

Amendment to Standing Orders

then the place to take it is to the Supreme Court of Canada, not to Mr. Speaker sitting in the Chair of the House of Commons.

Therefore, Mr. Speaker, while I think it is a very interesting point of order which the Parliamentary Secretary has raised, one that can lead to an interesting discussion, one we would all greatly enjoy, I think Your Honour's prerogative in the matter is clearly limited by citation 71(5) which says you shall not give a decision on a constitutional question.

• (5:10 p.m.)

Mr. Deputy Speaker: I thank both hon. members for their contributions, and I will agree with the hon. member for Winnipeg North Centre (Mr. Knowles) when he suggests that it is an interesting point of order which has been raised by the Parliamentary Secretary. What I would like to do is to exercise another option available to the Chair, the option to reflect on the point of order, and in the event that this motion comes to the point where a vote has to be taken, at that point I would certainly be ready to render a decision. In the meantime we might proceed with the motion without prejudicing the point of order raised by the Parliamentary Secretary.

Mr. Thomas S. Barnett (Comox-Alberni): Mr. Speaker, I cannot say that the point of order raised on my proposed amendment to the Standing Orders came as a complete surprise to me. I regard this interesting point, as it has been referred to, rather as a matter of debate than as a point of order. In opening my remarks on this motion I might say that I believe that any sensible interpretation of section 49 of the BNA Act is that it obviously was intended to prescribe the manner in which the House would arrive at decisions on public questions, on matters of public policy, rather than having any relationship whatsoever to the internal management of the House of Commons itself, and the rules under which it should govern its proceedings. I may have some reference during the course of my remarks to what another member of this House had to say on this very point in an earlier debate.

Obviously, Mr. Speaker, this motion is intended to draw the attention of the members of this House to a debate which took place in this chamber last July; in fact, a debate which commenced on July 7, 1969 and came to a conclusion at ten minutes to two on Friday, July 25—a.m. that is. I mention this to recall to members of the House that we had a

very extensive debate at that time on the question of the proposed changes to the rules of the House. This debate, because of its length, because of its fury on occasion and also because of some of the very fine contributions, indicated a crisis about the manner in which this House should operate, and the principles behind the rules of Parliament.

As far as I have knowledge, Mr. Speaker, there have been three principal occasions in the lifetime of the House of Commons of Canada when the question of the rules and the operation of the House has reached what one might describe as a fever pitch. One occasion was last July and, another was during the course of what is commonly referred to as the pipeline debate. These are the two of which I have personal experience. The third occasion was the crisis in the proceedings of the House arising out of what have been referred to as the great naval debates of 1913, and the procedural debate which resulted in the adoption into the Standing Orders of the House of the rule of closure.

Of these three occasions on which the debate of the House on its rules and operations reached fever pitch, the one last July was the most useless, the one for which there was the least excuse. Indeed, it could not have come into being had it not been for the inexperience and arrogance of some members of the present government. The House of Commons had been functioning in a mood which was conducive to a change in the rules by the ordinary method. The procedures committee of the House, during the earlier part of this Parliament, had brought to fruition a drastic reorganization of our procedures. These changes had, in turn, been the result of an extended period of meetings of the procedures committee begun during the period following 1963, when the Right Hon. Lester Pearson became prime minister of Canada.

I should like to recall to the attention of the House, Mr. Speaker, that during all of that period prior to the commencement of this Parliament in 1963, the procedures committee had sat with the Speaker as its chairman and had maintained the traditional attitude that the rules of the House were the property of the whole House and should be divorced, as far as any discussion of their change was concerned, from the hands of the government. This is a position which I believe had been maintained throughout the entire lifetime of the Canadian Parliament with the exception of one particular occasion when there was unilateral action taken by the government of