

Government Orders

That, 15 minutes before the expiry of the time provided for Government Orders on the day allotted to the report stage consideration and on the day allotted to the third reading stage consideration of the said bill, any proceedings before the House shall be interrupted, if required, for the purpose of this order and, in turn, every question necessary to dispose of the stage of the bill then under consideration shall be put forthwith and successively, without further debate or amendment.

Mr. Nelson A. Riis (Kamloops): Mr. Speaker, I rise on a point of order to ask you to refuse to accept this motion of time allocation on debate on Bill C-91 at report and third reading to a further two sitting days. In some ways this is a rather unusual point of order.

I am not so much asking you to interpret whether the Standing Orders of the House are being properly applied so much as whether the Standing Orders applied in this instance are consistent with the over-all responsibility of the House to make decisions in a parliamentary democratic fashion.

I am seeking to make only one point; that the motion to curtail debate on Bill C-91 at this time and in this way goes against what you once called "fair play and common sense" and that it is offensive to "the sense of what is appropriate under certain circumstances and which is acceptable to reasonable people".

• (1540)

Those were your words, by the way, Mr. Speaker.

I would like to begin this short point of order by submitting that as Speaker you have a special responsibility to address this issue. Mr. Speaker, you have both the authority and the responsibility to prohibit a motion of time allocation if, in your judgment, it is being used abusively.

There have been several occasions in parliamentary history when a Speaker has been called upon to intervene in this way. I would like to refer to two cases. One is the intervention of closure by Speaker Brand in the 1880s and the other your ruling, Mr. Speaker, of April 14, 1987.

I know I do a disservice to the history of Parliament by trying to distil Speaker Brand's famous closure ruling into a few sentences, but the history is clear. Parnell in the parliamentary Irish caucus abused the rules and obstructed the will of the majority. The democratic nature of the House was threatened by that abuse. The public wanted this abuse to end, and the Speaker intervened. He was acting in the interests of both the institution and the democracy that it served.

Over a century later, the Speaker of this House was asked to intervene to prevent what was perceived as an abuse of the rules when this caucus used dilatory tactics to prevent a time allocation motion from being moved to end debate on Bill C-22, a drug patent act.

I was House leader of the New Democratic Party caucus, the current government House leader was the then minister responsible for Bill C-22, the chair is still occupied by the same Speaker, and the bill before the House at that time and today are very similar. These parallels lend a parenthetical irony but nothing more to this point of order.

With the players all here in the House, it is not necessary to relate the history of your April 14, 1987 ruling. I would like to cite parts of it as I find, Mr. Speaker, you make my argument most compelling. You said:

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 another, the total stagnation of debate or the total paralysis of the system.

When negotiations fail there comes a time when the Chair is obliged to consider what are its own responsibilities. One of the functions of the Speaker is to ensure that the House is able to transact its business. This does not mean that the Chair plays any part in assisting the government in the management of its business agenda.

There comes a time when the Chair has to face its responsibilities. When circumstances change and the rules of procedure provide no solution the Chair must fall back on its discretion in the interests of the House and all its members. This may require the Chair to modify or vary an earlier decision.

Notice of time allocation motions after only a few hours of debate at any stage of a bill can be an abuse.