

*Point of Order*

personal charges against one another, from casting reflection upon the conduct of judges and from referring to debates in the other place.

There are good reasons for this last category of discretion. We do not discuss Senate debates because we understand the importance of the two parliamentary Chambers not interfering with one another's decisions.

As Erskine May points out in the twenty-first edition at page 375:

Members are restrained by the Speaker from commenting upon the proceedings of the House of Lords.

The rule that references to debates of the current session in the other House are out of order prevents fruitless arguments between Members of two distinct bodies who are unable to reply to each other, and guards against recrimination and offensive language in the absence of the other party.

This important guide is adopted in Beauchesne's fifth edition in citation 314:

The rule that allusions to debates in the other House of the current session are out of order, prevents fruitless arguments between members of two distinct bodies who are unable to reply to each other, and guards against recrimination and offensive language in the absence of the party assailed;

We inherit this rule from a country with only two parliamentary chambers. Britain, not being a federal state, does not have independent legislatures with their own distinct areas of responsibility as we do here in Canada. This means that in applying this parliamentary tradition, it is important to not only apply the letter of the convention but also to apply the logic. How does this logic apply in a country with 14 legislative bodies? If we want, as Erskine May cautions, to prevent fruitless arguments between members of two distinct bodies which are unable to reply to each other and to "guard against recrimination and offensive language in the absence of the other party", does it not then make sense to apply the restraint on debate exercise with respect to the Senate to the debates of other independent legislative bodies?

I ask you, Mr. Speaker, to consider how inappropriate it is for this House to pronounce itself on something which is outside the administrative competence of the government or the legislative authority of this House. If this motion is in order, and the House is permitted to debate the independent decision-making of the legislatures of the provinces of Newfoundland and Manitoba,

we will have destroyed this useful and important parliamentary convention. We will go beyond our legislative authority and we will infringe upon the rights of members of provincial legislatures. In essence, this House will be guilty of legislative battery, of assault by motion, and I ask you to safeguard the integrity of the relations among Canada's legislative bodies.

I think it is important that we recognize the comments of the premier of Manitoba, who last evening indicated clearly that he thought it was appropriate for the Parliament of Canada to be telling his government, his legislature and Manitobans what they should do on this very critical matter. I suspect that if others get in this debate, they might refer to the October 1983 decision when this House decided to pass a motion regarding language rights in Manitoba. That I do not think is a reasonable precedent because at that time we introduced and deemed the motion passed based on unanimous consent, which is not the case before us now. We also know that it provoked animosity and resentment in Manitoba regarding the interference in provincial affairs and the provincial legislature by the federal government and the federal House.

Mr. Speaker, I urge you to give this serious consideration and ask you to rule this motion out of order.

**Mr. Albert Cooper (Parliamentary Secretary to Leader of the Government in the House of Commons):** Mr. Speaker, I am intrigued by the hon. member's assertion in his point of order that the motion that is on the Order Paper would be out of order.

His argument is one that I find very interesting in that he alludes to the fact that it would be out of order for this House to comment on or make decisions on procedures in the other place or in other legislatures. Yet virtually every day in this House the hon. member and other members put questions to the government relating to issues that are before other legislatures that are a matter of debate or concern in the other House of this Parliament. In fact, often we have questions put to us here that deal with matters before the courts. Also, I think that there are ample precedents for this motion. The hon. member refers to one particular one, that is the debate in Manitoba concerning the language laws. He says that somehow, because it was deemed to have been