

Debating Time Allotment

he could do that with respect to all the business of the house, including public bills, and in the case of rules 75A, 75B and 75c he may do that with respect to public bills.

I submit that qualitatively, former proposed rule 16A and the present rules 75A, 75B and 75c, are identical. Quantitatively there is a slight difference. Nevertheless, they are the same in concept fundamentally. There is no question about that at all. The point at issue is, however, that the house, in rejecting the quantitatively larger rule 16A, has also rejected proposed rules 75A, 75B and 75c.

We are not without guidance on this subject, Mr. Speaker. The most recent precedent was the salutary and wise decision rendered by Mr. Speaker, on January 16, 1967. It is reported in House of Commons *Journals* for March 11, 1968, at page 753. I shall refer to this precedent later. It may be remembered on that occasion this house had rejected a tax bill and, in violation of the long established principles and precedents of centuries, parliament was ruthlessly violated by the government. Having stripped parliament of its cloak of decency, the government brought in a tax bill similar in many respects, although differing in quantum, to a previous tax bill. At that time the hon. member for Winnipeg North Centre (Mr. Knowles) raised the question of the right of the government to so proceed. On March 11, 1968, Your Honour rendered a decision. I will not read it all; the lateness of the hour prevents my so doing. In part, Your Honour said this:

It then becomes a matter of interpretation or judgment whether, in the words of the rule,—

That is the rule I have already quoted. Your Honour of course had that in mind. I continue:

—the motion offered—

That was the motion to accept the new tax bill.

—is substantially the same as one on which the decision of the House has been expressed. The only way to interpret the two measures in relation to the rule is to compare the proposals offered in each case; that is, in the previous Bill and in the new Bill now before the House.

Your Honour continued at pages 755 and 756. I think your decision is well known. It was that the bill was not to be proceeded with but was to be withdrawn. I submit that the two cases, the case of the previous bill and the case of the rules, are identical and on all fours. The second tax bill contained the principles of the first, although the quantum

[Mr. Baldwin.]

of tax was different. Here, we have two measures which touch on the procedure of the house. Each provides for a time allocation order at the instigation of a minister after certain preliminary procedures have been followed. I submit to Your Honour, therefore, that since this house in December of last year, by accepting the motion of the President of the Privy Council and concurring in the rules then brought in, negated the right of the government to bring in rule 16A. At this time, therefore, the motion the President of the Privy Council seeks to bring before the house should not be allowed.

Hon. Donald S. Macdonald (President of the Privy Council): Mr. Speaker, may I deal with three of the points raised by the hon. member. In the first place, may I draw Your Honour's attention to page 579 of *Votes and Proceedings* of December 20, 1968, where this house, as hon. members have already mentioned, instructed the committee to consider the allocation of time proposals. Those proposals referred to allocation of time orders which could be brought by ministers of the Crown after they had been in consultation with the committee.

Mr. Stanfield: We are not dealing with a committee report.

Mr. Macdonald (Rosedale): That is quite right. I hope the Leader of the Opposition will give me an opportunity to put my argument to the house.

Mr. Stanfield: The minister has lots of time.

Mr. Macdonald (Rosedale): May I point out that at that time the house recognized it would consider later in this session the question of an allocation of time procedure. It specifically instructed the committee to consider, for the purpose of having that matter further considered in this house, an allocation of time procedure along the lines of the proposal put forward by my colleague, the Minister of Agriculture. This invited full consideration of the British practice which, as hon. members know, provides for the right of the minister to make a motion for the purpose of allocating time for debates. In fact, the house at that time gave every indication in the proceedings which occurred that day that it wished this question of allocation to be brought to a final decision in this session. It did not clearly at that time disentitle the house from further considering allocation of time proposals along the lines of that which I propose in my motion.