

Next, does the 1984 incident in the Standing Committee on Justice and Legal Affairs constitute a valid precedent?

Let me summarize that particular event. The bill was before the committee and no progress was being made. The chairman took it upon himself to break the impasse. The committee, by majority vote, supported his decision with the opposition voting against it. The chairman acknowledged the parliamentary significance of his action by resigning immediately after the bill was reported back to the House. The matter was raised in the House on June 8, 1984, and Madam Speaker Sauvé refused to hear a question of privilege citing citation 76 of Beauchesne's fifth edition.

The story does not end there however and what subsequently occurred is very interesting. At the next meeting of the committee the same individual was re-elected to the chair of the committee on a motion made by a member of the Official Opposition, seconded by a New Democrat. All this can be found in the minutes of the Standing Committee on Justice and Legal Affairs of June 6 and June 19, 1984. The outcome of that particular case was determined by the committee, as it should be, and not by the Speaker. I would caution members, however, in referring to this as a precedent. What occurred was merely a series of events and decisions made by the majority in a committee. Neither this House nor the Speaker gave the incidents any value whatsoever in procedural terms. One must exercise caution in attaching guiding procedural flags to such incidents and happenings.

Let me next deal with the points of the hon. member for Burnaby—Kingsway relating to time allocation. Standing Order 78(3) reads as follows:

*[Translation]*

A Minister of the Crown who from his or her place in the House, at a previous sitting, has stated that an agreement could not be reached under the provisions of sections (1) or (2) of this Standing Order in respect of proceedings at the stage at which a public bill was then under consideration either in the House or in any committee, and has given notice of his or her intention so to do, may propose a motion during proceedings under Government Orders, for the purpose of allotting a specified number of days or hours for the consideration and disposal of proceedings at that stage; provided that the time allotted for any stage is not to be less than one sitting day and provided that for the purposes of this section of this Standing Order an allocation may be proposed in one motion to cover the proceedings at both the report and the third reading stages on a bill if that motion is consistent with the provisions

*Speaker's Ruling*

of Standing Order 76(10). During the consideration of any such motion, no member may speak more than once or longer than ten minutes. Not more than two hours after the commencement of proceedings thereon, the Speaker shall put every question necessary to dispose of the said motion. Any proceedings interrupted pursuant to this section of this Standing Order shall be deemed adjourned.

*[English]*

That standing order can be made to apply to the committee stage, but it must be moved in the House by a minister. Once such a motion is adopted, it becomes a mandatory instruction to a committee considering a bill to deal with the legislation according to the wish expressed by the whole House.

Finally, the point raised by the hon. member for Nickel Belt is the one that gives the Chair the most concern for it is an extremely valid one. The question is: When does the Speaker step in and judge that there has been an abuse by the majority?

I should like to remind hon. members of comments I made in the House on April 14, 1987, at page 5119 of *Hansard*. I said:

It is essential to our democratic system. The controversial issue should be debated at reasonable length so that every reasonable opportunity shall be available to hear the arguments pro and con and the 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 the other, the total stagnation of debate, or the total paralysis of the system.

• (1510)

The hon. member for Nickel Belt suggested I look to other jurisdictions but I have found a comment of Speaker Lamoureux which is on point. On July 24, 1969, he said:

What hon. members would like the Chair to do under the provisions of Standing Order 51 is to substitute his judgment for the judgment of certain hon. members. Can I do this in accordance with the traditions of Canada, of Britain, and in all parliamentary systems where the Speaker is not the master of the House in spite of what Standing Order 51 says. The Speaker is the servant of the House. Hon. members may want me to be the master of the House today but tomorrow, when, perhaps in other circumstances I might claim this privilege, they might have a different opinion. It would make me a hero, I suppose, if I were