

and the amendment ensued. The amendment was later withdrawn but clearly the opportunity to make the amendment and engage in debate existed. I guess that becomes self-evident.

This House of Commons is a forum for debate and a forum for decision. There may be those who would wish to restrict our freedom as Members to debate and decide on questions that come before this House, but surely the burden of proof is on them to show that in circumstances such as the one with which we are faced now this freedom simply does not exist.

I believe that I have shown, both in the procedural references that I have quoted and the precedents which I have cited, that the House may divide on the motion to affix a day for second reading and that in fact this motion is also debatable and amendable.

I believe that I have raised this point of order at the appropriate time. Beauchesne's Fifth Edition, citation 237 states:

A point of order against procedure must be raised promptly and before the question has passed to a stage at which the objection would be out of place.

I submit, Mr. Speaker, that before we can proceed any further on the Bill presently before the House it is incumbent upon you to rule on my point of order as to whether or not you are convinced that the House can force a division at this time and, second, whether I have convinced you that the motion is debatable.

Perhaps you may wish to reserve a decision, Mr. Speaker, until you have reflected upon this question and had consultations with the Table. In the interim, I would suggest that we should perhaps proceed with the next item of business until the question before us is resolved.

I thank you, Mr. Speaker, and the Members of the House for your patience in hearing this rather lengthy point of order.

Hon. Herb Gray (Windsor West): Mr. Speaker, I want to offer some comments on this point of order, although I will do my best to keep my remarks down to a reasonable compass. In saying that I am not suggesting that my hon. friend did not keep his remarks down to a reasonable compass, but I just want to assure you that on my own part I will attempt to do so.

Mr. Speaker: I can say to the Hon. Member for Windsor West (Mr. Gray) that I will expect assistance from him, naturally. I would also point out that that the Hon. Member for Kamloops—Shuswap (Mr. Riis) has made a very succinct argument and came very well prepared for it. I did not feel that he was speaking off the top of his head. I have been listening very carefully. If the Hon. Member for Windsor West has anything of assistance, I will certainly hear it.

Mr. Gray (Windsor West): Mr. Speaker, I do want to confirm that Bourinot's Fourth Edition does make it clear that a division is entirely in order when it comes to a motion as to when a matter is to be next looked at after first reading has been approved by the House. There are a number of examples

which my hon. friend from Kamloops—Shuswap has put on the record. I do not intend to repeat them.

It is interesting that Beauchesne's Fourth Edition, which was produced some 40 years after Bourinot's Fourth Edition, asserts that the matter is purely formal and done without any vote, but offers no annotation. Beauchesne's Fifth Edition merely lists the citation from the Fourth Edition of Beauchesne's. There is, therefore, no indication whether the House ever made a conscious decision to prevent a vote at this stage, certainly in modern times.

I do want to confirm that my own inquiry into this matter confirms that there are precedents for divisions being held on a motion of the kind we are discussing, but certainly without any support for the position taken in the two most recent editions of Beauchesne's which assert that the matter is merely formal. I repeat that this is not supported by Bourinot, who gives specific citations showing how such votes have been taken.

● (1520)

Having said that, I know you will want to reflect on this important point. If you do want to rule that a vote can be taken on such a motion, I hope I can reserve my right to make further comments as to whether such a motion is debatable and, if debatable, whether it is or is not amendable.

Hon. Doug Lewis (Minister of State and Minister of State (Treasury Board)): Mr. Speaker, I appreciate the opportunity to address the comments made by my hon. friend, the Member for Kamloops—Shuswap (Mr. Riis). I am somewhat amused that earlier this day his Leader argued that the only precedent for a motion which we intend to put forward on the issue of abortion was 105 years old when they are now trotting out precedents that are 120 years old. I suggest that what is sauce for the goose is sauce for the gander.

I think it is self evident that there are precedents which help us to ease the business of the House, which, after all, is the purpose of the rules. In my experience, there has been no time when the House has divided on this question as to when the business shall be called again. I submit that the comment made by the Speaker is more of a rhetorical question. It is not a motion.

Normally, the Speaker puts questions to the House which are moved and seconded by individuals. This particular question has not been moved and seconded. I suggest that this whole issue must be dealt with in the context of the Standing Orders of the House today. It is possible to quote precedents from earlier days, but those precedents must be examined in terms of what were the Standing Orders of the House in those earlier days. Therefore, if it was standard procedure in those earlier days to fix a day for the second reading of a Bill, that is fine. However, if there is provision, as in Standing Order 111 to which I will refer in a minute, for when something shall be read another time, I think we must follow what the Standing Orders and the precedents say today.