

## HOUSE OF COMMONS

---

**Tuesday, December 10, 1968**

The house met at 2.30 p.m.

### PROCEDURE

#### CONSIDERATION OF COMMITTEE REPORT— RULING BY MR. SPEAKER

**Mr. Speaker:** The hon. member for St. John's East (Mr. McGrath) has given notice of a question of privilege. Before hearing his question perhaps I might be allowed at this moment to give the result of the work I have done, with the advice of the senior officers of the table, in relation to the point raised yesterday by the hon. member for Winnipeg North Centre (Mr. Knowles).

In a very learned presentation the hon. member suggested yesterday that the committee's fourth report should be considered in a committee of the whole rather than by a motion to concur therein with the Speaker in the chair. The member quoted a number of precedents going back to confederation which he submitted in support of his view that the report presented by the hon. member for Grenville-Carleton (Mr. Blair) should be referred to the committee of the whole.

Since yesterday, as I have noted, a review has been made of all instances when rules changes were proposed for the consideration of the House of Commons, beginning with and including the enactment of the first set of rules in 1867 but excluding the motions now before the house. There have been 29 such occasions. Many of these proposals, of course, were concerned with minor changes only, but some of the amendments which could be considered as substantial at least at the time they were proposed, were in fact debated with the Speaker in the chair. They were not considered in a committee of the whole.

For example, the 1952 amendments dealt with hours of adjournment, time of meeting and the consideration of private members' business. In that case the report of the special committee was considered by a motion to concur in the committee report; there was no reference to the committee of the whole.

The hon. member for Winnipeg North Centre mentioned the rules changes in 1960-61 and in 1962. These alterations, I submit,

were not inconsequential. The rules of procedure were amended, for instance, to reduce the length of speeches when private members' business was being considered. The length of the address and budget debates was reduced by two days in each case, a new procedure on questions was adopted, and private members' business was reorganized.

In 1960-61 and in 1962 all these changes were effected by way of concurrence in the report of a special committee. The proposals were not considered in committee of the whole. In all those cases the house itself, with the Speaker in the chair, debated the committee report. It will thus be seen that while most of the major revisions of house rules were considered in committees of the whole, as was quite correctly explained by the hon. member for Winnipeg North Centre, on a number of other occasions there was in fact no provision made for debate in committee of the whole.

This leads us to the view expressed by the President of the Privy Council (Mr. Macdonald) that rule changes can be dealt with procedurally in one of two ways. The minister has suggested that either procedure has been acceptable to hon. members in the past in changing the standing orders of the house. This opinion is borne out particularly by more recent precedents, and especially by those of 1952, 1960-61 and 1962.

It may also be relevant to remind hon. members that in most cases when major revisions were proposed, these were considered first by a special committee chaired by the Speaker, as, for example, in 1867, 1876, 1927 and 1955. In the case now before us the Speaker did not participate in the special committee.

I should add that there must be serious doubt whether the Speaker has the authority to take the action suggested by the hon. member for Winnipeg North Centre. After all, the Speaker is guided and bound by existing rules, precedents and practice; he cannot arrogate to himself powers which the house itself has never placed in him. The hon. member referred to the flag debate when Mr. Speaker Macnaughton agreed to divide the question then before the house. That decision,