

Point of Order—Mr. Knowles

I will start by saying that I hope and wish the government would reconsider the motion, not just in the light of anything one says in the House but in the light of the traditions of the House. I should like to make my points quickly to you, Madam Speaker. The first one is this. The motion itself contains factual assertions which should form part of the speeches in support of the motion rather than being contained in the motion itself. So that there should be no doubt as to what I am referring to, let me say I am referring to a series of clauses, which may be loosely described as "whereas clauses", in which there is a recitation of what purport to be facts but what in effect are arguments. My contention to you, Madam Speaker, is that those things which purport to be facts—and I use the word "purport" advisedly—are arguments and have no place in the modern day practice of the House as it has evolved. I will point to some by way of an illustration. First, there is an assertion that:

—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 the Queen Respecting the Constitution of Canada";

Second, it states:

—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;

Then there is another assertion that:

—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;

Surely that has no place in a modern day motion, and I will argue the point. I want to give you, Madam Speaker, examples of how flagrantly the government House leader has mistreated the practice in this House.

The motion goes on to state:

—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;

It goes on to state:

—the motion of the Minister of Justice implementing the Joint Committee's recommendation was moved on February 17, 1981;

Those words have no place in a modern day motion in the House of Commons. They may have a place in a speech in the House of Commons by a member of the government, such as the government House leader or one of his supporters. They certainly do have a place there if he wants to make those assertions in explaining some factual omissions. They would also have a place in debate, but they have no place in the motion itself. The precedent for that is Citation 423 of Beauchesne's fifth edition which reads as follows:

A motion should be neither argumentative, nor in the style of a speech, nor contain unnecessary provisions or objectionable words.

This motion violates at least three of the four prohibitions in the citation. It is argumentative, it is in the style of a speech, it contains unnecessary provisions, and it may contain objectionable words if you would consider the first three points as making up the concept of objectionable words. They are not

unparliamentary, but they are objectionable in the sense that we are arguing this motion. That is the first point.

My second contention is that the wording of the motion does not properly express an expression of the House, but that the motion is presented in the form of a conclusion to the argument to which I referred a few moments ago. The fact that that is a failing or a fault in something which purports to be a motion is set forth in Citation 411 of the fifth edition of Beauchesne's, which reads:

● (2040)

Every matter is determined in the House of Commons upon a question put by the Speaker, on a proposition submitted by a member, and resolved either in the affirmative or negative as the case may be. This proposition, called a motion, is a proposal moved by one member—

In this case it is the government House leader.

—in accordance with certain well-established rules, that the House do something or order something to be done or express an opinion with regard to some matter.

On the face of it—and I will argue this more fully later on—this motion fails on that ground. It fails in that it does not properly express an opinion of the House but, instead, is presented in the form of a conclusion to an argument which is set forth in the paragraphs I received earlier.

Third, the motion itself in certain of its parts is self-contradictory and, therefore, the will of the house in passing the motion is not certain. The proposition in support of that, again is contained in Citation 411 in Beauchesne's fifth edition, which I read just a few moments ago and which I will not read again.

While the motion purports to operate, notwithstanding certain Standing Orders, it leaves in operation—and this becomes more important later on—the full range of custom, practice and precedent in areas not covered by these Standing Orders. This was the point made by the hon. member for Winnipeg North Centre, that there is more to the rules and the operation of the House of Commons than merely the Standing Orders. Beauchesne's is cited time and time again as a repository of the customs, traditions and precedents of the House of Commons. The Standing Orders are guidelines only. They are not exhaustive. Our customs and precedents are not all enshrined in that green book called the "Standing Orders of the House of Commons."

I wish now to deal with argument No. 1. It is that the motion contains factual assertions which should form part of the speeches in support of the motion rather than being contained in the motion itself. This concept is set out in Citation 423 of Beauchesne's.

I want to now ask you, Madam Speaker, to turn to a ruling made by Mr. Speaker Michener on Monday, January 16, 1961, where he dealt quite fully with the proposition which I placed in the first part of my argument. I would like to quote from page 1074 of *Hansard* for that date, about the middle of the page, where he said:

I have come to the conclusion that this amendment is not defective because it is preceded by whereas clauses, reasoning clauses or argumentative clauses in the