

*Motion Respecting House Vote*

the motion which we are now debating more serious in terms of our constitutional history than it is even in terms of the tax measure which lies behind it. We already have certain traditions about the question of confidence. It has been pretty well established, because it has happened quite often, that a government can be beaten on a minor matter but carry on. If everyone accepts the fact that it is a minor matter, there is no election. For example, in committee of the whole a short while ago a motion by the Postmaster General (Mr. Côté) which would have increased the postage rates, was defeated. The government was defeated then, but no one claimed this to be a major matter. The government did not resign, and there was no call for an election. The government was also beaten in the last parliament on the amendment which we proposed to the Canada Labour (Standards) Code regarding the number of general holidays in a year. The government stood up strongly against our amendment, but it was beaten.

It is a convention and a tradition that there are so-called minor measures which do not bring down the government. Then we have another tradition, only this one has been written into a rule—not into the constitution, but into a rule of parliament—and it has to do with supply motions. We have a rule which says that if the government is beaten by the passing of a supply amendment, in other words if the government's motion is superseded by the passing of a supply amendment, the government may immediately introduce another supply motion, and without further amendment have a vote on it, and if it is sustained the government carries on. I may say incidentally that I remember two or three of these cases in earlier years when this provision was used, notably in August, 1946, when we in this party moved an amendment to a supply motion, our amendment having to do with the subsidy on the price of milk. Our amendment carried, but before it did Mr. Howe had said that this was a free vote, in other words no confidence was involved in it. Our amendment carried, and so this device was used. Mr. St. Laurent used it two or three times on supply motions when more or less non-controversial matters were proposed. In other words it was accepted that we did not bring on an election because the government accepted an opposition amendment.

The things that we have done, such as the continuing of the government in office after the defeat of the post office measure, the defeat of an amendment to a labour bill, or

the defeat on a subsidy motion, and so on, are really part of the constitution of Canada. They are there as precedents, and they are much more in the way of guide lines to us and to the Chair than anything one would find in the constitution.

If I may ask you, sir, a rhetorical question: How often in your study of the procedural problems that have come before you do you go back to the British North America Act? There are so few things in there about the operation of the house that you could go through them in no time. What you have to go back to are precedents. The precedents that we have up to this point pretty well define what we can do in terms of confidence or non-confidence, but I do not know of any instance in Canadian parliamentary history where the defeat of a major taxation measure brought in by the government has been treated as a minor matter, when it has not been treated as a measure of confidence.

Let me say again that I concede to the government the legal right to bring in the motion that is now before us; I concede to the government the legal and constitutional right to ask parliament whether or not it says "You can carry on despite that defeat", but I do ask that in deadly seriousness we realize what we are doing. We are amending the constitution of Canada, just as much as if the Minister of Justice reached unanimous agreement with the ten provincial governments in this country on an amendment to the British North America Act.

We are saying that from here on there is a new way in which we can operate in the House of Commons. We can have decisions under which the government is beaten on a major matter, and it really is not a defeat of the government. Although I oppose the passing of this motion, I want to say, not only that it is in my view in order to bring it in, but also that in my view it would be good for us to be doing some thinking and to devise some new ways of dealing with situations such as we have with minority governments. This is what we have tried to do in this party, before I made my speech in January, 1966, which has been quoted by the Prime Minister and the Minister of Justice. I proposed that on amendments to the address, amendments to the budget, and on various proposals made by the opposition, there be an understanding in advance that the vote on the substance of those amendments should be separated from the question of whether or not the government was to be brought down,