

*Government Orders*

In his ingenious argument the hon. member likens this to changing statute by means of an appropriation act and based on the Chair's own recent decision prohibiting such a practice, invites the Chair to make a similar ruling in this instance.

[*Translation*]

The problem with that is that, were the Chair to agree to the hon. member's request the Speaker would then be placed in the situation of having to interpret the Constitution and the Parliament of Canada Act. There are many precedents showing that the Chair should not venture into such an area.

[*English*]

As my predecessors have so often reminded the House, the Speaker has no role in interpreting matters of either a constitutional or legal nature. On May 2, 1989, I had occasion to refer hon. members to citations 117(6) and 240 of Beauchesne's fifth edition and to a decision of Mr. Speaker Lamoureux of July 8, 1969. At that time I explained:

The reasons for these citations are straightforward. The Speaker should not sit in judgment on constitutional or legal matters. That role belongs more properly to the courts and to the administration of justice. Previous Speakers have been very careful in strictly addressing themselves to matters of a parliamentary or procedural nature while avoiding dealing with constitutional or legal matters.

Again, on February 7, 1990, as recorded at page 7954 of *Debates* when the hon. member for Kamloops had presented a detailed, intriguing argument, in fact, one not dissimilar to the present argument, to the effect that closure contravenes the Constitution of the country. I said:

I am not prepared to rule on it because if I did I would be straying into an area in which I am not allowed to go. He states that our rule in the House contravenes our Constitution. That may or may not be, but the authorities for many, many years back make it quite clear that I cannot rule on a legal or constitutional issue.

[*Translation*]

Likewise, the Chair must avoid interpreting in any way, even indirectly, the limits set in the Constitution or the Parliament of Canada Act. It must be noted however that the constitutional limits relating to our quorum and the need to get a Royal recommendation in relation to

any appropriation bill also appear in the Standing Orders of the House, being procedural matters of course.

[*English*]

Accordingly, I would set aside the second and third points advanced by the hon. member for Kamloops. I hasten to add, however, that these arguments have not been dismissed lightly, nor is their disposition fatal to the hon. member's case for there is ample substance still to be considered in respect of the remaining two points he formulated.

The hon. member argues that the provisions in paragraphs 20 and 30 "seek to erode the historic authority of the House and the rights of its members and are thus contemptuous of the House as they will tend to diminish its dignity and impede members in the discharge of their functions". This aspect of the issue involving as it does both privilege and contempt is clearly and area into which the Chair not only may, but must, venture.

The hon. member for Kamloops takes objection to that part of paragraph 30 of the motion which proposes that:

—if the House does not sit on days designated as sitting days pursuant to Standing Order 28, the total number of allotted days in that supply period shall be reduced by a number of days proportionate to the number of sitting days on which the House stood adjourned—

The hon. member is quite clear in distinguishing between those aspects of the proposal which reduce the number of supply days in an ordinary session from 25 to 20 and the proposal to reduce the number of allotted days in proportion to the number of sitting days. The former, he quite properly recognizes as quantitative change which is not a procedural concern; the latter is, he submits, a qualitative change to the rights of the House over supply. As the Chair understands the hon. member's argument it is that in tying the number of supply days to the number of sitting days, the proposal ruptures the linkage between allotted days and the granting of supply and consequently infringes upon members' historic right to air grievances and petition the Crown before supply is granted. The hon. member supports his claim that the proposed new Standing Orders might lead to the government claiming supply