

HOUSE OF COMMONS

Thursday, March 26, 1953

The house met at 2.30 p.m.

STANDING ORDERS

CONCURRENCE IN FOURTH REPORT OF STANDING COMMITTEE

Mr. A. W. Stuart (Charlotte) presented the fourth report of the standing committee on standing orders, and moved that the report be concurred in.

Motion agreed to.

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INTERPRETATION OF STANDING ORDER 60

Mr. Speaker: Recently hon. members discussed the proper construction of standing order 60. The house will recall that on the 18th June, 1952, I made a ruling with respect to this standing order which was to the effect that on the second day, that is, when the order is called for the Speaker to leave the chair for the house to resolve itself into committee of the whole on a resolution dealing with money a full discussion of the resolution is not in order. However, in view of the ruling made by Mr. Speaker Glen in February, 1942, I ruled that a debate was permissible provided it was directed to the negative of the motion. When that ruling was made some hon. members expressed doubt whether it could be put into effect. It was not long before I came to the same conclusion and I think all members agree that my ruling of the 18th June last must be revised. Most members, if not all, who spoke recently on the point of order were of the opinion that there should be no debate at all or that a full debate should be allowed on the resolution.

Standing order 60 was adopted in the House of Commons in 1867 in almost the identical wording it has today. Debates took place from time to time over the years on the second day. In 1905 Mr. Sproule, who later became Speaker under the administration of the late Right Hon. Sir Robert Borden, objected to this procedure. He is reported at column 320 of *Hansard* of that year as follows:

On Friday next will not the Speaker have to leave the chair, in compliance with the motion just made, and allow the house to go into committee of the whole without a motion to that effect being made again, and will not this preclude any debate before the house is in committee?

However, his opinion did not prevail and debates continued to take place until 1912. Between 1912 and 1919 there were 140 resolutions and I can find only two instances where any debate took place. On October 15, 1919, pages 1013-14 of *Hansard*, Mr. Speaker Rhodes, who was Speaker under the administrations of the Right Hon. Sir Robert Borden and the Right Hon. Arthur Meighen, ruled that the motion was not debatable but that a vote could take place upon it. His ruling was generally respected until about the year 1930, after which the number of debates on this motion gradually increased.

It is to be noted that in February, 1942, the Right Hon. Mackenzie King objected to a debate at this stage and Mr. Speaker Glen gave the ruling to which I have referred. Subsequently, in 1946, Mr. King again contended that the motion was not debatable and quoted a communication from Dr. Arthur Beauchesne to that effect. See *Hansard*, page 761 of that year.

Along with standing order 60 it is necessary to consider standing order 38. It is to be noted that when Sir Robert Borden sponsored the resolution amending standing order 17 (a), which is now our standing order 38, in an amended form, he is quoted at column 7406 of *Hansard* of April 9, 1913, as saying:

What we have sought to do is to provide that all substantial motions, which bring into question the propriety of passing any bill, measure, or vote, shall be debatable in the future as they have been in the past, but that purely formal motions, which, under the existing rules, would be used only for dilatory purposes, shall not in future continue to be debatable. That has been our object, and we propose to carry it into effect in a reasonable way.

From these words there seems to be no doubt that the intention of Sir Robert Borden while safeguarding the freedom of speech was to eliminate the occasions on which repetitious debate could arise. That I consider to be the spirit in which standing order 38 was adopted.

The resolution is not debatable on the first day by virtue of clause 1 (a) of standing order 38. On that day the house makes a decision that the resolution should be considered by a committee of the whole house at the next sitting. I must determine whether debate is permissible on the second day. It seems to me that a debate on the resolution at this stage cannot be permitted. The house has already decided that it should