

## HOUSE OF COMMONS

Tuesday, April 14, 1987

The House met at 11 a.m.

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*Prayers*

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[*English*]

### HOUSE OF COMMONS

PROCEDURE—MOTIONS DURING ROUTINE PROCEEDINGS—MR. SPEAKER'S RULING

**Mr. Speaker:** I indicated to the House yesterday that I would be prepared to rule at eleven o'clock this morning on the matter which was raised yesterday by the Hon. Parliamentary Secretary to the President of the Privy Council (Mr. Lewis) who moved under Tabling of Documents that the House should now proceed to Motions. It was evident that the effect of this motion, if carried, would be to supersede all intervening routine proceedings. I invited argument on the admissibility of the motion and reserved my decision.

[*Translation*]

The contributions made by all Hon. Members who participated in the discussion were very forthright. A number of valid points were raised and the Chair appreciated the force of the arguments which were made.

[*English*]

The Hon. Member for Burnaby (Mr. Robinson) referred to my ruling of November 24, 1986, in which I stated that a motion having the effect of superseding a number of items under Routine Proceedings would be inappropriate and that we should proceed from item to item. In reserving my decision yesterday, I was very conscious that I had made that ruling and that the motion moved yesterday by the Hon. Parliamentary Secretary to the President of the Privy Council was without precedent. The two motions are indeed similar but the circumstances are considerably different. However, the concerns of the Chair remain the same.

The Hon. Member for Churchill (Mr. Murphy) suggested that the only motion which could be moved during Routine Proceedings was one to proceed to the Orders of the Day. However much I may be inclined to agree with him, the fact remains that we have a number of precedents to the contrary. The Hon. Deputy Prime Minister (Mr. Mazankowski) stated:

If the consideration of Routine Proceedings is to be considered a sacred process, item by item, then we will have to go back and re-examine the dilatory motions and the procedural tactics, as well as the procedural acceptability of some of these dilatory motions.

The Chair fully agrees with this statement. The Hon. Deputy Prime Minister also stated that there surely has to be some balance, and with this comment the Chair also agrees.

[*Translation*]

The Hon. Member for Windsor West claimed that a superseding motion can only be accepted when there is something before the House to be superseded. The Hon. Member for Cape Breton—East Richmond (Mr. Dingwall) reinforced this point when he said that the precondition for a superseding motion is that there be debate on the floor of the House. It would be difficult to quarrel with the logic of these arguments and I believe they strengthen the case for a total review of the admissibility of dilatory motions during Routine Proceedings.

• (1110)

[*English*]

A number of Hon. Members dealt with the importance of protecting the fundamental rights members have under Routine Proceedings. However, the fundamental rights of members can be violated by the tactics of obstruction as well as by the unreasonable restriction of debate. The Hon. Member for Cochrane—Superior (Mr. Penner) went to the heart of the matter when he stated that the procedural tactics which the House has witnessed have little to do with the content of Bill C-22. As I made clear yesterday, the Chair is not the least bit interested in the content of the Bill. The Chair is, however, gravely concerned with the effect of these tactics by either side on the well-being of the House of Commons.

The House has had before it for almost six months a highly controversial piece of legislation, namely, Bill C-22, an Act to amend the Patent Act. This is not the first time the House has had to deal with controversial legislation, neither will it be the last. It is essential to our democratic system that controversial issues should be debated at reasonable length so that every reasonable opportunity shall be available to hear the arguments pro and con and that reasonable delaying tactics should be permissible to enable opponents of a measure to enlist public support for their point of view. Sooner or later every issue must be decided and the decision will be taken by a majority. Rules of procedure protect both the minority and the majority. They are designed to allow the full expression of views on both sides of an issue. They provide the Opposition with a means to delay a decision. They also provide the majority with a means of limiting debate in order to arrive at a decision. This is the kind of balance essential to the procedure