

Madam Speaker: I am sorry, but would the Hon. Member wait for just a second? Since I was not in the House, I want to be informed as to what is exactly happening.

I will now recognize the Hon. Member for Saskatoon West.

Mr. Hnatyshyn: Madam Speaker, I appreciate that very much. This is a very serious matter which deals with the interpretation of the new temporary rules which we are now experiencing during the course of this year.

On Monday morning, when the Deputy Speaker was in the chair, a number of points of order were raised concerning the eight-hour rule on second reading stage. In particular, I raised the issue as to whether the clock began to run again once a second reading amendment was placed on the Table. In this case the amendment was that of my colleague, the Hon. Member for Regina West (Mr. Benjamin), with respect to the six-month hoist motion on Bill C-155. The Deputy Speaker reserved his decision on that particular issue.

At that point the Hon. Member for Bow River (Mr. Taylor) raised the issue as to whether points of order should be taken out of the eight-hour period. May I quote from the *Hansard* blues because I think the matter is important. The Hon. Member for Bow River said:

I just want to make one comment. On Friday there was a point of order which lasted for 22 minutes. We have now been on a point of order which has taken approximately 20 minutes. Surely this point of order should not come off of the eight hours.

Mr. Deputy Speaker, the Hon. Member for Ottawa West (Mr. Francis), then said:

The Hon. Member's point is well taken. If there are no further interventions concerning the point of order that has been raised, the Chair will reserve a decision on the matter. The Chair will recognize the Hon. Member for Esquimalt-Saanich (Mr. Munro).

The Hon. Member for Esquimalt-Saanich (Mr. Munro) rose and said:

Mr. Speaker, I join with the Hon. Member for Bow River (Mr. Taylor) and urge the Chair to make sure that the eight hour period for debate, whether on second reading or on the amendment, does not include interruptions, for good purposes, to deal with matters—

He was interrupted by the Deputy Speaker, who said:

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

Then he went on to say:

The Hon. Member is recognized for debate.

The point I am making is that it was clear that at that point the Deputy Speaker had made a final ruling with respect to whether or not legitimate points of order which were received by the Chair would be included in the calculation of the eight hours which the new rules specify are the time within which speeches can be made for a 20-minute limit.

The debate then continued, Madam Speaker. The Hon. Member for Esquimalt-Saanich spoke. At the conclusion of his remarks, the Deputy Chairman of Committees then came back into the Chair. The Deputy Chairman, at the conclusion of the Hon. Member's remarks, made a number of rulings. His final rulings appear to be in clear conflict with the one made by the Deputy Speaker on the point raised by the Hon. Member for

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Bow River. More particularly, the Deputy Chairman said at that point:

I want to inform Hon. Members that I am aware of the wording of the Deputy Speaker who was in the Chair at that time. It may be that Hon. Members will want to check *Hansard* very carefully in that regard.

I assure Your Honour that I have read this into the record so that there will be no question as to what was said. The Deputy Chairman continued:

The quote that my memory tells me is accurate is that the Chair informs the Hon. Member for Esquimalt-Saanich, I believe it was, that "the point is well taken". In any event, my understanding is that no final ruling has been made and I will proceed on that basis.

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 accorded the point of order, or at other times the Chair makes a judgment as to what seems to be fair in the circumstances. However, it is completely the tradition of the House that points of order, while they may not be taken from the debate time of an individual Member, are very definitely taken from the total allotted debate time on a motion. There is no question about that.

I suggest to Your Honour, and I do not think there is any question, that the records show that the ruling on the issue had already and categorically been made by the Deputy Speaker. It is, of course, a fundamental point, for if the second ruling became the precedent, it would be conceivable for the House to lose the entire eight-hour debating time because points of order had been raised on the other side of the House.

I suggest that the Acting Speaker was under a misrepresentation as to what the Deputy Speaker had previously ruled. In *Beauchesne*, Citation 119, reference is made to the situation where previous rulings have been made and a Speaker makes a ruling given under misrepresentation. It states:

Speakers' rulings, once given, belong to the House which, under S.O. 12, must accept them without appeal or debate. They become precedents and form part of the rules of procedure. The Speaker is not vested with the power to alter them of his own accord. If they have been given under misrepresentation, the House itself, and not the Speaker, should take the initial steps to avoid the consequences or implications. Such actions would not be considered as an appeal against a decision of the Speaker. *Journals*, March 28, 1916, p. 201.

(2) The Speaker's rulings, whether given in public or in private, constitute precedents by which subsequent Speakers, Members, and officers are guided. Such precedents are collected and in course of time may be formulated as principles or rules of practice. It is largely by this method that the modern practice of the House of Commons has been developed.

Madam Speaker, the point is simply this. It is inconceivable to me that the Deputy Speaker's ruling was anything but correct. I thought it was appropriate. I cannot understand how legitimate points of order or matters of disorder in the House could possibly be considered in any way as being part of the debate or the consideration of any stage under the old Standing Orders, or, indeed, under the provisional rules under which we are now operating. My point is that while we are dealing, in the case of Bill C-155, with a highly emotional and extremely important piece of legislation, in this particular case it becomes rather important that the fullest opportunity be given to Hon. Members to participate in the debate. Any suggestion of curtailment of the right of Members to debate is a serious infringement upon the privileges and rights of Members of Parliament.