

**Mr. Nielsen:** Citation 235 of Beauchesne says:

235. Any Member is entitled, even bound, to bring to the Speaker's immediate notice any instance of what he considers a breach of order. He may interrupt and lay the point in question concisely before the Speaker. He should do so as soon as he perceives an irregularity in the proceedings which are engaging the attention of the House.

This is what I attempted to do last night. It goes on:

The Speaker's attention must be directed to a breach of order at the proper moment, namely the moment it occurred.

Again this is what I attempted to do last night. It goes on:

A point of order may be taken after a debate is concluded and the Speaker is about to put the question to a vote or after the vote has been taken—in fact, at any time, but not so as to interrupt the Speaker when he is addressing the House. Even the provisions in Standing Orders that action must be taken “forthwith” or “forthwith without debate” with respect to certain proceedings do not bar a Member from raising a point of order when a serious irregularity occurs.

The last Citation from Beauchesne which I mentioned, No. 237 on page 79 reads:

A point of order against procedure must be raised promptly and before the question has passed to a stage at which the objection would be out of place.

I have one last submission in that regard, Madam Speaker, one last precedent. You will note that Beauchesne stipulates that a Member is:

—entitled, even bound, to bring to the Speaker's immediate notice any instance of what he considers a breach of order. He may interrupt and lay the point in question precisely before the Speaker.

Those are the words of Beauchesne. Furthermore:

—a point of order must be raised promptly and before the question has passed to a stage at which the objection would be out of place.

That very valid ruling was established on February 20, 1911, and will be found at page 190 of the Journals for that date. I will quote briefly from that precedent. This is the Speaker rendering a ruling with respect to certain Senate amendments to a Bill to amend the Inspection and Sale Act, which was then before the Commons. He said, amongst other things:

At that time I stated to the Honourable Member that his objection was taken too late; also, that the Bill itself was not before the House but only the Senate amendments.

At the suggestion of some Honourable Member I allowed the matter to stand until to-day.

Here is the relevant portion of it:

After careful consideration of the subject, I see no reason to change my opinion. The time at which an objection is taken to any procedure of the House has always been considered as of importance, and some objections which might have very fairly prevailed, had they been taken at the proper time, have failed on account of delay. There is no special precedent upon this particular case, but there are abundant precedents to the effect that an objection to procedure must be taken promptly and before the matter has passed to a stage at which the objection would be out of place. This, I consider, to have been the case in the present instance, the Bill having passed its three readings and Committee of the Whole in the House of Commons before this point was raised. Any other ruling would lead to very undesirable complications.

I rose last night, Madam Speaker, to draw your attention to what I considered to be a breach of the procedures of this House, in accordance with this Standing Orders, the Citations in Beauchesne to which I have referred, and generally in accordance with the long-standing practices and procedures of this House. You recognized that I had risen before you

*Point of Order—Mr. Nielsen*

adjourned the House, that is my position, that is my interpretation of the evidence that I have placed on the record. I mean no disrespect in taking that position, because I can obviously see from your expression that you do not agree with me. In any event, that is my position, that I was recognized before you adjourned the House. The House was nonetheless adjourned before you heard the point of order. Certainly my point of order that I wished to draw to your attention was not heard. As a result the proceedings may have passed beyond a point at which my point of order might have been in place.

I submit to you, Madam Speaker, that this particular breach of procedure may not simply be grounds for a point of order, but for a question of privilege, my personal privilege, since I was prevented from performing from what I consider to be my bounden duty and obligation, as a Member of Parliament, in drawing what I considered to be a breach of the procedures of this House, immediately to the attention of the Chair.

I am not laying blame at any doorstep. Procedures are often breached in innocence around this place by many like the Parliamentary Secretary (Mr. Smith), from a lack of knowledge of our practices and procedures and the legitimate traditions of this place.

**An Hon. Member:** From ignorance, in short.

**Mr. Nielsen:** In any event I submit that there was no recognition, no authority, with respect, at the point where you said at page on 21587 of *Hansard*:

The Hon. Minister of Agriculture (Mr. Whelan) has the floor—

I suggest to the Chair that that statement, to have any effect, goes beyond the authority of the Chair at that moment. Certainly the time, in *Hansard*, and the application of our Standing Orders would make that abundantly so.

● (1700)

If it were any other way, it would result in serious complications because the process which is open to all Hon. Members on this side when the Chair attempts to recognize someone is taken away from them. The Standing Orders provide, for instance, that such a motion as was moved yesterday can be moved by any Member, and the processes that were followed last night denied the right of Members to exercise that particular right under the Standing Orders.

At the very least, we start at square one with respect to the determination of that vote. I suggest that had I had the opportunity to do so, I would have suggested to the Chair last night that the adjournment would have occurred after the Chair properly heard the point of order raised by the Hon. Member for Calgary South, and that was it.

MR. NIELSEN—ANNOUNCEMENT OF VOTE TALLY BY CLERK

**Hon. Erik Nielsen (Yukon):** The other point of order I have to address to the Chair concerns the vote itself. I believe it to be a serious one. It is the first time I have seen a departure