

*Point of Order—Mr. Deans*

The interval between the proposing and the putting of the question, which is usually used for discussion, gives an opportunity for further proceedings such as the moving of an amendment—

Or the moving of a motion. This is equally clearly set out in the standard Oxford Dictionary which says "debate" means "dispute about; discuss (a question); hold formal argument. Generally in legislatures or public meetings. To consider; to ponder; to contest." That quite clearly sets out what debate is. Neither of those things was taking place, nor can they take place during the consideration of petitions.

The Nineteenth Edition of Erskine May, Chapter XVIII, says at page 358:

The proceedings between the rising of a Member to move a motion and the ascertainment by the Chair of the decision of the House constitute a debate—

Going back to your rulings, Madam Speaker, and the rulings of others in the chair, there can be no debate during the presentation of petitions. There are many other arguments to be made, but based on just that and that alone, Standing Order 50 cannot possibly be used during that period of the day reserved for petitions. That Standing Order, as I said, says quite clearly that when a question is under debate these motions may be made. Quite clearly, by every ruling of every Speaker I have been able to find there is no question under debate at the time petitions are being received. Therefore, for the Government House Leader to rise at that point and, using Standing Order 50, move the motion he attempted to move would be quite out of order. The motion could not be received at that time.

However, Madam Speaker, in the event that the Chair should believe there was perhaps an error in citing Standing Order 50 and that it was possible to move it under another Standing Order, I refer the Chair to Standing Order 28 which says:

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

Again under the provisions set out for dealing with petitions, quite clearly there was no motion before the House. Standing Order 29 deals with a motion to adjourn, and a motion to adjourn shall always be in order. If Standing Order 28 said that a motion for the reading of the Orders of the Day shall always be in order, then, of course, a motion at the point of petitions would be acceptable, I submit. But it does not say that. It says simply "... shall have preference to any motion before the House".

● (1510)

I suggest that yesterday, as every other day, at that part of the Routine Proceedings that deals with petitions, there was no motion before the House. So neither under Standing Order 50, I submit, nor under Standing Order 28 is it possible to move a motion for the reading of the Orders of the Day.

I suggest, Madam Speaker, in addition to that, that a motion for the Orders of the Day, being a privileged motion, falls into a category that has been dealt with by many other Speakers but not necessarily in this way. I can find no precedent for this having happened in exactly this way, although

perhaps the Speaker may be able to find one and point it out to me. But Speakers have moved that other privileged motions, such as a motion to adjourn the House, are unacceptable under certain conditions even though the Standing Orders quite clearly state that they are always in order.

This Standing Order has been interpreted by many Speakers, including the Speaker immediately preceding the present occupant of the Chair who ruled quite clearly on a number of occasions that even a motion to adjourn, which might be considered a privileged motion, cannot be accepted during the Question Period. The Speaker ruled that at that point in time it was unacceptable.

That ruling was based, I contend, on a decision made many, many years ago that the Speaker has the right, even in a privileged motion where the motion may appear to be in order under the Standing Orders, to refuse to accept the motion. It is the prerogative of the Chair, even if the motion appears to be in order under existing Standing Orders, to refuse to accept that motion.

I raise this with you, Madam Speaker, because you can imagine the consequences if this were to be established as a precedent. You can imagine the consequences if yesterday's actions were to be established as a precedent. It would then be possible for the Government to rise at two o'clock on any day and move that we go to Government Orders and to forgo all the normal proceedings of the House, including the Question Period, the moving of motions by Private Members, the introduction of bills, the making of motions by Government Members or other Members, all those things that normally fall under routine business.

I contend that to allow that precedent to stand would be to deny Members of the House their rights, long established by Parliaments long before this Parliament, to take part in the proceedings and properly to represent their constituents. It is a right of Members of Parliament to present petitions in the House, standing in their place, on behalf of their constituents. That right goes back to a point in history before Parliaments were even established. That right goes back to the right of citizens to present their petitions to the Crown and was subsequently adopted by Parliaments as a right. Initially it was not even in writing; it was initially an accepted right and as an accepted right I agree with Philip Laundy, who in his book when discussing matters such as this said as follows:

The right of petitioning the Crown and Parliament for redress of grievances is acknowledged as a fundamental principle of the Constitution. In considering the history of the petition it should be realized that law originated as unwritten custom and as such could not be changed.

I put this argument to you succinctly, Madam Speaker. Under Standing Order 50 it was not possible for the Minister to rise on other than a petition. Anything other than a petition at that point in time was out of order. On rising during the petition part of the Routine Proceedings, the Minister was recognized for the purpose of presenting a petition or, if he was not recognized for the purpose of presenting a petition, then he should have advised the Chair in advance that he was rising on