

*House of Commons Procedures*

of appeal, if I may make a very bad play on words. I think I was the first Member of the House who as a member of the Opposition proposed the abolition of appeals. I did so consistently for three successive sessions when I was sitting on the other side of the House, so I do not think anyone can accuse me of being an advocate of the abolition of appeals because I think they are an embarrassment to the Government.

I think that the idea that a majority of the Members of the House can reach a better decision about a matter concerning the rules is so absurd that it just cannot commend itself to any sensible person. In that regard I point out that in the normal course an appeal in a legal matter is to another court, not to the jury that has participated in a trial at a lower stage, if I may mix my metaphors thoroughly.

● (4:50 p.m.)

I think the hon. Member for Burnaby-Coquitlam was quite right when he said that appeals had almost never been taken on the grounds that the rules were incorrectly interpreted, but in an effort to get a phony decision on the question which was itself ruled out of order. This seems to me not only an abuse of our procedures but a very serious affront to whoever may be Speaker. I do not believe we will ever be able to get a continuing Speaker of this House until after we have abolished appeals. I know I would never take the position if there were any appeal from me. I think once this matter has been debated in the House, I do not think any other Member will be willing to take the office if the House is not willing to trust him. Some of the reasons that have been given for not trusting the Speaker, that he might conceivably be biased, do not impress me very much. They did not impress me when I was sitting on the other side, either.

This is a very ingenious idea but one which I feel that at this stage, since it is also novel and has been sprung upon us without warning, might be something which a committee ought to study very carefully. I would find it difficult, myself, to support the amendment in its present form. In saying that, however, I should like to add that I do believe it is a matter which should be studied by whatever body the House sets up to study the rules over the next period. After all, the rules we are debating now are to be effective for a trial period only, which will expire at the end of the next full session. It seems to me that, in view

of the general expression of confidence, we could abolish the appeals now and consider this suggestion very carefully. If I interpret it correctly, the appeal would not be against the effect of that particular ruling. The ruling would stand, but there would be an appeal against its becoming a precedent. It would be only on that basis that I think it would be feasible at all, because obviously you could not suspend all the proceedings of the House while the committee studied the ruling in order to determine whether or not the decision should be allowed in that particular case.

In other words, I am speaking only for myself as one Member of the House when I say that the idea embodied in the hon. gentleman's amendment has some attraction for me. No one wants to move votes of censure against a Speaker to express dissent. I think the hon. Member for Edmonton West, in bringing this matter before the House, with the kind of special experience the hon. gentleman has had in a very difficult parliament, has done us a real service. At the same time, I would hope that we would not be rushed into the adoption of the proposal without considering all its implications, particularly as there will be a chance, in the further consideration of the rules, to consider the best way of doing it in our own Canadian fashion. If there were a general understanding that this idea would be considered and, if we could work out something satisfactory, we would have it brought back to the House as the view of the whole House, I wonder if the hon. gentleman would consider not dividing the House but withdrawing his amendment?

**Mr. Baldwin:** I think this is a very interesting suggestion, particularly because it follows along the lines of an idea I expressed when I first spoke in this debate. I said, as reported on page 1579 of *Hansard*, that I was quite convinced, as a result of the proposal to abolish the appeal from the Speaker's ruling, that certain things would come about which we did not contemplate at this time. Then, I said, and I quote:

I believe as well that if the particular proposal by which appeals from Mr. Speaker's ruling are abolished, it might not be a bad idea to have in existence a committee which would be seized of an understanding of these rules, and which would meet from time to time and to which Mr. Speaker could have access.

This is not quite the same as the proposal in the amendment, but I make this suggestion that I am quite in agreement with what the Minister of Transport said. You could not