

case, because the motion was moved at the right time, that is, just before we reached Orders of the Day.

• (1520)

[English]

Mr. Doug Lewis (Simcoe North): Madam Speaker, I followed with interest the remarks of my friend from the New Democratic Party with respect to Standing Order 50. I will be interested to hear the Chair's comments on his remarks.

I point out that if the tactic that was used yesterday is available under Standing Orders, that very same tactic might very well have been used by the Government during the constitutional debate when various questions of privilege, points of order and other parliamentary items available to the Opposition were used. I would be interested to hear if the Chair could differentiate between the situation that existed then and the situation which existed yesterday.

In joining the discussion on the ruling, it would also be interesting to note Citation 417(b) at page 151 where there is a definition of a dilatory motion. It refers to the motion "that the House do now proceed to . . ." That motion is described as being one which is:

—though independent in form, are moved in the course of debate on questions which they seek to set aside.

The Chair may also want to draw that into the discussion on the argument. It would seem to me that Routine Proceedings must be defined. If there are questions to be decided, I would be interested in knowing exactly how the Chair would deal with Citation 417(b) under those circumstances.

Mr. Laverne Lewycky (Dauphin-Swan River): Madam Speaker, I wish to make my small contribution to this particular item under discussion. Yesterday I had a petition from my constituents which I was prepared to present. The Government House Leader (Mr. Pinard) is normally a very reasonable person and I have found that when he makes mistakes in the House he rises to correct them. I submit that the hon. gentleman erred greatly by affecting my privileges as a Member.

I submit that it is a privilege of the House to present a petition. Citation 666 of Beauchesne clearly indicates:

The right of petitioning the Crown and Parliament for redress of grievances is acknowledged as a fundamental principle of the constitution and has been exercised without interruption since 1867.

Furthermore, with respect to the method of presentation, Citation 692 makes it very clear that:

(1) While a Member may, if he desires, present a petition from his place in the House during Routine Proceedings and before the Introduction of Bills—

That is the part of the sentence that concerns me. I was standing in my place prepared to present a petition during the Routine Proceedings. This was during the time provided to make representations in the House on behalf of my constituents.

I submit that as a result of the Hon. House Leader bringing in his motion, he infringed upon my privileges to present a petition. That is the only time when I can present a petition. I

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had a petition on behalf of my constituents, mainly on behalf of those in Swan River, that I wanted to present at that time.

I submit again that the House Leader greatly erred and affected my privileges as a Member of Parliament representing my constituents. I wish to present that argument, Madam Speaker, for your consideration and hope that in the future the Hon. House Leader and others in the Government would not violate privileges of Members to present a petition on behalf of their constituents.

Mr. Lorne Nystrom (Yorkton-Melville): Madam Speaker, I wish to make two points. The first is in response to the President of the Privy Council (Mr. Pinard) when he cited Citation 282 of Beauchesne. It states:

When an Order of the Day is under debate, a motion "That the Orders of the Day be now read"—

And it goes on. The citation reads "When an Order of the Day is under debate", and I remind the chair that we were not under Orders of the Day yesterday, we were under Petitions. I think that is an important point. I do not think the House Leader can use as support Citation 282 of Beauchesne which describes what he can do once we are on Orders of the Day.

The second point he made concerned when Orders of the Day are under debate. I believe there is a number of precedents of previous Speakers as well as yourself that said we were not engaged in debate at that particular time. I refer to a ruling that you made on October 24, 1980, as reported at page 4069 of *Hansard*. I quote:

Order, please. I believe I have a number of petitions today. I must remind Hon. Members that they are allowed to present their petitions but not to enter into debate. The presentation should be kept extremely short—and when I say extremely short, I mean generally within a minute.

In other words, no debate is allowed during the presentation of petitions. I am sure you are referring to Standing Order 71(3) of our green book on rules of the House.

I think it is very clear, Madam Speaker, that we had not reached Orders of the Day. There was no question before the House and there was no debate before the House.

The last point concerns Standing Order 50 itself. I think it is very clear. It states:

When a question is under debate, no motion is received unless to amend it—

It goes on from there. I remind you that we were not debating a question yesterday. I think it is very clear that we were discussing petitions yesterday and there was no question before the House. If there was no question before the House, I do not think a Member can get up to propose a motion.

As has already been mentioned by our House Leader, the Hon. Member for Hamilton Mountain (Mr. Deans), we were not conducting a debate. I have already referred you to your own ruling of October, 1980 when you supported that position at that particular time. As a result I wish to argue that the motion presented by the House Leader yesterday was out of order. Indeed, if that motion was in order, I suggest this whole place could become very chaotic as Members of the House could rise at almost any time to move a motion that we proceed to Orders of the Day or something else.