

*Point of Order—Mr. Knowles*

Madam Speaker, if it is true, according to Beauchesne in Citation 9 and under our parliamentary practice since we have begun to change our rules—and we are increasingly in favour of written rules, while precedents and traditions have less and less authority—if it is true that by means of a motion passed by a simple majority, our rules can be changed or one or several of the 116 rules written in this little green book can be changed, then we must certainly be able, by means of a motion passed by a simple majority, to suspend some of these Standing Orders for a limited time and for a very specific debate.

This would seem to be only logical, and this is what we are now doing. To understand that and to be able to accept it, you need a certain openness of mind and you have to be able to admit that evolution is possible, desirable and has in fact occurred throughout the history of our Parliament. Those who have raised points of order this evening based their arguments essentially on a few citations of Beauchesne.

I have just quoted a citation to explain in which context these citations must be viewed. They state what the rules provide and what is the practice. However, Beauchesne does not forbid us to change the rules and practice either permanently or for one session or for a special debate. These are essentially my arguments in response to the points raised generally by the three members opposite who have expressed their views.

I am willing to deal specifically with each point raised by the hon. member for Nepean-Carleton (Mr. Baker), the hon. member for Saskatoon West (Mr. Hnatyshyn) and the hon. member for Winnipeg North Centre (Mr. Knowles). Let us consider first of all the points which can be disposed of most simply, those raised by the hon. member for Nepean-Carleton. I say this with all due respect because I believe that these points will take less time to dispose of in view of the points I have just made. I do not mean to say that the hon. member for Nepean-Carleton did not work as hard as the others. His first point was that the preamble of the motion is unacceptable, because it goes against Citation 423 of Beauchesne. It is argumentative, according to him, and he quotes a ruling made in 1961 by Mr. Speaker Michener to prove his point. However, Madam Speaker, let us examine the preamble. There is nothing like examining a motion to see what it contains, and before concluding that it goes against a citation or a ruling of a former Speaker, one has to know what the preamble contains. According to Citation 423 of the fifth edition—this also disposes of the point made by the member for Saskatoon West, Citation 198 of the fourth edition, which seems clever but Citation 198 of the fourth edition and Citation 423 of the fifth edition are exactly the same—a motion should be neither argumentative nor in the style of a speech.

Madam Speaker, it is surely not in the style of a speech. That can be ruled out immediately. It is not in the form of a speech. A speech is not full of whereas clauses.

We are dealing here with a preamble. There are such preambles in all our bills. Our parliamentary procedure recognizes them as such since even the preamble is put in Committee of the Whole. The constitutional resolution before us contains a preamble, and is it argumentative? I respectfully submit that it is not. All that we have are statements of facts that are in the record of the House. They are not arguments. It cannot even be questioned. It is a statement of the actual facts that have occurred during the course of this debate and that are recorded in the proceedings of both the House committee and the joint committee as well as in the *Votes and Proceedings* of the House. Therefore, to say, and I quote:

THAT WHEREAS the Prime Minister tabled in the House of Commons on October 6, 1980 a document entitled "Proposed Resolution for a Joint Address to Her Majesty—"

—is not argumentative. It appears in the *Votes and Proceedings* of the House. It is a statement of fact that speaks for itself and cannot be denied.

AND WHEREAS the motion to refer the said document to a Special Joint Committee of the House and Senate was debated in the House on 11 days between October 6 and October 23, 1980,

—allowing some 78 members to speak.

That is in the *Votes and Proceedings* of the House. It is not argumentative. It is taken from *Votes and Proceedings*.

AND WHEREAS the Joint Committee, on which some 132 members of this House served, held 106 meetings, sat for 267 hours, received over 1,000 written submissions and heard testimony from 95 groups and five individuals;

Just read the committee report submitted to this House, it is in there. It is a fact taken from the report. It is a statement of what has happened in committee and it is not argumentative, it is just a statement of fact. These are excerpts from the proceedings of both the committee and the House.

AND WHEREAS the Joint Committee, having had its reporting date extended twice, reported on February 13, 1981 with the recommendation that the government introduce a motion for the presentation of the address as modified by the committee;

There again, it is stated in the committee proceedings that the date was extended twice.

AND WHEREAS the motion of the Minister of Justice implementing the joint committee's recommendation was moved on February 17, 1981;

This is not argumentative. I am speaking to a point of order.

[English]

**Mr. Hawkes:** Madam Speaker, I rise on a point of order. The minister is reading the resolution as if it were fact. If the minister will check the joint committee resolution as printed in *Votes and Proceedings* for Friday, February 13, I think he will find that the Minister of Justice (Mr. Chrétien) did not in fact implement the recommendation of the joint committee as moved on February 17, 1981. There is a difference in substance between the committee's recommendation and what is presented before the House. I ask the minister to check *Votes and Proceedings* for that day. He will find that the statement he just read is incorrect.