

Point of Order

Standing Order is wrong, he could again recommend to the same committee that it consider revoking the Standing Order in question.

As far as I am concerned, and notwithstanding what the Charter says, the Standing Order should remain. However, I am only emitting a personal opinion. However, that is not what is at issue here. What is at issue is whether or not Mr. Speaker has the authority or whether Mr. Speaker should, notwithstanding any authority, decide to unilaterally revoke one of our Standing Orders.

If I may be so bold as to suggest, I do think that Mr. Speaker would probably not want to do that.

Mr. Nelson A. Riis (Kamloops): Mr. Speaker, I want to echo the comments of my friend who has just spoken. The point he raised is appropriate. There have been a lot of questions from various members about the propriety of Standing Order 31.

It seems to me, Mr. Speaker, that there are a number of alternatives. One is to follow the advice of my hon. friend to simply drop Standing Order 30(1). The other, of course, would be to keep it in place. On the other hand, perhaps there is a compromise, that at the beginning of the day some other appropriate statement be read. We realize the benefit of a statement, a prayer or perhaps some other form of comment that sets the tone and establishes a certain guideline for the procedures and the behaviour of the House.

However, to ask you to set this aside would be inappropriate. The House Leaders are presently meeting and evaluating a variety of Standing Orders. They are examining whether they ought to be modified to suit the changing times. Perhaps my hon. friend could refer his concern regarding Standing Order 30(1) to that regular process which will determine whether it should be dropped, whether it should be kept or if there is another alternative to consider in its place.

Mr. Albert Cooper (Parliamentary Secretary to Leader of the Government in the House of Commons): Mr. Speaker, I do not want to speak very long to this particular point of order. I agree that my hon. friend who has brought the point of order forward has a legitimate concern.

However, there are a couple of factors that we have to take into account. First, the Americans have a Charter of

Rights which has had a similar impact in their country. However, their Congress has a chaplain who daily delivers a prayer. I think that shows that it is consistent with a charter of rights. I would think, therefore, that in our own Parliament that same consistency would apply.

The second point I would like to make, which I think has been made already, is that this is more properly a decision of the House. It is not, I think, a decision of the Chair and the Chair should not be put in a position of having to making a ruling on a particular Standing Order and its validity or its lack of validity.

This has been a tradition in this Parliament for a long time. It is also a tradition that has come under discussion on several occasions, including throughout the hearings on the McGrath task force. I can remember we spent a good deal of time on the issue.

In each case the end result has been that we have come back to the tradition that we practise today and that is what I would encourage the Chair to allow to continue at this point. I think the Chair would be in a very difficult spot were it to make an arbitrary decision that a particular Standing Order is in violation of the Charter.

SPEAKER'S RULING

Mr. Speaker: The hon. member has raised a matter which relates to Standing Order 30(1) which reads:

The Speaker shall read prayers every day at the meeting of the House before any business is entered upon.

That is a rule which, of course, binds me as your Speaker. It also happens to be a rule that has been in place, not just for a few years but for generations. The hon. member urges me to make a decision that it is somehow inconsistent or contradictory to the Canadian Charter of Rights.

First, it is not the role of the Speaker to make that kind of a declaration because my jurisdiction does not enable me and does not ask me to make decisions concerning the law of the land. My jurisdiction is to make decisions concerning the procedural rules which this place has put in place and which govern us.

I have to say to the hon. member that whatever his concerns may be, and they may be the concerns of other people, I cannot comment upon the rule that instructs us to say prayers daily on the basis of whether it does or does not infringe the Charter of Rights.