

Inquiries of the Ministry

that while normally one does not want a debate, and should not have a debate on these matters on the orders of the day, this however is a situation where the economy of Canada is being undermined in consequence of uncertainty.

The question asked by the hon. gentleman is, are you making changes; have amendments taken place; what are the new commodities that are being exempted from the sales tax? Surely the minister would be in a position to answer that question without there being anything in the nature of a debate, which I for one would not want to see and in respect of which Your Honour has spoken with such definiteness and with which the house should be in general agreement.

Mr. Martineau: Mr. Speaker, just a word on the point of order—

Mr. Speaker: I am sorry; the hon. member for Winnipeg North Centre.

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, I rise to comment on the point of order raised by the Minister of Justice. I do so because this is not the first time this point of order has been raised, and because I think it is a very serious and very important one.

In the last two or three days it has been contended by the Secretary of State and by the Minister of Justice that it is out of order for us to ask questions that conceivably we could ask when we get to the discussion of the budget resolutions, because the budget resolutions are set down as an order of the day. The two ministers mentioned have made reference to the fact that it is supposedly a rule of this house that we cannot on orders of the day ask questions that anticipate an order of the day. I submit, Mr. Speaker, that this is a very important point and that it should be cleared up.

Obviously, if this dictum were to prevail, that hon. members could not ask questions that anticipate something that is set down as an order of the day somewhere on the order paper, we could soon get into the situation where we could not ask a single question, because once we get the estimates, legislation and the budget on the order paper everything is there and we would be blocked from asking anything.

I recognize that the reason the Secretary of State, the Minister of Justice and others try to make this point is that there is a phrase in Beauchesne's citation 171 (v) which reads, if I may put the prefix with it:

A question oral or written must not:

(v) anticipate an Order of the Day or other matters.

We are governed in this house by the rules, by the standing orders, that we have made.

[Mr. Diefenbaker.]

Beauchesne's Parliamentary Rules and Forms is not a rule book. It is a guide book containing many instances of things out of the past, a compilation of decisions and announcements which have been made. When we find an item such as this—

A question oral or written must not anticipate an Order of the Day or other matters.

—we should look to see where Dr. Beauchesne got it. He helps us, because right after it, on page 148 of the fourth edition, there is in parenthesis a notation, M. 242. This refers us, if we take the trouble to look it up, to page 242 of Erskine May's thirteenth edition. If we look at that page we find that Dr. Beauchesne has reduced a sentence to a phrase, and I submit that in doing so he has done violence to the original sentence in May. May said discussion in anticipation upon an order of the day—and by the way, in May "order of the day" is in small letters while in Beauchesne it is capitalized, which makes quite a difference—by way of a question is not permitted.

This is the point I wish to make. There is a great deal of difference between being told we cannot ask a question that relates to something which is on the order paper, which is what Beauchesne seems to say and what the Secretary of State seems to say, and being told by May that we cannot, on the orders of the day, develop a discussion or a debate on something which is set down as an order for the day.

If one is to understand what is behind all this, he must go further. On page 242 of May's thirteenth edition, where appears the sentence I have just quoted—

Discussion in anticipation upon an order of the day or other matter by means of a question is not permitted.

—is a small figure 8 referring to a footnote at the bottom of the page. The next thing to do is to find out what is in that footnote. Well, it refers one to a couple of volumes of the *Hansard* of the United Kingdom House of Commons. There are, in fact, three incidents which come to light on following up the footnote in Beauchesne. Two of them happened in 1876 and one in 1896 in the House of Commons at Westminster.

I have read those *Hansards* to see what those incidents were. In each case a member of the House of Commons at Westminster, according to the rules and forms they have there, had filed a motion for a debate to take place later that day—the debate they have, for example, on the adjournment. Let me repeat; in each of these three cases a member of the United Kingdom House of Commons had filed a motion for a debate to take place later that day, and in each of these cases the very member who had filed such a notice