

order, and I would point out that it was raised before he called for a standing vote. We did not call for it; the Chair called for it. My point of order was twice raised in a loud enough voice to be heard—it was heard by *Hansard*, I am sure; it was certainly heard by my colleagues at the farthest ends of the chamber—and he refused to recognize me on a point of order. That, Madam Speaker, is very serious. We have—

An hon. Member: Oh, come on!

Mr. Nielsen: I hear “Oh, come on”. I have a great respect for the right of Members of Parliament to be heard, particularly in this chamber. I notice an increasing tendency to stop Members of Parliament from being heard.

Some hon. Members: Oh, oh!

Mr. Nielsen: I hear laughter from Liberal members opposite. One of the things which has been practised over the 25 years that I have been here is that when members raise serious points of order, at least the occupant of the chair listens long enough to determine whether or not they have valid points of order. In this instance we have reached the stage where we are not even recognized to explain a point of order at all, and they laugh over there; they think that is funny. I think it is very serious, and I suggest to Madam Speaker that it is not my intention to take the most serious of courses available to me in order to rectify the conduct of the Deputy Speaker in the chair. I could do that, but I do not intend to do it.

I rise today in the hope that, in your morning meetings which I know you have with your deputy and your other officers, you will consider this matter very seriously and perhaps decide to reverse this process of cutting off members immediately they rise, before an adequate opportunity is given to members, whether it be on a point of order or on a question of privilege, at least to be heard sufficiently to determine whether or not there is a point of order or a question of privilege. That is what was denied me last night, and that was the reason there was no further purpose in remaining in this chamber, if we could not be heard.

In support of those submissions, I refer the Chair to Standing Order 55(4). It is our undoubted right to appeal a ruling of the Chairman of the Committee of the Whole. We were denied that right twice last night, simply because I was not allowed to be heard. That is backed up by *Beauchesne's* fifth edition, 1978. On page 163, Citation 471 reads:

● (1530)

(1) The Chairman maintains order in the Committee of the Whole, deciding all questions of order subject to an appeal to the Speaker. No debate is permitted on any decision.

(2) In cases of an appeal to the Speaker, it is the duty of the Chairman to leave the chair immediately and report the point of order which he has decided. The Speaker must then rule upon the matter. No discussion is allowed on the appeal. Should the Speaker be absent, the Chairman takes the Chair of the House and another Member makes the report of appeal to the acting Speaker who will at once rule upon the question.

(3) If a Member wishes at any time to call in question the conduct of the Chairman in the execution of his duties, his proper course is to give notice of a

motion to that effect. Sir John Bourinot, *Parliamentary Procedure and Practice in the Dominion of Canada* (4th ed., 1916), p. 397.

If the Chair refers to that citation, she will be referred to a text by E. W. Peel, *Decisions on Points of Order, Rules of Debate*, compiled by E. G. Blackmore at page 55, which sets out the process which I do not intend to pursue today. As I said a moment ago, my purpose in rising is simply to draw this forcefully to the attention of the Chair so that incidents like this will not occur again.

Again quoting from Bourinot, which I have just cited, at page 397, approximately the middle of the page, it states:

If a member wishes at any time to call in question the conduct of the chairman in the execution of his duties, the proper course is to give notice of a motion to that effect in due course.

The one precedent that I wish to draw to the Chair's attention which deals with Standing Order 55(4) concerns an exchange which took place on April 6, 1971, after the new rules came into effect. At page 4969 of *Hansard* there was a question which arose as to whether or not an appeal of a chairman's ruling could be had. Mr. Baldwin, House leader of the opposition at that time, said as reported in the left-hand column, two thirds the way down:

With due respect, Mr. Chairman, I must appeal your decision not to allow me to appeal your decision.

They were in Committee of the Whole on this occasion as well. There was a case where the chairman on that occasion ruled that his decision was not appealable. The opposition House leader at the time appealed that decision.

In the right-hand column, after a further submission by Mr. Baldwin, he says about half-way down the page:

But I also respect my rights and the right of any other hon. member to appeal that ruling. I raised a point of order to start with. It was my point of order on which the discussion was initiated. Your Honour, in the breadth of your discretion, disallowed my point of order. I am now appealing your refusal to accept the point of order which I raised. Surely when I raise a point of order and Your Honour decides against it, I am entitled to appeal that decision.

At that time the chairman took a different tack. At that stage in the exchange, toward the bottom of the page, he had this to say:

—I gave the floor to the hon. member for Peace River subsequent to the point of order raised by the hon. member for Gaspé, and I now take it from the hon. member's remarks that having obtained the floor quite properly in the sequence of events, he is appealing the ruling. If I am correct in that, I think the hon. member has the right to appeal the ruling. Of course, under the rules the appeal will be submitted to Mr. Speaker.

Mr. Baldwin then said:

Your Honour is correct. You can consider that the appeal has been made and that the machinery has now been launched.

On the following page, 4970, Mr. Speaker had this to say after the machinery had been crystalized and the Speaker retook the Chair:

Mr. Speaker resumed the Chair and read the question as follows:

That is the question that was reported on the appeal to the Chair:

The question is an appeal of a decision of the chairman of the committee of the whole under the provisions of section 4 of Standing Order 55, as follows: