

Motion Respecting House Vote

interfere with the Liberal party's God-given right to govern Canada. Given such arrogance, it is a wonder they stopped short where they did. With such a vain and distorted viewpoint we might have expected them to bring in a motion of censure against the opposition for having the temerity to defeat them, or even a motion of contempt of parliament.

As I said at the outset, Mr. Speaker, I find it impossible either to agree with them or to pardon their stubborn arrogance. I recall to the Prime Minister the injunction of Oliver Cromwell, another vain and dictatorial figure:

I beseech you, in the bowels of Christ, think it possible that you may be mistaken.

● (3:30 p.m.)

The government's position, as I conceive it, is that Monday's vote was an accident, third reading is really not an important stage of the bill, and in any event the substance of the bill was not sufficiently important for the vote to be considered a question of confidence in the administration. If you will recall, Mr. Speaker, the measure in question was opposed on second reading and throughout the committee stage. There was consistent and growing opposition throughout the different stages of the bill. It simply reached its climax in the final stage on third reading. The crucial stage in the passage of any measure through the house is the final stage. We should all recall that defeat almost came about a few hours earlier on that day on a vote in the committee stage. It was not a freak occurrence, not an accident, nor, least of all, the result of a sinister plot, as has been implied by some of the more desperate ministers opposite. Third reading is as important a stage in our parliamentary procedure as any other and that is why we have third reading.

Let me say in addition that the vote was taken in the midst of a normal working day. There was no opportunity for surprise or skulduggery. Let us get that perfectly clear. The vote against the government was won by the majority of members present and voting. Surely the only valid criterion for parliamentary business is just that. If we believed what the Prime Minister said we would have to wait for 100 per cent attendance before any measure became legal, which is a ridiculous idea.

Mr. Horner (Acadia): What about the capital punishment bill?

Mr. McIntosh: The attitude of the government throughout has been that the vote on

this question need not be taken as indicating a lack of confidence in the administration. Sir Ivor Jennings, one of the recognized constitutional authorities, has this to say on page 146 of his book, "The British Constitution":

With very rare exceptions, all questions in the House of Commons are matters of confidence.

Dr. Michel Ameller, a distinguished European constitutional scholar, in 1966 prepared a study, called simply "Parliaments", of parliamentary usage in 55 nations for the inter-parliamentary union. At page 281 of the book he wrote:

The practice today in Great Britain, and generally speaking in all countries influenced by Great Britain, is to regard a vote hostile to the government's policy or administration as a matter of confidence.

The late Professor Harold J. Laski, who needs no introduction by me, wrote at page 184 of his "Parliamentary Government in England":

The defeat of the cabinet by the house involves either a dissolution of parliament or the resignation of the cabinet if it takes place upon a major issue.

Another equally well known and well qualified authority, Byrum E. Carter, in his book "The Office of the Prime Minister", wrote the following at page 258:

—parliament may bring down any government by the simple expedient of withdrawing its support, either through the passage of an outright vote of no confidence, or through the defeat of a major proposal made by the government.

Such unanimity among authorities in any field is rare, but there appears to be a high degree of unanimity on this point among specialists in parliamentary practice. All say there are few exceptions and no exceptions when the vehicle of the government's defeat is a major one.

To be even more exact let me return to Dr. Ameller in his book, "Parliaments", where he wrote the following at page 281:

—the passing of the budget is the most important test of parliamentary confidence in the government.

I should like to remind Your Honour that Dr. Ameller was summing up his studies of the parliamentary practices and customs of 55 democratic nations.

From what I have quoted it may be clearly seen that after such a formally recorded defeat in the House of Commons not only must the government leave office but they have no choice whether they do or not. Once that vote has been officially registered in the records of the house, as it was, they have not