

Tabling of Documents

Mr. Mazankowski: What we are really saying here, and this is the purpose of the motion, is that it is time to look at this issue in its true perspective. If this does not offer a way out of the log-jam that we are in, then I think we are ignoring some of the fundamental principles regarding the way the institution of Parliament should work, namely, the right of the Government to introduce a Bill and to introduce a motion. The Government is now being denied that opportunity. The motion put by the Parliamentary Secretary provides us a way out of that situation.

Hon. Herb Gray (Windsor West): Mr. Speaker, the issue before us is relatively simple. It is this. Can the Government move a motion which, if passed, will enable the Government to leap over individual headings of Routine Proceedings in order to reach a heading of Routine Proceedings that it wants to get to?

Before dealing with that point at some reasonable length, I have to take issue with what my hon. friend said about petitions. He seems to have said that because the Standing Orders give an option to a member presenting a petition, to either file it with the Clerk or read it out in the House, the two methods are necessarily of equal weight. He seems to state that that would be acceptable to the Hon. Member who wishes to present a petition or to a person signing it if the opportunity to present it orally in the House was not there. I do not think that is acceptable to Members of the House generally, or to individual Canadians who wish to use their right to petition Government and Parliament. There is surely something special about being able to present a petition in the House. I do not think that it should be swept aside so cavalierly.

With respect to what I have defined as the basic issue, that is, can the Government by the type of motion moved on its behalf today leap over the various portions of the Routine Proceedings to arrive at that particular portion of Routine Proceedings it wishes to make use of, the Government House Leader made a great deal of Standing Order 27 which states:

A motion for reading the Orders of the Day shall have preference to any motion before the House.

First, I want to say that, rather than strengthening his argument, I think his use of this Standing Order as a point in making his case really weakens the argument he wants to make, because the Standing Order is silent on all the other motions that might have been listed there. It mentions only a motion to go to Orders of the Day.

● (1140)

There is a long-standing legal Latin maxim, which I will not attempt to quote here because I have a feeling I am going to get it wrong, the general thrust of which is that if a court judgment or a precedent is silent on a point, then that has some meaning. The meaning is, simply put, that it was intended for example in this case, in the Standing Order that only a motion for reading Orders of the Day shall have preference over any motion before the House.

I think it would be open to you to rule that the wording of this Standing Order does not support the point being made by the Government House Leader, but rather supports the point being made by the distinguished opposition Whip, that if the Government wants to move from one item under Routine Proceedings to another, it must make individual motions dealing with each item of Routine Proceedings. It is not authorized under the rules or the precedents of this House to move a motion leaping over all the items or portions of Routine Proceedings until it reaches the one it wants to get to.

The Government House Leader was good enough to refer you to page 151 of the Fifth Edition of Beauchesne's, paragraph 417. This seems to be a quotation from a ruling by a Speaker recorded in the *Journals* of the House on June 29, 1971, at page 759. It says motions may be divided into several categories. Subparagraph (1) deals with substantive motions, and I am not going to read that. Subparagraph (2) deals with privileged motions, and I am not going to read that. There is subparagraph (2)(a) which deals with amendments and says they are discussed in detail later. Then subparagraph (2)(b) deals with superseding motions. I want to read that because I think it is very relevant to what you are being asked to consider. It says:

Superseding motions, though independent in form, are moved in the course of debate on questions which they seek to set aside. They may only be moved when a question is under debate, and cannot be moved by a Member rising on a point of order . . . Superseding motions cannot be applied to one another;

It then gives an example, and continues:

Superseding motions are divided into two classes; namely, the previous question and dilatory motions.

Subparagraph (2)(b)(ii) says:

Dilatory motions are designed to dispose of the original question either for the time being or permanently. They are usually of the following type:

One of the examples given is the one listed by the Government House Leader:

That the House proceed to (name another Order).

I am reading all this because I want to make the point that a distinguished predecessor of yours ruled that a superseding motion, and this includes the dilatory motion of the kind my hon. friend says is acceptable, applies, first, only during debate and, second, when the House is being asked to move from one order of business to another.

I submit that when we are dealing with Routine Proceedings, at least at the stage the Deputy Government House Leader moved his motion, we are not in a stage of debate. In fact, a motion of the kind that my hon. friend has moved is not debatable in and of itself. He did not make the motion during a part of the proceedings of the House when something was being debated. He got the floor simply to table the Government's responses to petitions. There was nothing under debate at the time he moved his motion.

Second, the various items listed in the rules under Routine Proceedings, I submit, are not of themselves either Orders of the Day or orders in the sense that they are portions of the