

Speaker's Ruling—Bill C-44

plated in the original recommendation, and that therefore the amendment ought to be held to be out of order. No serious argument to the contrary was advanced, and in any case, even if there had been one I would have no difficulty finding the point well taken. In my view the subclause is out of order.

The difficult question, however, relates to the action that ought to be taken at this time. In this regard I must stress that the circumstances are unique. There are precedents regarding defects in bills as a result of amendments in committee, but most relate to proceedings in committee of the whole or to other circumstances in which the report stage as we now know it did not exist or was not operable.

Since the report stage is a relatively recent proceeding under our rules, its precise nature is still a matter of some disagreement. There is no disagreement, however, that the report stage is one of reconsideration of events that have taken place in the standing committee. I am sure hon. members are well aware of the extensive powers relating to the retableting of amendments that have been procedurally or otherwise rejected or which have been passed. The power to propose amendments at the report stage and to cause the House to reconsider those questions amply stamps the report stage as one of reconsideration of the events which took place in the standing committee.

There remains the question, however, whether it is a separate stage from the report stage or whether it is a continuation of that stage which begins in the standing committee and which is not finalized until the motion for concurrence is dealt with in the House. Furthermore, if through the process of reconsideration the report stage allows, in effect, an appeal to the House of decisions taken in the standing committee, even to the point as is mentioned in Standing Order 75(6), of permitting the filing of a new financial recommendation—although here, again, I accept the argument that the recommendation now listed at the report stage is in respect of amendments which will be dealt with at the actual report stage. Nevertheless, if in fact the report stage is an opportunity for appeal and for reconsideration of decisions taken in standing committees, then it might be asked, why should the House or the Chair concern itself at all with proposed or alleged procedural irregularities in the standing committee? And if the Chair or the House should concern itself with those problems, what about the timing? Is it appropriate that they should be considered after we have embarked upon the report stage by the actual filing of amendments, or must it be done prior to that point?

Obviously, I am not answering those questions; I am only putting them forward to demonstrate that we have never addressed ourselves to a precise understanding of the nature of the report stage and of its relationship to the committee stage of a bill. I also want to stress that it has been suggested that I send the bill back to the standing committee for further consideration. I make it clear that I have no authority to do so. That is a decision of the House, not a decision of the Chair. That decision may still be taken on third reading. Secondly, it is suggested that if it did go back to the committee, it would have to be accompanied by a direction to the committee to somehow cure its own procedural irregularities. I should not like, and I am sure the House would not like, to have the task of

[Mr. Speaker.]

trying to frame that direction, and in any case, if it were a good idea in principle, which I feel it is not, it would be most difficult to find the actual wording.

Finally, this is an extraordinary situation because we have already arrived at the notice of the report stage. Amendments filed by both sides of the House including an amended recommendation, make it clear to me, that the House—that is to say, the whole House—is about to embark upon consideration of those very questions which we would be proposing to ask the standing committee to consider. Therefore, it does not seem useful to suggest that the matter be sent back to the standing committee to consider the very things that the House itself is about to consider.

I do not have the power to order the bill sent back to the standing committee, and I would not do so even if I had the power. For the same reason, I cannot justify simply holding that the bill cannot proceed and then leaving it to the House to try to frame that sort of order.

I wish to make it clear, first of all, that having already embarked upon the report stage and the filing of these notices of amendments and the amended recommendation, no precedent can be taken from this circumstance as to what will happen in the future if such an argument about a procedural irregularity in a committee is made before we actually get to this point. Secondly, there is a necessity for clarifying the very nature of the report stage, the relationship to the committee stage, and also the proper procedure which must be followed if objections of this sort are going to be taken in the future, and particularly in regard to the timing that must be involved. I look for, and accept, an undertaking of the House leaders that this matter will be considered in the Standing Committee on Procedure and Organization at the earliest possible opportunity.

In these circumstances, which I regard as singular, I reiterate that I find the amendment made in the committee, being subclause (2) of clause 2 at page 2 of Bill C-44, in that it has exceeded the original recommendation that accompanied the bill, out of order. Secondly, I reject the notion of returning the bill to the standing committee. Thirdly, however, I cannot allow the bill to proceed, knowing, as I have found, that it contains procedural irregularities.

Therefore, on the basis of precedents which I would be pleased to provide for members who are interested in examining them, I take another course, which is to direct—and I hereby do so—that the procedurally unacceptable amendment, being subclause (2) of clause 2 of Bill C-44, be stripped from the bill and that the bill be reprinted as otherwise amended and reported by the Standing Committee on Miscellaneous Estimates; that notices of report stage amendments now filed be removed from the order paper; and that upon the filing of the reprinted bill, which I will announce to the House when it takes place, the time for the filing of notices of report stage amendments pursuant to Standing Order 75 shall begin to run as though the bill were at that time being reported from the standing committee.

Some hon. Members: Hear, hear!

Mr. Speaker: I take this rather unique and singular step relying, as I say, on the Standing Committee on Procedure