

Canada-U.S. Free Trade Agreement

Beauchesne's Third Edition, it is in keeping with Citations 409 to 411 of the same volume.

However, the idea that a motion of instruction could be moved with notice after a committee commenced its deliberations is not addressed in Beauchesne's Fifth Edition where, instead, the early practice appears to have been transmogrified into a categorical injunction against committees being given an instruction after they began their deliberations on a Bill. If Members think that this is difficult to follow, wait until the end.

The Chair raises this issue only as a cautionary measure to clarify the concept before the House.

In summary, the Chair, after carefully examining and analysing the relevant precedents and authorities, rules that the motion proposed by the Hon. Member for Essex—Windsor is in order and may be moved under the rubric "Motions" and that until the House chooses to clarify its rules relating to instructions, the Chair will continue to accept such motions, after due notice, on condition that they are directed only at committees reviewing legislation. I hope that that is clearly understood. That does not go to standing committees.

The Chair again wishes to thank all Hon. Members for their valuable contributions to this discussion, and I thank all Hon. Members for patiently hearing me through a complex procedural matter which is made more complex because there have been changes throughout the history of our rules which make it somewhat difficult to completely understand what some of the citations mean. I have tried to meet that problem. I am sorry that I could not come into the House earlier, but with the help of the Table Officers I have brought this ruling back as soon as I could.

Mr. Riis: Mr. Speaker, I appreciate the thoughtful commentary that preceded the ruling and it assisted us in understanding these particular points. I seek two points of clarification, Mr. Speaker. First, in relation to you commented that this would apply to motions that referred to legislation being studied by committees, and then you made the point that that usually refers to a legislative committee, but on occasion there has been a decision to send a piece of legislation to a standing committee if it requires a particular amount of expertise. Therefore, presumably under those conditions one would understand your ruling to include a standing committee if it is dealing with a piece of legislation.

Second, you indicated that there are two types of instructions, permissive instructions and mandatory instructions. Are we to assume that your ruling would refer to both permissive and mandatory motions giving permissive and mandatory instructions?

Mr. Speaker: I can assist the Hon. Member. First, as Hon. Members know, under the new procedure most Bills now go to a legislative committee. This is in fact the situation that we have in front of us. However, there are a number of standing committees that cover various aspects of government activity,

sometimes a single Department, and sometimes several Departments. Those standing committees are empowered now to do many things on their own.

As the Hon. Member for Kamloops—Shuswap has pointed out, it is absolutely correct that sometimes rather than send a Bill to a legislative committee after second reading, in some instances it has been the practice to send the Bill to the standing committee. Before we changed the rules all Bills went to standing committees, unless a special committee was struck.

As is being used in this present instance, a motion cannot be used to send instructions to a standing committee unless that standing committee has received a Bill after second reading, and in that case it would be acting in the capacity of a legislative committee. I can assure the Hon. Member for Kamloops—Shuswap that if a Bill was sent to a standing committee after second reading to be dealt with in the same way as it would be dealt with before a legislative committee, then what I have ruled in order today would be applicable. I hope that that is helpful.

The second question is on the distinction between mandatory motions and permissive motions. Without going into a lot of detail, if one goes back into history, the reality is that those motions have been for a long time permissive not mandatory. Until I receive some instruction from the House or until I can be persuaded that it would be appropriate to allow the effect of this ruling to include a mandatory motion, this ruling says that these motions must be permissive. That is in keeping with many years of practice. At least at the moment I can find no tradition or practice which contradicts that.

What I have ordered is that a motion as put by the Hon. Member for Essex—Windsor can be moved after notice on motions by any Member of the House, that that motion must be permissive in nature, and that it must of course go to a legislative committee that is studying the Bill in question after second reading. It could also go to a standing committee if that standing committee had received a Bill after second reading and is acting as a legislative committee.

I hope this has been helpful to the Hon. Member.

Mr. Riis: This has been extremely helpful to us all in terms of understanding what has become perhaps a new initiative as of late. I am certainly accepting your ruling, but would request that you consider Citation 756 of Beauchesne's Fifth Edition which states:

An Instruction is a motion empowering a committee to do something which it could not otherwise do . . .

On that point, I think your ruling is perfectly clear and one that we all would agree with. However, it then goes on to say,

. . . or to direct it to do something which it might otherwise not do. It directs the order and course of the committee's proceedings . . .

And so on and so forth. While your decision obviously clarifies the point in terms of the permissive instruction in the case that is before us, it seems to me to leave a part of it still