

Point of Order—Mr. Deans

another matter. I do not believe that was true. If he was not rising on a petition he would have had to advise that he was rising on another matter. If he was rising on another matter it was clearly out of order. If it was his intention to rise under Standing Order 50, that was out of order for the reasons that I have stated.

I ask you, Madam Speaker, in the interests of preserving the integrity of Parliament, in the interests of protecting the Opposition from a Government that would steam-roller over rights that have been long established, to find in a ruling that these proceedings were completely out of order and do not constitute a precedent to which reference can be made on any future occasion.

[Translation]

Hon. Yvon Pinard (President of the Privy Council): Madam Speaker, I do not think that the Hon. Member's interpretation of Standing Orders 50 and 28 is correct. His interpretation is restrictive as to the appropriate time for presenting the motion I moved yesterday to proceed to Orders of the Day. I think there is no justification for a restrictive interpretation, which is not supported by Standing Orders 50 and 28 because of our parliamentary practice and also because of the nature of the motion presented. First of all, I think that the title of the motion clearly indicates its nature, and we can therefore conclude that it can only be moved at a certain time of the day. It is a motion inviting the House to proceed to Orders of the Day, so that logically, if we had reached Orders of the Day, the motion could not have been moved. However, it is my view that at any time before reaching Orders of the Day, this motion, which is provided under Standing Orders 28 and 50 and which invites the House to proceed to Orders of the Day, is entirely in order. I think this is eminently logical. Standing Order 50 says, and I quote:

When a question is under debate, no motion is received—

With some specific exceptions, it does not exclude a motion inviting the House to proceed to Orders of the Day before that stage has been reached. The same applies to Standing Order 28, which says, and I quote:

A motion for reading the Orders of the Day shall have preference to any motion before the House.

That does not mean that if a motion is not before the House, we do not have the right to move a motion inviting the House to proceed to Orders of the Day. On the contrary, if, as it says in Standing Order 28, a motion for reading the Orders of the Day has preference to any motion before the House, all the more reason for it to have preference during Routine Proceedings to any other item before the House. This is particularly true, and the implications of Standing Order 28 are so far-reaching, that our conclusion is that we can present a motion to proceed to Orders of the Day, even when the House is not actually debating a motion, since this motion is far more important than any other item under Routine Proceedings.

To justify this interpretation of the Standing Orders, I think it would be useful to see what the experts have to say, and to consider the nature of the motion itself. Yesterday's motion was basically a dilatory one, but it was not moved to prevent debate but to enable the House to get on with the Orders of the Day and consider the main question. It was dilatory in that it was meant to postpone other items preceding the Chair's call for Orders of the Day. And if we look at the reference work whose title in English is:

[English]

"Dubroy, Bourinot, Rules of Order":

The term "dilatory" is used by most writers on parliamentary law as a convenient means of grouping together motions that postpone a question for the time being. For instance, motions for reading the orders of the day, for proceeding to another order of business, for the adjournment of the House or debate, have the effect of superseding or delaying the consideration of a question. Such motions must be decided forthwith without debate or amendment.

[Translation]

Bourinot says that the motion in question, that is, a motion inviting the House to proceed to the Orders of the Day, is in fact a dilatory motion and takes precedence over any other question—not only motions but any question before the House—before the Chair has called Orders of the Day, and that this motion must be put forthwith, without amendment or debate.

I think it is therefore clear, Madam Speaker, that the motion I moved yesterday to enable the Opposition to consider a major piece of legislation—an opportunity that was turned down by the Opposition—clearly conformed to our Standing Orders. The Chair called a vote on this motion and also had Members called in. Unfortunately, the vote could not take place for reasons we all know.

Finally, I have a subsidiary argument. I would like to refer the Chair to Beauchesne's *Parliamentary Rules and Forms*, Fifth Edition, Citation 282, where it says under the following heading, and I quote:

Motions to Pass to the Orders of the Day

When an Order of the Day is under debate, a motion "That the Orders of the Day be now read" is a nullity as the House has already reached that stage of its proceedings—

Upon reading this citation, and in the light of what I said earlier, I must conclude that although this kind of motion cannot be called once the House has reached Orders of the Day, the motion is, by its nature, acceptable at any other time. Madam Speaker, that is why I must conclude that the objection made by my learned friend from the New Democratic Party has no basis in law. He certainly cannot complain about the fact that we moved to give his party an opportunity to consider Bill C-155. He had the privilege of voting on the motion. He also had the privilege of considering the Bill. However, they preferred to obstruct the proceedings and to prevent Parliament from considering an important issue. That was their choice, but it does not strengthen the Hon. Member's