

*Government Orders*

members for whom unanimous consent means no one objects”.

[*English*]

In considering the hon. member's claims, the Chair's attention was drawn to the fact that there are precedents for the type of process suggested in the new proposal. Standing Order 26(2) deals with the conditions under which any member may move to extend a sitting and sets at 15 the number of members required to foreclose a move to extend the sitting. Similarly, Standing Order 53(4) provides for the suspension of certain Standing Orders to deal with a matter of an urgent nature. Only a minister of the Crown can propose such a motion and if 10 members rise the motion is deemed withdrawn; otherwise, the motion shall have been adopted. Similarly, Standing Order 98(3), which sets out the terms under which an extension of sitting hours during report and third reading stages of a private members' bill may be sought, also stipulates that if fewer than 20 members support the motion to extend, the motion is deemed withdrawn.

There are certain similarities also between the proposal and existing Standing Order 78 respecting time allocation in that both use a ladder-like type of approach depending upon the extent of agreement forthcoming to securing the right to propose a motion.

Examples also abound in our Standing Orders of discrimination among types of members. Ministers of the Crown have certain prerogatives that private members do not; private members may put questions to ministers of the Crown during Question Period, but ministers may not question private members; party leaders are afforded certain recognitions denied to all other hon. members; the government and opposition Whips have certain rights peculiar to them alone and finally, and perhaps most personally pertinent, the Speaker is denied the right to participate in a debate or to vote on any question before the House, except in the case of an equality of voices. So, the concept of affording differing powers to various groups or individuals is not foreign to our Standing Orders, and, while it may well be the subject of debate, is not reason enough on its own to cause the Chair to intervene on procedural grounds to prevent the proposal from being debated by the House.

During his intervention in the discussion of this point of order, the hon. Minister of State and Leader of the Government in the House of Commons emphasized that the type of motion envisaged in the proposed new rule

could only be introduced during Routine Proceedings when this House is habitually full. He termed the 25 member requirement a significant and major inhibition to the abuse of the rule.

The hon. member for Kamloops is quite correct in stating that proposed new Standing Order 56.1 would “over-ride unanimous consent”—indeed, it is a condition precedent to putting the motion during Routine Proceedings that unanimous consent must have been previously denied. However, this “over-ride” provision can operate, as the Chair understands it, only with respect to a certain very limited range of motions offered at a specific time in our daily agenda by a minister of the Crown. What the Chair must decide is, is this proposal so offensive, does it challenge the authority of the House and impede members in the performance of their duties to such an extent that it should not be allowed to be put to the House for debate and decision. Based on the fact that we have similar procedures existing with respect to other types of motions and given the very limited application of the new proposal, the Chair cannot accede to the request of the hon. member for Kamloops that paragraph 20 of the motion respecting the Standing Order amendments be ruled out of order.

The Chair commends the hon. member for Kamloops for bringing his concerns to the attention of the House and for the cogency and seriousness of his argument. The Chair does not take lightly any decision respecting the privileges of this Chamber or of an individual member of it. It is only by constant vigilance that we can ensure the preservation of the privileges necessary to the carrying out of our responsibilities as elected representatives. In citation 21 of Beauchesne's Fifth Edition, it is stated:

The most fundamental privilege of the House as a whole is to establish rules of procedure for itself and to enforce them.

• (1530 )

In coming to a decision on the point of order raised by the hon. member for Kamloops, the Chair was very much aware that this House is about to embark upon an exercise of that fundamental privilege. In the view of the Chair, it would be incongruent to deprive this Chamber, by fiat from the Chair under the guise of protecting privilege, of the opportunity to fully explore the options available to the House in the exercise of its most basic privilege. The privilege which this House enjoys to set its own binding rules of procedure and to regulate its own internal affairs must be guarded just as jealously as the