

Procedure and Organization

the committee to delete a particular section. That is all it seeks to do. But the subamendment adds something else which is quite new. Within the terms of the subamendment there is an entirely new principle involving what should be considered under 75B. The fact is that it seeks to amend 75B. It does not make any mention whatsoever of 75B, but rule 75B would be amended as a result of the acceptance of the subamendment. One must amend 75B to carry out part of the purport of the subamendment by defining what shall be a majority. That is where it must be done. It cannot be done in 75c. If that is the purpose then I say the subamendment is deficient. If that is not the purpose I suggest to Your Honour that the whole subamendment is meaningless.

There arises a further procedural difficulty in respect of reporting back the proposed Standing Orders at the next sitting of the house. The subamendment is definite and clear that the committee must report back at the next sitting of the house. If the subamendment were accepted by Your Honour it might ultimately be voted on at ten o'clock some night. When it refers to the next sitting does that mean the committee would report back at the next sitting, or does it mean that this is something to be thought about during the summer adjournment in order that the committee may come back with a new 75c, or a new proposed Standing Order regarding the allocation of time? That is what it really says. It would involve a proposed new Standing Order for the allocation of time. Would that be for the next session of the house? If that is the purpose of the subamendment, it does not say so.

I put it to you that this is impossible and that no one in the house would seriously suggest that if the subamendment were accepted at ten o'clock on a Thursday night the standing committee would come back with an appropriate Standing Order by 11 o'clock on Friday morning, or at least until an appropriate report had been posted. In this way it is quite wrong. It refers to the next sitting of the house. That does not mean anything else but the next sitting because this is all the business now before us.

Therefore I put it to you that the subamendment is out of order in that it is clearly an expanded negative. Second, it introduces an extraneous and new principle. Any amendment under the circumstances would have to refer to 75B if the purport of the amendment is as I have indicated. Third, it is indefinite and impossible to carry out from a

logical and administrative point of view in the way it is now worded.

Mr. Francis: Mr. Speaker, I should like to submit to you that the subamendment is in order. The committee, under its original terms of instruction from the House, dealt with the problem of allocation of time and reported on three phases of that problem, namely, 75A dealing with one set of circumstances, 75B dealing with another set, and 75c purporting to deal with still another set of circumstances.

The amendment moved by the hon. member for Peace River attempts to give instructions from the house to the committee to delete one phase in respect of a matter on which the committee has now reported. It is abundantly clear that the committee can only do what it is instructed to do by the house. I should like to refer to citation 220 of Beauchesne's fourth edition. Citation 220(1) states:

An instruction is a motion empowering a committee to do something which it could not otherwise do, 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 extends or restricts the order of reference according to the discretion of the house.

The argument I put to you, Mr. Speaker, is that if the committee were bound purely by the amendment in the terms offered by the hon. member for Peace River it would be unduly restricted in discharging its responsibility under the instructions which have been given it by the house. Citation 220(2) states:

"On May 5, 1893, the Speaker of the Commons of the United Kingdom laid down the following rulings with reference to the instructions: The principles which guide a limit in the system of instructions on going into committee may be thus stated: First, an instruction must empower the committee to do something which the committee is not otherwise empowered to do. Secondly, the purpose of the instruction must be supplementary and ancillary to the purpose of the bill"—

I would argue that the committee report in this case is not to be distinguished from a bill and must, generally speaking, fall within the framework of a bill. The citation then states:

"Thirdly, it is irregular to introduce into a bill, by an instruction to the committee, a subject which should properly form the substance of a distinct measure, having regard to usage and the general practice of enacting distinct statutes for distinct branches of law."

● (12:50 p.m.)

In discharging its instructions and responsibilities to the house the committee brought forward three recommendations in the form of 75A, 75B and 75c. If the committee were