

Canadian Flag

whether they are put before us separately or whether they are put before us together. In other words I am not raising this matter out of any personal concern, and the position I take is the position taken by most of my colleagues. But because I feel it would be unfair to Canada for parliament to take an unclear decision—because that is what would result if we had a vote on these two propositions at one and the same time—I feel that the ancient right of parliament spelled out so well by Redlich, May, Campion, Todd, Bourinot and Beauchesne should be respected on this important occasion.

Anyone who has studied the authorities on procedure at all knows that things that can seem to be very clear can be confused by something else. I have no doubt, from the question I put to the Prime Minister a week ago last Friday, that others have been studying this question as well, and no doubt attention has been drawn to our standing order 44 which seems to stand in the way of the ancient right which I am now claiming for parliament as a whole. Standing order 44 provides as follows:

When a question is under debate no motion is received unless to amend it; to postpone it to a day certain; for the previous question; for reading the orders of the day; for proceeding to another order; to adjourn the debate; or for the adjournment of the house.

We are governed by our standing orders. Standing order 44 is pretty clear. It says that when a motion is under debate there are only certain kinds of motions that can be made, and that standing order does not list a motion for the dividing of a complicated question as a motion that can be moved in such a circumstance. Therefore, Mr. Speaker, initially we do seem to be in some difficulty. We have an ancient right given to us across the centuries, but our own standing order 44 seems to stand in the way of our exercising that right. But because we have this ancient right, because it makes common sense, because acting upon it seems to be the thing we should be doing for Canada in the course of this debate, I think we should find a way of exercising that ancient right if it is at all possible.

One of the authorities I read a moment ago said that the practice of dividing a motion has been obviated by the right we now have to move an amendment. That will not do in this case. An amendment could not divide the question. There could be an amendment to cut out part (a) or part (b), but the effect of that would be only to confirm or defeat

one part. It would not give us a chance to vote on the two propositions separately. Likewise I do not see how we could revert to motions and bring in a question that would deal with the matter. It would require unanimous consent, and I do not look for unanimous consent to be given very often during the course of the debate on the flag.

Therefore, Mr. Speaker, it seems to me that what we have to find is a procedural motion of a kind that can be made while the debate on the flag is in progress. One other course would be for Your Honour just to rule, as a Speaker did 81 years ago, that the motion should be split, or as Speakers used to rule in the parliament of Westminster. That is one possibility, but in case you feel that that is too much for you to take on your shoulders I suggest that the house has to find a way to bring in a procedural motion that can be moved while the debate is in progress and that will have the effect of splitting the main motion into two parts. If there is such a procedural motion there is no doubt that it can be moved.

Mr. Bell: How about the government?

Mr. Knowles: I have not yet said who might do it. As a matter of fact the hon. member for Saint John-Albert is anticipating my remarks. I intend to suggest that another minister, another member of the government, the Leader of the Opposition or anyone can move such a motion. The point is that I think it ought to be moved, and my reason for raising the point of order now is in the hope that we can get a ruling from the Chair that such a course of procedure would be possible as a means of resolving the situation.

May I point out that if it is agreed that a motion can be made to divide the question into two parts, that motion could be debated and could be voted on, and the house itself would thus make the decision whether or not the question should be divided. In the house itself making the decision—by a free vote, I would hope—there is no question but that we would be in line with what all the authorities have said, namely that it is an ancient right to have a question divided, and that although one member cannot demand it as a personal right, the house itself can make such an order.

I had reached the point where I was suggesting that what is necessary, unless somebody can come up with a better way, is a procedural motion of a kind that would be in order. I draw the attention of the house to citation 195 in Beauchesne, fourth edition,