

Point of Order

ber for Kamloops on his contribution made the other day.

Mr. Jean-Robert Gauthier (Ottawa—Vanier): Mr. Speaker, I want to come back to this very important question as to why on March 12 and March 13 the government did not rise and bring to the attention of this House that in its opinion the amendments were out of order.

At that time you will recall, Mr. Speaker, that you or your deputy who presided over much of the debates took no exception to the amendments. There was no point of order brought to the attention of this House at that time.

I want to be very brief here. I quote from Beauchesne's fifth edition, citation 120:

Foremost among his many responsibilities, the Speaker has a duty to maintain an orderly conduct of debate by repressing disorder when it arises, by refusing to propose the question upon motions and amendments which are irregular, and by calling the attention of the House to bills which are out of order.

• (1600)

Mr. Speaker, now we are doing something which maybe the government should have done prior to March 12. On April 3, I believe, the minister got up on a point of order which I found rather unusual at the time because there was nothing before the House. He rose without notice and started to object to the message, asking the Chair for advice, making allegations about what occurred on March 12 and 13. The message that we are getting now from the Senate is identical to the message we got February last and which we debated here on March 12 and 13.

Mr. Speaker, if you listen to his arguments, the House leader was probably wrong by not raising the point of order then. I would not want him to make it appear that you were wrong, Mr. Speaker, in allowing debate on that motion if today that motion, as he argues, is wrong because we are talking about the same message. If it was wrong in February, it was wrong in March, and it is wrong in April. But that is not the point, Mr. Speaker. The point is that debate was allowed on the motion and on the amendments on March 12 and 13. I participated in that debate. The debate concluded with a vote. The message was then acceptable to this House. Procedures were, in my view, in order and we proceeded with disposition of the message.

I draw attention to Standing Order 13. I want to read it because it is more specific and more explicit than Beauchesne:

Whenever the Speaker is of the opinion that a motion offered to the House is contrary to the rules and privileges of Parliament, the Speaker shall apprise the House thereof immediately, before putting the question thereon, and quote the Standing Order or authority applicable to the case.

Mr. Speaker, I find it intolerable that the government through its House leader now alleges, at least by implication, that the Speaker failed on March 13 to apply Standing Order 13. The question was put. The motion carried. The House has made a decision. I can hardly see how this House can come back and reflect on a decision of the House.

What was dealt with on March 12 and 13 was in order in the first instance and is now to be found out of order. I would like to know how we can argue that point. What the government is asking is to turn back the clock. I do not have to remind this House of what happened in 1956 when the clock was turned back. I do not have to give any examples, Mr. Speaker, as to what happens then because that is in my view totally unacceptable and will not be, I hope, the result of this debate.

What the government is asking, Mr. Speaker, is for you to make a decision on so-called procedure when indeed we are dealing with a political problem. That is the perilous course of action that this government is putting you into, Mr. Speaker, and I do not think that you will want to reverse proceedings and go back to March 12 and 13 and say that what we did in this House on March 13 was wrong. I think Mr. Speaker ruled it in order at that time. It was in order. The message being identical to what we have today, I can hardly see how we can argue today that what we did then was wrong and that we turn the clock back. In my view, it would be absolutely contrary to our rules and probably very dangerous for all of us.

Mr. Speaker: I thank the hon. member for Ottawa—Vanier. I think most of us are very conscious of events in 1956. I would hope this House would never get into that situation again. The hon. parliamentary secretary.

Mr. Albert Cooper (Parliamentary Secretary to the Leader of the Government in the House of Commons): Mr. Speaker, I appreciate your patience on this significant point of order in terms of the rights and privileges of this House and of all the members because it is more