

*House of Commons*

for York South—Weston (Mr. Nunziata), that such notice was not acceptable because debate on the motion had not yet begun.

[*Translation*]

At 5.00 o'clock p.m. yesterday, I took the two questions raised, the procedural acceptability of the motion and the acceptability of the notice of closure, under advisement, and I undertook to study both questions and return to the House as quickly as possible with my ruling.

[*English*]

Overnight and this morning I have considered most carefully the arguments raised and have consulted various precedents and authorities, and I am now ready to rule.

Let me begin by addressing various points raised on the procedural acceptability of the motion. The Hon. Member for Windsor West, in his remarks on his point of order, referred to a ruling I made in the 33rd Parliament on June 13, 1988, which can be found in *Hansard* for that date at page 16376. For the benefit of those members who were not with us then and those who follow our proceedings, I hope the House will bear with me as I quote what I feel is the essence of that ruling. The main question before the Chair at that time was: Can the Government initiate a motion to suspend the provisions of the Standing Orders? What I said was as follows:

"In order to answer that question, we should initially look to the Canadian authorities.

First, the current Canadian House of Commons Standing Orders in number 56, paragraph (1), subparagraph (0) [now Standing Order 67(1)(0)] have at least envisaged the concept of the suspension of the rules. That subparagraph declares that motions for the suspension of the Standing Orders are debatable motions. There is no specific direction as to how such motions are to be decided but such a motion is clearly subject to the provisions relating to notice, debate and amendment.

Second, Citation 21 of Beauchesne's Fifth Edition refers to the rules of procedure generally:

The most fundamental privilege of the House as a whole is to establish rules of procedure for itself and to enforce them. A few rules are laid down in the British North America Act, but the vast majority are resolutions of the House which may be added to, amended, or repealed at the discretion of the House. It follows, therefore, that the House may dispense with the application of any of these rules by unanimous consent on any occasion, or, by motion, may suspend their operation for a specified length of time.

Citation 9 of Beauchesne's Fifth Edition gives further precision by stating:

All rules are passed by the House by a simple majority and are altered, added to, or removed in the same way . . .

Beauchesne's Fourth Edition amplifies more specifically on the Standing Orders by stating in Citation 10:

Standing Orders may be suspended for a particular case without prejudice to their continued validity, for the House possesses the inherent power to destroy the self-imposed barriers and fetters of its own regulations. It may even pass an order prescribing a course of procedure inconsistent with the Standing Orders. A motion for such temporary suspension requires notice . . . , but in urgent cases the notice can be waived . . . Any alteration in the regular procedure may be made effective by force of a simple resolution. This is one of the characteristics of British procedure and it has contributed in no small degree to the elasticity of our parliamentary system.

Furthermore, there are several precedents of such occurrences in the Canadian House found in the Journals for March 16, 1883, June 1, 1898, April 8, 1948, April 24, 1961, and May 14, 1964. Clearly then both the authorities and our practices allow for our Standing Orders to be suspended or amended by motion on notice.

The Speaker was urged by many Members to rule on this matter by using Standing Order 1 and referring to traditional parliamentary practice in other jurisdictions, if applicable . . . the citation on page 212 of May's Twentieth Edition is worthy of repetition:

Standing Orders are not safeguarded by any special procedure against amendment, repeal or suspension, whether explicitly or by an Order contrary to their purport. Ordinary notice only is requisite for the necessary motion; and some Standing Orders have included arrangements for the suspension of their own provisions by a bare vote, without amendment or debate.

The Chair has also looked to the Australian practice as commented on by J. A. Pettifer in *House of Representatives Practice*. It is clear the Australian House does deal with such motions on a regular basis. Their Standing Orders specifically provide for the suspension of a Standing Order on notice. Such motions are debatable, amendable and

require only the majority of votes cast to be adopted. The Chair is reluctant to use this practice as a convincing authority because it is supported in Australia by a specific Standing Order. Reference to the Australian practice does, however, demonstrate that suspension of the Standing Orders is not foreign to other Houses in the Commonwealth."

That is the end of the extract from my earlier judgment. I should now address the two major new objections of the Hon. Member for Windsor West.

The Hon. Member is, of course, absolutely right in saying that the motion differs because it suspends Standing Order 78 which relates to legislative committees. The June 18 motion also suspended Standing Order 10, now renumbered 27(1), which denied the right of any Member to move a motion relating to extended hours. In my view, both motions did indeed suspend the calendar but they also suspended other Standing Orders.

[*Translation*]

As far as his argument that the proposal now before us is a permanent change, I must tell the Hon. Member that I cannot agree. The motion, if passed, would alter the Standing Orders for the duration of the First Session only. The duration is finite in keeping with Citation 21 of Beauchesne Fifth Edition and the motion does