

Western Grain Transportation Act

this. We have an opportunity to develop further the diversification of western Canada, not only for the benefit of our region but for all of Canada. That is the purpose of our debate. That is the point we are making here in the House and that is the point we will make in committee.

Mr. Deans: Mr. Speaker, I rise on a point of order. I want to raise with you a question that flows from the motion before us at the moment. You will, no doubt, be aware of the wording of the motion, Sir. The motion as it is recorded in Votes and Proceedings is as follows:

That this question be now put.

I want to refer you in the first instance to Standing Order 1. It reads:

In all cases not provided for hereafter or by sessional or other orders, the usages and customs of the House of Commons of the United Kingdom of Great Britain and Northern Ireland as in force at the time shall be followed so far as they may be applicable to this House.

You may be interested to know, Sir, that in the nineteenth edition of Erskine May at page 378, Chapter XVIII, and I quote for your edification, although being as knowledgeable as you are you probably know it off by heart, the black type which reads "Previous question" and then we find:

A method occasionally employed in order to withhold from the decision of the House a motion that has been proposed from the chair is to move the previous question. This is a motion which compels the House to decide, in the first instance, whether the original motion shall or shall not be submitted to the vote of the House, and in the Commons the question proposed on this motion is, "That that question be not now put"—

You will have noticed, very quickly, I am sure, that there is a distinct difference between the motion we have before us and the motion used in the House of Commons which, by Standing Order 1, is the motion, we must follow. Let me point out the reason. The paragraph under the heading "Previous question" goes on to read:

If it be resolved in the affirmative, the Speaker is prevented from putting the original question, as the House has thus refused to allow it to be put. The original motion may, however, be brought forward again on another day, as the decision of the House merely binds the Speaker not to put the question thereon at that time. If the previous question be resolved in the negative, the original question on which it was moved must be put forthwith—

I do not want to go into all of the detail, but I do want to point out to you, Sir, that the reason the motion is worded in that way is very carefully set out. The Speaker of the day in the House of Commons put the previous question in this form on March 20, 1888. The Speaker decided that a motion "That the question be now put" was in fact a closure motion. Since there can be no debate thereon it was decided at that point that the wording of the motion had to be altered in order to achieve the desired result.

What this requires, as you are no doubt aware, is that a mover of a motion "That the question be not now put" would vote in the negative. In other words, the mover of the motion would vote nay and those opposed to the motion would vote yea in order to achieve the desired result, if the desired result were to stop debate and have the motion on the question.

I would ask you in the interest of House of Commons voting in the proper way, which I think is vitally important, and in the interest of not having the motion that was moved, I contend inappropriately, considered closure, which the Government has

steadfastly indicated that it does not want it to be considered, that the motion should be withdrawn. That motion should then be reintroduced in the proper form according to the citations of Erskine May.

It could go ahead, I suppose, but the unfortunate part of that could be that because Erskine May has so clearly set out the precedent, confusion undoubtedly would be the order of the day. Not only that, we would be departing from the requirements of Standing Order 1. I am sure there is no Member of the House who would wish that we depart from the requirements of Standing Order 1.

If the motion now before us were to be put, it would be in direct violation of Standing Order 1. It would be in direct violation of what the Government itself has steadfastly said it does not want to do. I think the Deputy House Leader would be willing to admit that that is true, that it is not the Government's intent to move a closure motion.

Given that the motion before us has already been interpreted as a closure motion, ruled upon as a closure motion at Westminster and accepted as a closure motion at Westminster, the Government might well want to ask the concurrence of the House—which I am sure would not be forthcoming—to alter the motion. Otherwise I would ask you, Mr. Speaker, to rule that the motion before us is an inappropriate one. If the Government wishes to move closure, it may do so in a quite separate and different way under a quite separate and different Standing Order. But it may not do by the back door what it will not do by the front door. It may not impose by some devious means that which it will not impose directly.

I would therefore ask if you would be kind enough to look into the arguments contained in this submission and agree that the Member who moved the motion, inadvertently, I am sure, be ruled out of order. If the Government wishes to proceed in this way I suggest that it move a proper motion rather than leaving the motion we now have before us in a way which could be and no doubt would be very confusing, and would be a direct contradiction of the rules of Parliament as they are applied by the British parliamentary system at Westminster and brought to Canada under Standing Order 1.

The Acting Speaker (Mr. Blaker): Order, please. The Chair is quite clear on the issue. I am perfectly prepared to rule immediately. However, if there are Hon. Members who wish to contribute to the well being of the Chair's mind, of course, I will recognize them. I will simply say as an indication that it has been an interesting exposé of an interpretation of our Standing Orders. As some indication to assist Hon. Members I can say that the specific overrules the general in every case of interpretation and that is the course the ruling will be following.

Mr. Smith: Mr. Speaker, it is reassuring to know the Hon. Member for Hamilton Mountain (Mr. Deans) has read Standing Order 1. His problem is he does not seem to have read any of the Standing Orders subsequent to it. Regrettably, he is about as far out in left field as he could be. I would refer