

Yukon Act

The item could be a private member's public bill, it could be a private member's notice of motion, it could be anything. Conversely, if that could be done it would be within the power of a member of the government to stand up during private members' hour and move that we return to an item of government business. This procedure would not be permissible under Standing Order 18 and would not be permissible under the traditions of this house. This procedure is not permissible under any number of the rules of this house, but I shall not go through the Standing Orders one by one.

Notwithstanding the circumstances of this case and the importance of the matter we had under discussion, I would say this procedure would create a terrible precedent if we were to accede to the illegality of such a motion as the one proposed by the government house leader and say it was in order. On those grounds I ask Your Honour to reject the motion.

Mr. McIlraith: Mr. Speaker, I am somewhat amazed to find the hon. member for Edmonton West (Mr. Lambert) arguing in effect that notwithstanding the legality of the motion Your Honour should rule it out of order. I am rather amazed at that position.

An hon. Member: He did not say that.

Mr. McIlraith: The motion is made under Standing Order 44 which reads as follows:

When a question is under debate no motion is received unless to amend it;—

Then I leave out a few words and continue quoting:

—for proceeding to another order;

Since this Standing Order was put in the rules it must surely have been intended for some purpose. Incidentally, this Standing Order received the attention of the house as late as June 11, 1965, and it has been used from time to time since. If it means anything, surely it means what it says, that when a question is under debate no motion is received unless—I leave out the other exceptions—for proceeding to another order.

• (3:30 p.m.)

It is quite true that Standing Orders 15 and 18 do set out the normal course of business. Standing Order 15 sets out the order in which the Order Paper is printed and Standing Order 18 sets out the right of the government to call government orders in any sequence it

[Mr. Lambert.]

wishes. The resolution respecting capital punishment is not a government order and that is where the difficulty arises. When we request that government time be made available for private members' notices of motions—because that is what this is—we are prevented from using Standing Order 18.

There is a very good precedent which can be applied to the other order, namely, the case on January 13, 1881, when the then prime minister of Canada, Sir John A. Macdonald, used this same procedure. Different terminology was used in dealing with different parts of the Order Paper in that day, but he did precisely what we are doing here.

Mr. Diefenbaker: Were the rules the same then? Was standing order 18 (1) one of the rules?

Mr. McIlraith: The point is the same and the rule has bearing on the point. Different terminology was used regarding the other rules setting up the Order Paper. In that case there was precisely the same point, and the motion of course carried.

Incidentally, it is interesting to note that Sir John A. Macdonald explained why he was using this procedure. The reason for taking this course was that it was of the very greatest importance that the matter be disposed of one way or the other without any delay. That is just an interesting sidelight.

Mr. Ricard: This all stems from one of your members.

Mr. McIlraith: The whole point is that Standing Order 44 must surely be taken to mean precisely what it says, particularly when we reinforce it with a precedent of such validity as this.

Mr. R. Gordon L. Fairweather (Royal): Mr. Speaker, I should like to refer you to two citations, one of which will support the contention of the house leader. The first is citation 88 (2) on page 82 of Beauchesne's fourth edition, which reads as follows:

All motions referring to the business of the house should be introduced by the leader of the house.

Second, may I refer to citation 189 to be found at page 160 of the same volume. This paragraph concerns the requirement of notice. It is interesting to note that the government house leader used the words "normal proceedings", and I think that is the key to the matter. We must be within the rules but we must have some flexibility.