

*Government Orders*

Both time allocation motions and dilatory motions are open to abuse. When such tactics are entered upon by either government or opposition the delicate balance of democratic parliamentary government can be easily upset. The maintenance of that balance is a fundamental responsibility of the Speaker.

The question is: What is time allocation and closure and what are the checks on its abuse? In your consideration, Mr. Speaker, I ask you to reflect upon the nature of our time allocation and closure motions and the manner in which the Standing Orders governing them were adopted.

Closure and time allocation are two separate concepts. While both restrain debate, the first is a motion to curtail it, and the second is a motion to structure it. In current Canadian practice that distinction is somewhat blurred, but in Britain the distinction continued and there are safeguards against abuse in both circumstances.

In the use of closure, a minimum number of members must support the closure motion. The Speaker has a power, which is often exercised, to refuse to accept a motion of closure if in his or her view it is premature. In the use of time allocation, of guillotine motions, there are different safeguards in Britain.

As was formerly the case here, a debate is required before a time allocation motion is adopted. One safeguard against abuse then is public debate. This serves not only to permit an explanation of the need to use the measure, but is an added incentive for negotiation to be used instead of unilateral government action.

Another safeguard is the practice of allocating a minimum amount of time to be given to consideration of each section of a bill. That way it does not occur in Britain, as it could today on Bill C-91, that a bill is passed without certain clauses or amendments being explained or rebutted at all. Under our rules we have no such safeguards. The motion for time allocation is not debatable and it not amendable.

Mr. Speaker, you once told us that division bells are no substitute for debate. By accepting a time allocation motion which cannot possibly provide for debate on all components of a bill, no matter what the collective efforts on both sides of the House are, we will arrive at a situation in which votes have become a substitute for debate.

I would argue that if division bells are no substitute for debate then it is also true that divisions are no substitute for debate. You may hear it argued that since the House adopted the time allocation mechanism, this mechanism has the support of the House. Since the House passed the motion, the House supports it. I ask the Chair to consider the questionable nature of this argument in the context of Parliament's best traditions of implementing change as consensually as possible.

The changes the House adopted to its Standing Orders in 1991 were not consensual. They were supported not by the House but by one side of the House only.

Is time allocation warranted at this point? The evidence is to the contrary. Considerable time was spent in committee discussing the timetabling of the bill but if this was intended as filibuster, it did not work. The opposition parties not only agreed to but volunteered a proposal which ended the roadblock in committee and ensured that witnesses were heard on this important bill. I believe the record shows that there have been no dilatory tactics to prevent consideration of Bill C-91.

I do not want to misrepresent the case. If we could have successfully defeated this bill through a sustained filibuster or dilatory tactics we would have. That is what we attempted to do back in 1987.

Perhaps the discovery and availability of new dilatory tools were positive incentives for us in opposition to use instead of a debate to communicate our concerns about the legislative proposal. However, in 1987 you intervened, Mr. Speaker, to remove that temptation from us.

Consider, though, that the unilateral changes to the Standing Orders and easy use of closure are now positive incentives to governments to use those tactics instead of negotiation and consensus building. It is not appropriate that the Chair similarly intervenes now and removes that temptation as it did earlier. Just as it saved us from ourselves, so to speak, in 1987 is it not time now to save the government from itself and save the institute from the abuse of rules by either side?

In conclusion, I simply want to say that I am asking the Chair to refuse to accept the time allocation motion until there has been more debate on the bill or until the motion is amended to provide further debate. I ask that the Chair ensure that the debate on Bill C-91 provides an examination of each of the key elements of the bill. In short, I ask the Chair to take whatever measures it