

HOUSE OF COMMONS

Friday, June 19, 1987

The House met at 10 a.m.

Prayers

[English]

PRIVILEGE

APPLICATION OF THE PROVISIONS OF S. O. 57 TO THE DEBATE ON
THE REINSTATEMENT OF CAPITAL PUNISHMENT

Hon. Bob Kaplan (York Centre): Mr. Speaker, I rise on a question of privilege of which I have given you notice relating to the extraordinary motion moved by the government House Leader yesterday under Section 57 of the rules of procedure imposing closure on the resolution to support in principle the re-establishment of capital punishment and to provide for the establishment of a committee to examine that question. In moving that motion yesterday—

Mr. Lewis: Point of order, Mr. Speaker.

Mr. Kaplan: I believe a question of privilege has priority.

Mr. Speaker: I wonder if the Hon. Parliamentary Secretary would just let the Chair hear a bit more and then I will return to the Parliamentary Secretary.

Mr. Kaplan: Mr. Speaker, in moving that motion, I submit that my privileges and the privileges of Members of the House of Commons, particularly members of the Opposition as I will argue in a moment, have been violated. They are violated—

Mr. Speaker: Just a moment. The Hon. Member for York Centre (Mr. Kaplan) is raising a question of privilege apparently based on something that was done pursuant to one of the Orders of the House. Obviously an experienced Member of the House like the Hon. Member is entitled to be heard, but I do not want to be taken for an overly long time along the lines of an alleged point of privilege which is based on something which has been done according to the rules of the House, if it has been I am having a great difficulty following the Hon. Member. Perhaps the Hon. Member could help me. I think I can anticipate that the Hon. Parliamentary Secretary was perhaps wondering the same thing. I am a bit troubled by this.

Mr. Kaplan: Mr. Speaker, I think I can do so and I can do so by referring to your own ruling of April 14, 1987, in which you indicated, dealing with another rule of the House, that there was a legitimate use of the rules of the House as well as

an illegitimate use of the rules of the House and that it was the function of the Speaker to ensure that there were no illegitimate uses of the rules of the House.

A rule was used yesterday, I grant you, but I submit, and I hope that I will have a few minutes to make the case, that the use of the rules made by the Deputy Prime Minister and government House Leader yesterday was an illegitimate use of the rules of the House. That is my submission.

When you established that concept in your ruling of April 14, you did so in the following context, and I refer to your ruling which appears at page 5119 of *Hansard*:

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 of a democratic assembly. Our rules were certainly never designed to permit the total frustration of one side or the other, the total stagnation of debate, or the total paralysis of the system.

I want to argue that the use made of the rules yesterday was illegitimate because the rules were used in a way which prevent precisely that which you suggested you had the authority to protect, namely, that there should be a debate of reasonable length and that there should be an opportunity to hear the arguments pro and con.

• (1010)

Further on in your ruling at page 5121 of *Hansard* you said:

When interpreting the rules of procedure, the Speaker must take account not only of their letter but of their spirit and be guided by the most basic rule of all, that of common sense.

The ruling I have just referred to of April 14, 1987, was used to limit interventions by the Opposition. I want to argue that exactly the same logic used in that ruling should lead you to intervene to prevent the majority from suppressing the minority and give the minority precisely what you said you should interpret the rules to protect, namely, the right to hear arguments pro and con.

I want to make a second argument—

Mr. Lewis: I hope it is better than the first one.