

Point of Order—Mr. Hnatyshyn

● (1510)

I am suggesting that his order does not constitute the subject matter of any debate. It is, in fact, quite separate. It is a matter of the procedure and operation of the House of Commons.

I suggest and humbly submit to Your Honour that the ruling of the subordinate officer of the Chair, the Deputy Chairman, who is subordinate to the Deputy Speaker, was out of place and inappropriate and should not be taken to bind us with respect to a ruling under which we in the House should be obligated to consider the business of our country.

Mr. Doug Lewis (Simcoe North): Madam Speaker, I have three specific points I would like to raise in addition to the remarks made by my colleague. My colleague covered the circumstances and I would ask the Chair to consider three further items in its ruling.

The first is that a point of order does not speak to the substance of the matter under debate. A point of order is merely a procedural instrument so that the debate can run along smoothly. Citation 238 of *Beauchesne* notes that points of order should not be viewed as usual phases of procedure and should not be raised on matters which could be disposed of by moving amendments.

The second point I would make to the Chair is that the question of how to count the time at second reading was not covered by the Special Committee on Standing Orders and Procedure. However, it did in fact specify that it felt there should be eight hours of debate. In other words, there should be eight hours during which the House considers the matter under debate. I submit to the Chair that for that reason one should not take into account points of order which flow out of the debate and which, I submit, do not pertain to the actual question under consideration by the House.

The last item I would point out to the Chair is this. Citation 235 of *Beauchesne* states:

Even the provisions in Standing Orders that action must be taken 'forthwith' or 'forthwith without debate' with respect to certain proceedings do not bar a Member from raising a point of order when a serious irregularity occurs.

Finally, I suggest to the Chair that the House has set very carefully under the Standing Orders what happens between two o'clock and three o'clock Monday through Thursday and between 11 o'clock and 12 o'clock on Friday. During that set time covered by the Standing Orders, a point of order or question of privilege is not allowed to interfere with the time that the House has decided under the Standing Orders should be set aside for statements under Standing Order 21 and Question Period. If you take the remarks of my colleague and the points I have raised under consideration, I submit that one should find that the eight hours of debate should be eight hours.

I would also point out that, to the best of my knowledge, this is the first time since we have been operating under the new Standing Orders that we have had a substantial point of order since the beginning of the eight hours. For that reasons we have delayed arguing this point. We wanted to delay until

Madam Speaker was in the Chair. I would ask that you find that points of order and questions of privilege that occurred during that eight hours should not be included as part of the eight hours of debate.

Mr. Ian Deans (Hamilton Mountain): Madam Speaker, I enter this exchange only because I am concerned that a ruling which stated that points of order were to be considered as part of the allotted time for debate might in fact cause a great hardship. I can appreciate that points of order are used illegitimately and that there are times when a matter is raised under the guise of a point of order when it is in fact not a point of order. It is simply an opportunity to raise a particular point which a Member may or may not recognize is not quite in keeping with the strict terms of a point of order.

However, I submit that the Speaker has the discretion to determine whether a matter is a legitimate point of order. If it is a legitimate point of order, then that time should not be taken from the hours allocated for consideration under the Standing Orders. For example, if a Member were to raise a point of order in order to draw to the Speaker's attention that there was not a quorum present in the House of Commons, it took 20 minutes for that to be ascertained and at that time a quorum was then to be determined, the time taken would be legitimate because there was a violation of the Standing Orders. It would be unfair to lose that time from the debate, yet it is the responsibility of every Member to make sure that the Standing Orders are obeyed. Therefore there is a dilemma. The Hon. Member is doing the job that is required of him under the Standing Orders when he draws the attention of the Chair to the fact that there is no quorum, but at the same time he is jeopardizing the opportunity of his colleagues to take part in the debate because of the loss of time.

I submit that a ruling which allowed the Chair to have discretion and determine whether time can be reimbursed on a legitimate point of order or that it simply be seen as lost time on an illegitimate point of order would be satisfactory to a majority of Members.

Mr. David Smith (Parliamentary Secretary to President of the Privy Council): Madam Speaker, I was in the House when the incident which has just been referred to occurred. I do not believe that the suggestion that somehow the Deputy Speaker and the Acting Speaker are on different wavelengths is at all logical. If you would look at what the Deputy Speaker said on page 25479 of *Hansard*, after the Hon. Member for Bow River (Mr. Taylor) raised the point of order, the Deputy Speaker said:

The Chair will reserve a decision on the matter.

On the following page 25480, the Deputy Speaker said:

The matter has been settled. The Chair is not counting the 20-minute intervention against the eight hours.

If you refer to the comments made by the Acting Speaker on page 25483 of *Hansard*, you will see that he said:

In the tradition of the House, where the debate or speech of an Hon. Member has been interrupted by points of order, the Chair at its own discretion has allowed the Hon. Member additional time; sometimes the exact amount that was