

Administration of Justice

The reason was that each was followed by a motion, each of them unusual to the extent that the Chair thought there might be something so unusual about these motions that they might be in order. But they were not. We eventually came back to one question of privilege which was raised subsequently, that is, yesterday afternoon, by the hon. member for Kamloops, and I suggest this is the question which was before us until today although, as the hon. member knows, no motion was made as required by the rules. The hon. member for Digby-Annapolis-Kings also brought up a question of privilege this afternoon on which no motion was moved.

So we are left with the motion moved by the hon. member for Edmonton West of which he has kindly given me notice and which we have now discussed together at length. As he says, there is a degree of disagreement whether or not it should be accepted.

Perhaps I may restate the views I have expressed on Thursday, Friday, yesterday and again today as to the general rules on a question of privilege. I do not think it should be necessary for me to repeat the citations, Nos. 104, 105 and 113 of Beauchesne, except for the one which has been quoted by a number of hon. members and which says:

A question of privilege ought rarely to come up in Parliament. It should be dealt with by a motion giving the House power to impose a reparation or apply a remedy.

That is citation No. 113. Now I am doing what I said I would not do. I am quoting from both Beauchesne and May.

It is irregular to make a complaint unless the hon. member intends to follow it up with a substantive motion referring to the matter which he has introduced to the notice of the House—

That is from May's 17th edition, page 134. I would also remind hon. members that the house cannot carry on a debate unless there is a motion before it, and in the case of a question of privilege the subject matter of discussion has to be a question of privilege; in other words, not another substantive motion but a motion of privilege.

Here I express a view which is shared by many hon. members who have had considerably more experience than I have had in this matter. I may say, as an aside, that when I try to go back in *Hansard* to look for precedents I am always impressed to see that so many hon. members who are still in the house today have contributed the precedents upon which the Chair must rely at this time.

This includes the hon. member for Winnipeg North Centre.

Some hon. Members: Oh, oh.

Mr. Speaker: I may say, if it will make him feel better, that when the Prime Minister referred to the "authority on the rules", I found he was referring to the Chair.

Mr. Knowles: Touché.

Mr. Speaker: It has been said, of course, that the house is master of its own rules. That is obvious. The house can at any time change the rules and decide that it will accept a motion or not accept it. It can decide to change the Standing Orders under which the Chair has to operate. But this is not the task of the Chair.

For instance, Standing Order 41 says that the setting up of a committee is something which must be done by a substantive motion with notice. This Standing Order is before the Chair. The Chair cannot change it unless hon. members tell the Speaker that they do not want him to respect it, or any number of other Standing Orders. This is a rule I am faced with. I am faced with this practice and unless hon. members can give me a list of the Standing Orders which I should disregard I am bound by it. If they give me such a list, I will be guided by it because I am the servant of the house. But as long as I am not told there are specific Standing Orders which I have to disregard I am afraid the Chair is bound to rule according to the standing Orders which are given to me to respect and obey and which I ask hon. members to respect and obey along with me.

The hon. member for Winnipeg North Centre quoted citation 199 and said I have the power in the Chair to suggest changes to a motion. My answer to this is that certainly the Chair can do so when there is only a question of form to be considered. But the Chair cannot take it upon its own initiative to alter the substance of a motion moved by an hon. member and suggest in what way it could be made acceptable to the Chair and to the house.

I am sure I am forgetting many of the things on which I wanted to comment, because there were such excellent contributions made by all hon. members. I know that these comments were made not so as to be obstructive in any way but so as to be helpful to the Chair, and if there was ever a Chair which needed help it is this one.