

My purpose now, and I hope I can stick with it, is not to argue the merits of that proposal—I can do that later if Your Honour does not find it out of order—but rather to state the reasons I believe it should not be permitted to remain in the motion before us.

As I indicated yesterday, Citation 311 of Beauchesne's fifth edition reads as follows:

Under no circumstances—

That is positive: "under no circumstances".

—may a member merely table a speech for printing in *Hansard*. With minor exceptions, what appears in the record of debates has actually been spoken in the House. On rare occasions a member may receive the consent of the House to have printed as part of his speech long lists, statistics or similar material. Such consent should rarely be asked for and is rarely granted. The House may also give its consent to have documents, or exchanges of letters, printed as a formal appendix to *Hansard* for the use and information of members.

As I said, Madam Speaker, the first sentence of that citation is absolute: "Under no circumstances may a member merely table a speech for printing in *Hansard*." Since I gave you notice of this point yesterday, that has provided time for you and those who assist you to study the matter. I suppose the first response you are inclined to make is that what I have quoted is only a citation in Beauchesne but is not a Standing Order as such.

● (2010)

With respect to that possible answer may I draw Your Honour's attention to an interesting paragraph in the first few pages of Beauchesne's fifth edition. On page 5, the section headed "Precedent and Tradition" reads:

Behind the written rules and filling in the gaps, lies the vast quantity of precedent. Although the House normally assumes that a ruling is binding for the future, Speakers have used the flexibility available to them to develop procedure regardless of conflicting precedents in the past.

A little further along in that same paragraph it says:

It is impossible to estimate the extent of this body of traditional parliamentary law. In Canada, not only is there more than a century of native practice, but also Standing Order 1 adopts for Canada all the centuries of tradition (where applicable) of the United Kingdom House of Commons. Custom and precedent are basic to the parliamentary system.

In a moment, Your Honour, I shall with great pleasure refer to things that happened this very day which underline the fact that we are governed in this place not just by the precise rules set out in our Standing Orders, but by custom, precedent and tradition.

Going back to some of the earlier parts of the chapter just referred to, I would draw your attention to the fact that there is provision for rules to be passed by a simple majority, to be altered or added to and so on, but note this:

By custom, changes in the Standing Orders are generally made after study and a recommendation by the Standing Committee on Procedure and Organization.

Then later in that same paragraph are these words:

Sessional and special orders are normally moved by the government after consultation with the opposition parties.

Then at the bottom of page 6 there is the heading "Unanimous Consent" under which it is pointed out that many of our rules are set aside. We do it every day, we set aside this rule

*Point of Order—Mr. Knowles*

and that by unanimous consent. However, it is also clear, when you put these things all together, that you cannot change a rule except in one or the other of two ways: either by the rule being brought before the House, usually on a report of the Standing Committee on Procedure and Organization; or for sessional or special purposes by the government after consultation with the House leaders of the other parties.

Now, I point out that what we have in this paragraph (e) is something which changes the rules in the sense that it changes a century-old tradition and precedent. There has been no consideration by the committee of this House on changing the rule, and if it is argued that it is just a sessional or special order applying only to this debate, the rule that before this is done there should be consultation with the representatives of the other parties has not been kept. Therefore, Madam Speaker, this proposal before us that permits speeches to be printed in *Hansard* without their having been delivered in the House, has been brought forward contrary to the principles and practices of the House.

I did not arrange, Madam Speaker, for today's business to take the turn it has, but I point out that considerable time was spent on a question of privilege. Your Honour had to read from Beauchesne's in support of your position when you sought to rule that there was no privilege concerning the Gouzenko affair. There is nothing in the Standing Orders that gives you any direction on handling a question of privilege. The only thing in the rules pertaining to questions of privilege is Standing Order 17 which tells us when they can be raised. But what you do when the matter is raised depends entirely on the precedents and traditions. As I say, we are governed by the customs and practices of the years. In perfect fairness, Your Honour, I felt that the Gouzenko matter was not a question of privilege and you got rid of it as quickly as you could.

We also had a point of order today regarding dollar items in the estimates. We all seemed to realize that this was a genuine point of order, but there is nothing in the Standing Orders that tells you that. You were acting on the basis of custom, tradition and precedent.

This afternoon, when the bells were ringing for some considerable time, some of my colleagues and members of other parties as well came to me and asked how long those bells were going to ring. I said: Until the Whips come in. A couple of members picked up the rule book and said: Stanley, where is the Standing Order? I said it is not in the Standing Orders at all, it is in the citations, part of the tradition and practice. At one point this afternoon things looked a little rough when one of the members was asserting himself and I wondered if we were going to get to that ultimate situation when the Speaker has to name a member. I point out to Your Honour that you will not find anywhere in the Standing Orders a reference to the naming of a member. It is in the citation, the precedents, the traditions; that is the basis on which you act.

Almost every day, certainly more than once every week, the Chair has to deal with what it calls unparliamentary language. Try to find a reference to that in the Standing Orders. There is none. You will find that the Speaker must maintain order and