

Mr. Speaker, Supplementary Estimates (B) do not contain—

Mr. Speaker: Order, please. The hon. member was good enough to give me notice of his question of privilege. I do not want to interrupt him before he has finished, although I have some reservations which I may express later. I would only ask that in concluding his remarks, the hon. member should refrain from quoting, as he has done up to now, references from the statutes or from the existing record. For these purposes it is sufficient, surely, to refer to the existing law rather than to read it to the House at this time.

Mr. Stevens: Thank you, Mr. Speaker. I have reference to clause 5 of Bill C-42 which was passed yesterday evening. I should also like to consider sections 45 and 46 of the Financial Administration Act. I would suggest that it follows that the authority to borrow as set out in clause 5 is an authority to appropriate money from the consolidated revenue fund to the amount of the repayment of capital and payment of interest as well as loan expenses. The authority in the Governor General's message of November 22, 1974, does not cover such appropriation. In order to cover the appropriation in clause 5, there should have been an additional message from His Excellency and unanimous consent of the House to dispense with notice.

Standing Order 75(6) requires 24 hours' notice before proceeding upon the Governor General's recommendation in relation to any amendment. I suggest the bill should have been introduced without clause 5, a recommendation should have been tabled at the report stage, and unanimous consent obtained to waive notice. This was not done, Mr. Speaker. *Vote and Proceedings* for last night has an entry on page 184 that I would refer you to. I would also refer Your Honour to Standing Order 58(19).

In conclusion, Mr. Speaker, I would say that in so far as clause 5 is concerned, it is not based on Supplementary Estimates (B). Bill C-42 and the proceedings in this House on that bill are in violation of the Standing Order; and the bill itself is unlawful, as I have said, under section 54 of the British North America Act. I should also point out that rule 62 of the other place includes a provision similar to those to which I have referred.

Mr. Speaker, if you agree that my question of privilege is well founded, I will move, seconded by the hon. member for Grenville-Carleton (Mr. Baker):

That the subject matter of this question of privilege be referred to the Committee on Privileges and Elections to recommend a remedy with respect to the proceedings on Bill C-42.

Hon. Mitchell Sharp (President of Privy Council): Mr. Speaker, I agree with the hon. member that this was a most unusual proceeding. It was one that some of us were not aware of at the time the bill was introduced. I say, however, that a question was raised on a point of order, an explanation given and a vote taken. There was some opposition. However, Mr. Speaker, I want to make it clear that I am not defending the procedure that was followed. I hope we can avoid this sort of thing in future.

Mr. Lambert (Edmonton West): No debate was allowed at that time.

Privilege—Mr. Stevens

Mr. Speaker: Do other hon. members wish to make a contribution on this interesting question of privilege?

Hon. Marcel Lambert (Edmonton West): Mr. Speaker, last night during the committee stage I raised a question as a point of order because there was considerable uneasiness on this side of the House about the procedure being followed. If you will recall, the bill was distributed while the Chairman was moving to his seat, and this House was totally unaware of the provision previously referred to. Naturally, uneasiness was felt about the inclusion of the item in question. As a result of the strictures imposed on debate, of which the Chairman reminded us on a couple of occasions, there was no way of debating this matter and a point of order was raised rather than one of privilege.

I recommend that Your Honour look carefully into the references submitted by my colleague the hon. member for York-Simcoe (Mr. Stevens) on this matter and, contrary to the wording of the motion, that it be referred to the Standing Committee on Procedure and Organization rather than to the Standing Committee on Privileges and Elections. In any event, all of this has been a singular departure. The apologia put forward by the government House leader to the effect that "I am sorry, chaps, but we were not aware of this either," does not in any way excuse the fact that the hon. gentleman moved the motion himself.

I suggest that Your Honour should review this matter and, if you conclude that this was an improper procedure, we should be told that it was improper and the government should be cautioned against repeating a similar thing in future. Perhaps I could also make this point: the government should move to refer to the Standing Committee on Procedure and Organization matters to do with the procedures of this House, the resolution of which has been awaited for a long time.

[*Translation*]

Mr. André Fortin (Lotbinière): Mr. Speaker, I would like to speak on this point of order. The hon. member for Bellechasse (Mr. Lambert) and myself have protested yesterday when clause 5 of Bill C-42 was being discussed in committee of the whole.

I was interested in what the President of the Privy Council said since he has made it possible to revise such a ridiculous procedure. Every time we reach the final day allotted for supplies they put before us such a procedure or they regularly force upon us some legislation never seen or known before by any hon. member, which bears no number and for which no debate or amendment is allowed at that stage and upon which there is no other choice than to vote. And when we are asked to pass the bill hon. members from both sides of the House protest. Mr. Speaker, this is why I think that the comments of the President of the Privy Council should be taken into account because it is extremely important that such procedure be considered by the Committee on Procedure and Organization.

In any event, there has been a precedent in this House in the past, this situation occurring every year. The Chair then referred the whole matter to the Standing Committee on Procedure for study with a view to reforming the procedure.