

*Points of Order*

the Right Hon. Leader of the Opposition—there is now a question of privilege. It is the right and a privilege of members now to be heard—not just any member. It is the privilege of the Leader of the Opposition to be heard when he rises in an orderly way. Surely it is flying in the face of the dictum as well if he must wait to be heard.

**Mr. Caccia:** He was not here.

**Mr. Kempling:** Go on another trip, Charlie.

**Mr. Nowlan:** Go on another trip to Europe, the IPU.

**Mr. Baker (Nepean-Carleton):** I am not talking about the first one, I am talking about the second point of order. I say, with respect, that by failing to hear the Right Hon. Leader of the Opposition, another paragraph in Beauchesne is being affected. That affects my rights and privileges.

Our rules do not end with the Standing Orders. The Standing Orders are only the clarification for some things. They are not the Bible. They are not the whole text. They are not the old and the New Testament. They may be one testament but not all of it. We have some customs and some rules which are enshrined in Beauchesne's fifth edition, in May's and all the rest of them. One is that a point of order is always in order with respect to the conduct of legislative business.

Legislative business is not just a bill which might be before the House, it is the whole process of the House of Commons. The Right Hon. Leader of the Opposition is not an ordinary member. He raised a new point of order in the conduct of legislative business, when it is always in order, according to Citation 233 in Beauchesne, to raise a matter calling attention to any departure from the customary modes of proceeding in debate or in the conduct of legislative business.

Part of the conduct of legislative business in this House does not mean just government orders. Part of the conduct of the business of this House includes all the routine proceedings which we are in the middle of right now.

For that reason, I ask you to consider very carefully the position we are in now, at least with respect to the second point of order raised by the Right Hon. Leader of the Opposition. Because you have ruled on the first one and I cannot argue with that, but by not permitting him to proceed on his second point, without even listening to his argument beyond a sentence or two, you may have violated his privileges and you may, by so ruling, affect the privileges of every one of us to speak in accordance with the customary modes and proceedings in debate or in the conduct of legislative business.

● (2110)

However, the Standing Orders, the rules, *règlement*, customs, traditions and precedents go much beyond that. They are not nice, clear cut things you can punch into a computer and have an answer come out. One of the things those rules, customs and precedents are there to protect is my right as a Member of Parliament to rise at any time, that is on a matter or a question of privilege.

Other members should be heard with respect to that question of privilege. That goes fundamentally to our place in this House, to our ability to discuss and debate public issues and to raise public issues at the time they come up, particularly an officer of the House, as is the Leader of the Opposition.

It is not just my privileges that are affected. We are in grave danger of affecting everybody's privileges by what I call a legalism. With respect to the legalism, there is more to the rules of this House than merely the Standing Orders. There are the traditions, precedents and customs. In the discretion which you have in dealing with the question of privilege I now raise, you deal with the ability of members to function in terms of order in this House. That will be sadly affected. That affects my privileges as a member. That is why there must be another way of approaching this situation in order to permit the Leader of the Opposition to raise a point of order which by Citation 233 can be raised at any time there is "any departure from the Standing Orders" which is one thing, "the customary modes" which is something else, "proceeding in debate", something else or "the conduct of legislative business".

Although it is entitled routine proceedings on the order paper, that is only a label. The essence of it is that it is part of the legislative business of the House of Commons. I therefore ask you, Madam Speaker, to consider it from the point of view of a question of privilege that I raise, because I happen to have been recognized, on behalf of all members of the House, particularly the Leader of the Opposition who I respectfully suggest ought to be able to continue this argument now.

**Mr. Knowles:** Madam Speaker, I congratulate the hon. member for Nepean-Carleton (Mr. Baker) for keeping his voice down, but I say to him that to call what he raised a question of privilege is a misnomer. It is not a question of privilege. He used that phrase to criticize a ruling of the Chair. I point out that under Standing Order 12 a ruling of the Chair is not debatable, cannot be appealed and there cannot be any discussion on it. Your Honour ruled that although the Leader of the Opposition (Mr. Clark) might well have other opportunities to raise a point of order, he does not have the opportunity or the right to raise a point of order during routine proceedings unless it is a point of order with respect to something in routine proceedings. I submit to Your Honour that we are in for trouble if under the device of calling it privilege we are going to have these attacks on the Chair. I hope my friend will think very seriously before he does that sort of thing again.

While I am on my feet, I want to say a word or two about this myth, even though it is based on a few words in Citation 233, that a point of order can be raised at any time. My friend the hon. member for York-Peel (Mr. Stevens) recited that a moment ago. It is like being able to present a motion to adjourn at any time. It is not that. You can present a motion to adjourn at any time that you properly get the floor to do that. As for the right to raise a point of order at any time, my friend from Nepean-Carleton read the very words:

—when one needs to call attention to any departure from the Standing Orders.