

Point of Order—Mr. Collette

I was in the House in 1975. I remember your predecessor, Speaker Jerome, raising this matter in an independent judgment one afternoon. This can be found in the Journals, pages 439 to 441, on April 14, 1975. Speaker Jerome was referring to a practice which had started to develop whereby questions were addressed to a matter that was before the House on that very day. He also went on to talk about special debates.

I submit that today we do have an Order of the Day which deals specifically with the various matters relating to the former Minister, Mr. Alastair Gillespie, and therefore it is inappropriate, improper and counter to normal practice to permit such questions in Question Period. I hope that today's experience does not constitute a precedent.

Madam Speaker: I thank the Hon. Member for raising this question. Before entering Question Period I was aware that a point of order to this effect might be raised.

In fact, Beauchesne does say that one should not anticipate the Orders of the Day, I suppose meaning that during Question Period questions may not be asked on the subject of the Order of the Day.

The Hon. Member has quoted a ruling by my predecessor which was made in 1975. I attempted to find other precedents, some of which I have before me. I note that Speakers before me have made several admonitions to the House about this particular question. It is hard to understand the reason behind this kind of citation from Beauchesne, except to say that enough debate is enough. That is to say, if we are debating the question on one day, that is sufficient and questions on that particular topic should not be asked during the Question Period.

I have difficulty in interpreting that and seeing the meaning behind such a citation. Since I could not interpret it in itself without referring to precedents and to what previous Speakers had said, I went through those precedents and found that there had been several admonitions by Speakers and that subsequently, after making those admonitions, the Speakers had allowed questions anticipating an Order of the Day or questions very close to anticipating an Order of the Day.

I find that there are opinions expressed by Speakers, not necessarily rulings, that go both ways. I personally have allowed questions to be asked anticipating the Orders of the Day in matters of motions of non-confidence, feeling that answers to those questions might be helpful in subsequent debate.

Since there were opinions expressed on both sides, I thought there was no point in restricting the debate today on this particular question and I decided to allow the questions to take place, following in this respect practices which have been accepted by the House.

[*Translation*]

Hon. Yvon Pinard (President of the Privy Council): Madam Speaker, considering the problem we are facing now, namely, that we cannot raise points of order during oral question period, if the same situation ever arises again, we

shall have to wait until after question period, that is, until the damage is done, to seek a ruling that will be useful in future.

From your decision, I understand that today's occurrence does not constitute a precedent, and that you will be assessing the facts as you go along, in light of the circumstances, depending on the subject and on what is happening. Is the House to understand from your ruling that you have decided to go against the ruling of your predecessor, Mr. Jerome, or that you reserve the right to change your mind the next time the situation comes up?

Madam Speaker: That is a matter of judgment, is it not? The Hon. Minister mentioned precedent. There are precedents to support both sides of this matter, and I could indicate them to the Hon. Minister to let him judge for himself.

There are other factors that should be considered when there is some uncertainty as to the kind of ruling that is desirable and when precedents are practically as numerous on both sides—factors that are of primary importance in conducting the proceedings of the House, namely, that Hon. Members must be allowed to express their views as completely as possible on certain matters. However, the subject before the House today is so important to Hon. Members that they discussed it during question period for a whole week, so important that today, the Government has decided to allow the Opposition to use an Opposition day to discuss a subject, and that happens to be the subject the Opposition has selected for debate.

I am not saying that in future, I would not intervene to cut short questions that concern a subject on the Order Paper, but I think that generally speaking, the practice of the House has been to accept such questions. Thus, in the interests of the House and of all concerned, I decided today to allow them. As far as the future is concerned, we shall see.

As for the point raised by the Hon. Minister, namely, that points of order may not be raised during question period and that Hon. Members must wait until question period is over and the damage is done to raise a point of order, I would remind the Hon. Minister that this rule applies to all points of order, and that he is not being penalized any more than he would be otherwise. The rule would apply just as well to someone on the other side of the House who might feel there were grounds for raising a point of order.

Mr. Pinard: Madam Speaker, far be it from us to criticize your ruling. However, the Hon. Member who made the point of order did so on two grounds—first, a very clear citation from Beauchesne which does not consider the importance of the subject but says that no question may be put on a subject that is on the Order Paper, and second, on a ruling made by your predecessor, Mr. Jerome. I am not criticizing today's ruling but, considering the manner in which you clarified your ruling, I would appreciate it if you would indicate to the House whether today's approach is to be considered a precedent or whether you reserve the right, even if points of order may not be raised during question period, to use your discretionary