a bill of this kind so that it will not be taken as a firm precedent for similar legislation.

The bill provides for the appointment of an official who is described as parliamentary proctor and who would be under the joint direction of the Speakers of the two houses and the joint committee of the two houses. It provides for the payment of a salary for this official and for the raising from suppliants for parliamentary divorce of fees from which the salary would be paid. In this act no provision is made for these fees going into the consolidated revenue fund. However, by general legislation I think they would be required to be paid into that fund. It therefore may not be possible to get them out again in order to pay the officer without specific legislative authority. As the bill stands, it would perhaps come under the heading of a bill which provides a service in response to a moderate fee commensurate with the service. On the authority of a citation from May's Parliamentary Procedure, the 16th edition, page 789, there is some precedent for such legislation without a preceding ways and means

resolution. However, I am by no means satisfied that the bill comes under the exception. With that caution now, however, I feel that the debate might proceed as the case is not as clear as it might be. I recognize the hon. member for Timiskaming.

**Mr. Peters:** I wish to thank you, Mr. Speaker, for the concern you have shown. It is certainly a concern of mine that we may have under our divorce procedure some arrangement which would allow the payment of this particular official. For this reason it was felt that the proctor's fee would be charged to the persons obtaining relief rather than coming from the general revenue. For this reason the amount of money that would be paid in would, of course, be in a fund from which his salary would come before the money was finally turned over to the general treasury. This may be a technicality. It is a technicality, of course, to which the Minister of Justice is giving consideration now. I am always sorry to note that the Minister of Justice is so overly cautious—perhaps I should not say he is too slow—with regard to decisions of any nature, even in the answering of letters. It certainly is the fact in this case that the necessity for a proctor has been indicated for some time. In my particular bill we assumed that this could be done through allocation of part of the fees paid by the petitioners themselves, as this would be done first, and that the other moneys would then be turned in to the general revenue and would be under the control of the Speaker of the House of Commons and the Speaker of the Senate. This may indicate one of the problems confronting a private member of parliament in arriving at a solution for a real problem which we as members of parliament have in no way been able to solve in the past. The office of proctor has been developed in such countries as England. The province of Ontario has now appointed a proctor.

**Mr. Lambert:** May I rise on a point of order for purposes of clarification? Did Your Honour reserve the question whether this bill in the name of a private member is validly before the house or was the hon. member addressing his remarks to that point which you raised? He is now embarking entirely on the merits of the bill rather than the question of whether there is an infringement of the rules of the house.

**Mr. Speaker:** Perhaps I did not make myself as clear as I should. I called on the hon. member to move his motion indicating that my purpose in rising was to file a caveat, if you like to put it that way, to indicate that I had doubts about the bill, but as they had not been cleared up to the extent that I felt