

*Point of Order—Mr. MacEachen*

great danger, not only to the members of the opposition, in taking the position which you observed may be taken, of our entire practice falling down.

I presume that Standing Order 43 was not put there merely to have yes or no said to the issue raised, and the motion left at that—it is finished and, just for the record, if the answer from the House of Commons is no, there is no consent given. It is extremely important, whether or not there is consent, that we consider the rules of the House in a way that debate by members will not be diminished, the House having expressed itself.

I have some difficulty in concurring with the view that, merely because we have interposed a fixed period of time with respect to the question period—that it run from 2.15 to three o'clock—you, sir, are thereby in the position of having to wipe out the question period on the one hand, if the House says yes, or of wiping out consideration of the motion if the House says no. With respect, sir, it just is not so.

I would like to repeat in short form the arguments put forth by the hon. member for Saskatoon-Biggar. I re-read what you said on that day, sir, and I do not believe that you came to a conclusion with respect to the matter. I do not regard the position of the question period being fixed by time under our Standing Orders as any different than private members' hour being fixed by time. In this situation consideration of the matter before the House is interrupted—by a vote that may be fixed by consent, or by Standing Order of the House, or by agreement of the House—but it is no different than an interruption set by Standing Order for lunch adjournment on Friday, or the dinner adjournment on Monday, Tuesday and Thursday. There is merely an interruption, and the time is subdivided, as the hon. member for Saskatoon-Biggar said.

There is no confusion, as there seems to be in the mind of the hon. member for Winnipeg North Centre (Mr. Knowles) with respect to a so-called collision between Standing Order 45(2) and Standing Order 43 regarding the time limit for the question period. It is quite clear that Standing Order 45(2) was not changed by the Standing Committee on Procedure and Organization, not because they did not think of it or overlook something, but by virtue of the traditions of this House that a motion then before the House would go over to government orders. That is all it says. If the House has decided that it is going to adopt Standing Orders which say there will be a question period at a certain period of time, a private members' bill at a certain period of time, an adjournment for lunch at a certain period of time on a certain day, and if motions to concur in committee reports can go over this hurdle, then why does a motion under Standing Order 43 not have the same position? What is so magical about the question period? It, too, is set by the rules in terms of time. If all the other proceedings which happen here can take that hurdle, why is it that for some reason a motion under Standing Order 43, regarded by some as the lowest form of parliamentary debate, cannot take that hurdle as well?

If Standing Order 43 is not the same as a concurrence motion, in terms of an interruption, then I think there is a

[Mr. Baker (Grenville-Carleton).]

diminishment of the rights of this House and, indeed, an encouragement by the government to deny the rights of this House to debate motions under Standing Order 43. The Standing Committee on Procedure and Organization did not forget the interruption during the debate, the merely considered Standing Order 45(2) and its traditional application in this House. This is a practice which has gone on over the years with respect to the interpretation of Standing Order 45(2), and we cannot suddenly change that interpretation for the convenience of the government.

With respect, Mr. Speaker, I do not see that Standing Order 43 running into the question period is any different than a motion to concur running into a dinner adjournment, which is the time set by the rules. As I have said, we have managed to leap that hurdle on the concurrence motion, and I cannot understand why we cannot do the same with respect to motions under Standing Order 43.

If you use my interpretation, sir, the duty of the Chair is to decide, first of all, whether or not the hon. member who has raised the motion has addressed the question of urgency. Once the Chair is satisfied that the member's motion is acceptable—a motion on a matter which may be affecting the hon. member's constituency, the country, or a whole host of areas within the national life of the country—it is up to this House then to decide whether the substance of the motion is such that we can in fact interrupt the proceedings of the House, to use the words of my friend, the government House leader.

Once the House has decided that the matter is of sufficient urgency to interrupt proceedings, then there should be no interpretation of the rule with respect to time, since there are so many other areas of the rules where there are time interruptions. Rather than using time as an impediment to debate, we ought to be using time and the consideration of rules with respect to time as a way of facilitating debate with respect to the matter. There is a host of interruptions which could occur. Black Rod could come in and interrupt, and do we then cease dealing with the matter before the House? There are the prearranged divisions, the private members' hour, the dinner hour, a whole host of areas.

● (1552)

If we have managed to interpret the rules of the House of Commons to get ourselves over that hurdle of interruption with respect to all the other proceedings, I do not see how Standing Order 45(2) and its so-called collision with Standing Order 43 somehow becomes a hurdle over which we cannot leap and that therefore when a matter has been found to be of urgency that this House cannot debate it—or can debate it but the price is loss of the privilege of question period and other penalties. I do not think that was ever the intention of the rules.

What disturbs me is what Your Honour said on October 26, 1978, as reported in *Hansard* at page 489, at the bottom of the second column, as follows: