

Point of Order—Mr. Riis

nothing to do with the Minister of Justice or the Prime Minister of Canada. The Member must know that.

• (1140)

Mr. Barrett: Mr. Speaker, I will attempt to keep my remarks in order on the point of order raised by my colleague and focus on the role of Standing Orders in this Chamber and other similar Chambers.

My colleague has given a thoroughly researched presentation to this House about the history of the use of these kinds of motions. As much as I would enjoy a debate that shifted onto an interpretation of the Charter of Rights, Standing Orders is what we govern ourselves under in this Chamber and it has nothing to do with any other laws of the land. It is a method of running this Chamber and this Chamber alone.

Without Standing Orders, we could all be subject to the interpretation of legislation across this country. The House would return to the kind of chaos that we occasionally have when Members speak about a subject without reference to Standing Orders and with no judgment, Mr. Speaker.

The Member has raised an important question here. There is no precedent in this Chamber on which the motion should be shifted to Private Members' order. The fact is every precedent given in making a decision on this matter is exactly in the direction pointed out by my colleague, the House Leader of the New Democratic Party.

If in the rare use of the Standing Order and this motion it is summarily dismissed to being another initiative of a private Member rather than the business of the whole House, we lose the whole traditional thrust of calling somebody to the bar. It is an extremely rare request. It is not given frivolously. But it should be given the proper consideration under tradition and practice and the rule of Standing Orders.

I appeal to you, Mr. Speaker. It is an important decision aside from the substance. As much as I am tempted to stray into the substance, that serves no purpose. We can share opinions about the substance.

That is separate and distinct from a decision that has to be made under Standing Orders.

If Standing Orders are to be worth anything, they must be consistent, they must obey tradition and interpretation by example.

The Member has done a first-class job for this House in his presentation, aside from the issue. But in terms of the presentation, I see no other course than to follow the tradition of the interpretation of the Standing Order and the precedents that exist. I know that you will take that under consideration. I know how important Standing Orders' consistency are to the Chair. Thank you for listening, Mr. Speaker.

Hon. Herb Gray (Windsor West): I want to make a brief comment. The Hon. Conservative Member who just spoke appears to be asking you to rule out the point of order we are discussing on the basis that calling somebody before the Bar of the House is contrary to the Charter of Rights and Freedoms. I note that neither the Government House Leader, nor in fact the Hon. Member I am referring to, has attempted to make that argument with respect to the notice of motion being listed under Private Members' Business.

If the Hon. Member who has just spoken is correct, then there should have been an objection taken on behalf of the Government for this notice of motion being under Private Members' Business. This has not been done.

I submit that the conclusion to be drawn from this is that the issue of the Charter of Rights and Freedoms is not relevant to whether this motion should be considered under either Private Members' Business or Government business. If it is to be invoked at all, it is after the motion is adopted by the House and the person named in the motion appears before the Bar and is dealt with in a way he considers infringes the Charter of Rights and Freedoms.

I feel I have to make this argument to the extent that you wish to take into account both the point raised by the Hon. Conservative Member and the lack of that point being raised on behalf of the Government by the Government House Leader.