

*Yukon Act*

Mr. Speaker, the motion moved by the Minister of Public Works is out of order, because if the minister wants to make us take up another item of the orders of the day, he must at that time refer us to the private member's notice of motion, and if all motions preceding the last, that is resolution No. 66, stand, we shall come to resolution No. 66. But we cannot just leap over the others because it would be contrary to Standing Order 18—

[*English*]

**Mr. Baldwin:** I rise on a point of order, Mr. Speaker.

**Mr. Speaker:** The hon. member is now on a point of order.

**Mr. Baldwin:** I was about to ask if the hon. member was on a point of order.

**Mr. Speaker:** Yes, the hon. member is not debating the motion; it is not debatable. He is speaking to a point of order and suggesting that perhaps the motion could not be made at all.

**Mr. Baldwin:** This is the point I wanted cleared up, Mr. Speaker.

[*Translation*]

**Mr. Grégoire:** Mr. Speaker, under the circumstances, the minister sets aside standing order 18 which I read a moment ago and which says:

All items standing on the orders of the day, except government orders, shall be taken up according to the precedence assigned to each on the order paper.

This means that, according to our standing orders, the intention was to protect the private members' business and avoid that the government or a minister could decide which of the private members' business will come first, second or last. The intention was to respect certain members' privileges, namely their right to discuss any of their public bills or notices of motion.

It is this privilege of members which is protected by Standing Order 18.

If the minister forgets it, or if you forget it, this would set a dangerous precedent, because one of the main privileges of the members would be affected and in the future, it would always be possible to deny under any circumstances, a member the right to present a motion or at least to have it considered, even if it stands at the top of the list, in order to discuss a motion moved by a minister, such as the one presented by the Minister of Public Works.

Mr. Speaker, I say that if the minister finds a way for a discussion of capital punishment, well and good, but it must not be at the expense of the private member's privileges.

If you rule in favour of this motion, without any consideration for standing order 18, I say that the private members' privileges will be affected because, in the future, it will not be necessary to take into consideration their notices of motion or their public bills, and the discussion of the said bills and notices of motion could be set aside.

This is what must be avoided at all costs and the responsibility for the safeguard of private members' privileges rests with the Speaker. For this reason, Mr. Speaker, aware of your sense of justice toward the private members, I should like to refer to this standing order and ask that you rule the motion moved by the Minister of Public Works out of order.

Obviously, if all members who have notices of motions on the order paper wish them to stand, we would then agree to discuss resolution No. 66, but not before such a request is made.

[*English*]

**Hon. Marcel Lambert (Edmonton West):** Mr. Speaker, this is a rather novel procedure which the government has adopted under the circumstances. I share with many hon. members the desire to come to a conclusion on the question that was being discussed yesterday. However, I do not feel we should adopt something that is fundamentally wrong under our rules to extricate those directing this motion from the difficulty into which they got themselves by having a limited order which expired last night at ten o'clock and by not taking the precaution of putting a proper notice on Friday's Order Paper.

I agree entirely with what has been said by the hon. member for Lapointe (Mr. Grégoire) that we are put in perhaps a novel situation, but I support him totally in this instance because what is proposed by the government house leader is something that could work but which must also work in reverse. Frankly, Mr. Speaker, if this motion is deemed to be legal it makes utter nonsense of our Standing Orders and of our rules laying down the order of business. The rules could then be thrown into the wastebasket because all that would have to be done in the future would be for the Clerk of the house to call an order and then a member of the government could propose that we move to another item.