

*Point of Order*

[English]

*Tout député*, in other words refers to those members who are included in the rule, not the ones excluded. The reference to *aucun député* at the beginning of the rule and *tout député* afterward in my submission means those members included in the rule, not those excluded by the words. Every one of the rules I have cited, that is Standing Orders 43, 74 and 50(2), are written in the same way in English and in French. However, the use of those words in French, I submit, bears out the interpretation I think is intended to be given to the English rule; that is to say, the rule applies to all those members except the ones excluded. That interpretation has been followed through in my submission very consistently, aside from the 1983 precedent.

I refer Your Honour to March 27, 1985, as reported at page 3423 of *Hansard* for that day. The question under discussion was second reading of a bill under what is now Standing Order 74.

The question arose as to whether any questions could be asked of a person who had made a 40-minute speech permitted under that rule; one of the speeches usually made by the mover of the motion, the first person speaking on behalf of the Official Opposition and the second person speaking for another party in opposition. The Acting Speaker on that occasion, the hon member for Edmonton North said:

Under Standing Order 35(2) you are entitled, if you are going to be speaking for the party, to speak for 40 minutes. There are no questions for the first three speakers.

Subsequently, on June 7, 1985, as reported at pages 5550 and 5551 of *Hansard*, there was a debate proceeding on a motion to amend the Constitution. I think my hon. friend from Kamloops has referred to this already.

On page 5551, following the speech of the right hon. Leader of the Opposition, there was a question raised as to whether or not questions and comments could be put to him. The Acting Speaker, the hon. member for Edmonton North, a member of this House today and also one of our Acting Speakers, said:

May I just have the floor for a minute? The first three speakers have unlimited time and I believe those who have unlimited time do not have a question or comment period, in accordance with

Standing Order 35(1). After that, there are 20-minute speeches plus the question and comment period.

It so happened that there was a continuing discussion among the members at the time, but that was the ruling of the Chair, however brief, on June 7, 1985.

Following that, on April 9, 1986 the Competition Tribunal Act was under discussion in the House. The question of questions and comments came up again following the speech of the right hon. Leader of the Opposition. The Speaker said, as reported at page 12053 of *Debates* for that particular day:

It is entirely up to the right hon. Leader of the Opposition, but our practice has been that those speakers who have unlimited time have not been subject, under the rules, to the 10-minute question and comment period.

Subsequently on June 22, 1987, as reported at pages 7477 and 7478 of *Hansard*, there were further comments made in respect of this matter following a speech by the right hon. Prime Minister during the debate on capital punishment.

The hon. member for York Centre rose on a point of order and said:

Every member who speaks on this resolution is subject to being questioned by other members of the House after he concludes his remarks. I realize that under the rules the Prime Minister is exempted from that requirement. However, he is participating in this debate, which is not a government measure and which requires a free vote. He is participating as a private member.

Therefore, I wonder if he might agree and there may be unanimous consent to have the normal question and answer period that is applied to all other members.

There was not unanimous consent. The Speaker went on to comment on that intervention and he said, as reported on page 7478 of *Hansard*:

I think in the interests of informing all hon. members and the public which is watching and listening to this debate, that it should be made very clear that under the rules, for party leaders and the right hon. Prime Minister, there is no mandatory provision whereby the usual following 10 minutes of questions and comments would be directed at the right hon. Prime Minister, unless of course it was with the unanimous consent of the House. I think it is quite clear that there is not unanimous consent.

Those are the precedents which I think support the proposition that what we have in the argument put forward by the hon. member for Kamloops is an argument which might be better put to a committee studying the rules.