

*Point of Order—Mr. Deans*

**Mr. Deans:** I will stop your Bill, but that is not the way I will be doing it.

**Mr. Guilbault:** I can see that some of my remarks must have an element of truth since a few Members opposite are trying to cut me off.

I can say that the rights and privileges of this House will always command better respect when individual Members enjoy the privilege of taking the floor without their colleagues making attempts to prevent them from debating the real basic issues, which is what we have been elected for.

[English]

**Madam Speaker:** Presumably the Hon. Member is rising on the same point of order, because we cannot have a new one until this one is settled.

**Mr. Kilgour:** On the same point of order, Madam Speaker.

**Madam Speaker:** I will allow only a very brief commentary because I think I am now in a position to rule on this particular point.

[Translation]

**Mr. David Kilgour (Edmonton-Strathcona):** Madam Speaker, I will be quite brief. You have already made a decision and delivered your judgment almost 45 minutes ago. Today is allotted to private members to allow them to introduce private Bills. The left wing of the Liberal Party is trying to encroach on the rights of the Members to introduce their legislation. Would you kindly allow us to proceed without delay?

**An Hon. Member:** You have no lesson to give to anybody.

[English]

**Madam Speaker:** I have listened with great care to all the arguments which have been presented on this particular point of order. I thank the Hon. Member for Hamilton Mountain (Mr. Deans) for raising it because he saw some grounds on which it was possible to do so. It is always good for the House to have someone explore the meaning of the different Standing Orders so that we can be guided by those arguments for the present and for the future.

I listened very carefully to the arguments and I must say that to a certain degree the Hon. Member for Hamilton Mountain is right in saying that Standing Order 50 is not applicable. That is true in one sense because quite obviously there was no debate going on in the House at the time at which the motion to proceed to Orders of the Day was proposed. However, it is very difficult to say under which Standing Order a motion of this particular nature could have been moved because there are no other references concerning motions to proceed to Orders of the Day in the Standing Orders. One cannot conclude it cannot be used because it has been used innumerable times in the House. We know that a motion of this nature can be moved.

The Hon. Member for Hamilton Mountain referred to Standing Order 28 which reads:

A motion for reading the Orders of the Day shall have preference to any motion before the House.

There is reference to the circumstances surrounding the moving of a motion to proceed to Orders of the Day, but it does not completely enlighten us on the particular point which the Hon. Member raised. Nowhere in the Standing Orders is it indicated that we cannot move it at any other time but when something is under debate. Standing Order 50 says "When a question is under debate", and then refers to motions to proceed to Orders of the Day. It is not indicated anywhere in the Standing Orders that at any other time one cannot move a motion to proceed to Orders of the Day.

Also the Hon. Member pointed out that, contrary to what we have in the Standing Orders concerning a motion to adjourn, where the Standing Orders indicate that it is always in order, we do not have that either in the case of a motion to proceed to Orders of the Day. I think the Hon. Member for Hamilton Mountain will follow the logic of the Hon. President of the Privy Council (Mr. Pinard) in his presentation. It cannot be said that it is always in order, for once we have reached Orders of the Day we cannot move that we should proceed to Orders of the Day. There is a logic there which allows me to retain the idea that the motion to proceed to Orders of the Day was in order. The logic of the President of the Privy Council suggests that it has to be moved before we get to Orders of the Day, that is to say, before debate commences.

● (1550)

I have to conclude that Standing Order 50 refers only to the fact that use can be made of such a motion but does not explain—

**Mr. Deans:** Under certain conditions. It says so quite clearly.

**Some Hon. Members:** Order.

**Madam Speaker:** No, I do not think that means that when a question is under debate, it has to apply to every possible motion that is enumerated in Standing Order 50. That preface is relevant to certain of the motions described in Standing Order 50, but not to all of them.

The basic point that we are discussing is whether a motion to proceed to the Orders of the Day can be moved before we reach Orders of the Day. In the particular circumstances we are discussing, if it can be moved when a Member was presenting a petition, I have to say to the Hon. Member that we have a precedent which goes along with what I have explained about a motion to proceed to Orders of the Day.

A motion to proceed to Orders of the Day was moved in the course of the Question Period at a time before which my predecessor, in an agreement with all of the leaders of this House, determined that the Question Period could not be interrupted by any kind of dilatory motion. It was decided that even questions of privilege would be considered only after the Question Period. But prior to that time a motion was moved