

Debating Time Allotment

● (2:20 p.m.)

On June 20 the chairman of the procedure committee introduced the report of that committee dealing with proposed Standing Order 75A, 75B, and 75c. On June 26 the President of the Privy Council made a statement in the house in which he said in part:

I might indicate that I plan to give notice later today of a motion dealing with the question of time allocation in conformity with the decision of the Standing Committee on Procedure and Organization.

That statement referred to a decision which had been tabled by the filing of the committee's report and which was then the subject of a notice by the hon. member for Grenville-Carleton (Mr. Blair) that he proposed to move concurrence in the report. I call to Your Honour's attention the words used by the President of the Privy Council:

—in conformity with the decision of the Standing Committee on Procedure and Organization.

This indicates that the minister intended to move a motion which would be virtually the same as that which was the subject of the report of the committee dealing with proposed Standing Order 75A, 75B and 75c. Proposed Standing Order 75A deals with the unanimous approval of all parties before proceeding with a time allocation order; 75B deals with a provision that a majority of the parties might make a decision which could then be made the subject of an order of the house; 75c, which is the ill-starred and illegitimate by-product of the mating of proposed Standing Order 16A and closure, was introduced by the committee in almost precisely the same terms as the motion of the President of the Privy Council, with two exceptions.

I think I am entitled to call to the attention of Your Honour and the house that the committee report, as has been pointed out by the hon. member for Winnipeg North Centre (Mr. Knowles), was the report of the government members on that committee and was subject to their approval. The President of the Privy Council, as a member of that committee, provided for these things; but the report did not provide precisely for the type of majority the government wanted. The government wanted only a majority of which it is a part. Therefore the proposed change of the President of the Privy Council makes this alteration, that in making a decision which can later become the subject of an order of the house, a majority of the parties of the house must include the government.

[Mr. Baldwin.]

I think I am entitled to call attention to the fact that because of this omission or default on the part of the committee's report, which is in fact the report of the government, the President of the Privy Council introduced his motion. If he had not, the government would have been in the unfortunate position, if it desired to amend the committee's report, of asking that the report be sent back to the committee. This would be a very serious state of affairs for the government.

I can recall a most distinguished member of this house saying last fall that the opposition had become caught in a trap in connection with procedure matters. I would point out that as I watch the Prime Minister (Mr. Trudeau) and the President of the Privy Council floundering around in this net today I am reminded of these words of Sir Walter Scott:

Oh, what a tangled web we weave,
When first we practise to deceive!

Some hon. Members: Hear, hear.

Mr. Baldwin: If Your Honour accepted the motion of the President of the Privy Council, which would then become a government order, we would have the extraordinary situation of there being on the order paper two motions which are the same but for the exceptions I have mentioned. Which one do we debate? Which one does Your Honour accept? What is the position to be?

On that basis I refer Your Honour to the practice in the United Kingdom which has been imported into this house by our Standing Order 1. Many years ago it was held in the United Kingdom that a private member's placing of a simple motion on the order paper would have the effect of forestalling a motion of a similar kind, even though it were introduced by the government.

I think the classic example was where a private member placed a motion on the order paper dealing with the conduct of the government in the Boer war in the 1900's. He then sailed away to the war in Africa, and while he was absent it was impossible for the government to introduce a measure along the same lines. This is the kind of situation with which we may have to deal here.

There are precedents which I wish to cite to Your Honour briefly, because I am sure Your Honour will want to give some consideration to this issue. Redlich, 3rd edition, deals with this particular matter, and at pages 222 and 223 lays it out very specifically with regard to the whole conduct of the house and of the Speaker in a matter of this kind.