

Government Orders

I wish to present for your consideration some serious difficulties which we on this side of the House are experiencing with this use of closure. I would like you to consider four issues surrounding the closure motion which the government has now put.

• (1620)

First, I will ask you to consider whether or not there is a responsibility of the Chair to ensure that, in your own words:

—controversial issues be debated at reasonable length so that every reasonable opportunity shall be available to hear the arguments pro and con.

Second, I will ask that you examine whether or not the current use of closure, again in your words:

—is being used for a purpose never originally intended.

Third, I will ask you to review whether or not Standing Order 57 is consistent with Section 18 of the Constitution Act, 1867, which requires that privileges, immunities and powers to be held by the House and members must be defined by an act of Parliament.

Fourth, Mr. Speaker, I will ask for your views on whether the current frequent use of closure is inconsistent with that same section of our Constitution insofar as it exceeds those held by the British House at this time.

On the first question, I submit that the time has come for the Chair to intervene to protect the House and our parliamentary democracy from abusive use of the rules by this government.

I would like to cite some of the advice you gave this House on April 14, 1987, regarding Bill C-22, amendments to the Patent Act. You intervened, Mr. Speaker, as you will recall, and reversed a previous decision in order to protect the House from what was held to be unreasonable obstruction. In doing so, you made several observations which I submit are more than pertinent today.

You spoke to us about the role of procedural rules and the spirit of their adoption. You said:

Rules of procedure—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.

You warned us of the abuse of procedural rule, when you said:

Notice of time allocation motions after only a few hours of debate at any stage of a Bill can also be an abuse. When such tactics are entered on by either Government or Opposition, the balance of democratic parliamentary government can be easily upset. The maintenance of that balance is a fundamental responsibility of the Speaker.

You spoke of the need to look beyond the text of the rules by saying:

I believe that the resolution of these inevitable and legitimate disputes should be on the basis of our traditions, our rules, our precedents, and something else as well. By this, I mean what is essential to this House of Commons, that is, that well accepted but not always definable thing upon which our whole constitutional history is based. It is fair play and—common sense. It is, when all is said and done, the profound sense of what is appropriate under certain circumstances and which is acceptable to reasonable people.

I think if you review the debate which has taken place to date on Bill C-62, the changes to the Income Tax Act and so on that will implement the goods and services tax, Mr. Speaker, you will see that it is not the opposition which has used the rules to delay debate, as you put it, “to enable opponents of a measure to enlist public support for their point of view”. Rather, it has been the government which has moved repeated dilatory motions during the passage of Bill C-62.

On four of the five days that Bill C-62 has been before the House, the government has moved dilatory motions. Only twice in that time have members of the New Democratic Party moved a dilatory motion, in this case, that the House do now adjourn. We have done so not to abuse procedural rules, but because the success of such a motion, that is for the House to adjourn, would result in the defeat of the bill to which we are wholeheartedly opposed. If once the rules existed to give the opposition the means to delay a decision, I think all members of the House will realize that this is no longer the case.

As you know, Mr. Speaker, in other parliaments, the Speaker has the right to refuse to allow a closure motion to be put to the floor. In Britain, such a motion has to receive the support of at least 100 members. If you permit it, I will return to that consideration in a moment.

In Canada, however, we have no protection from vindictive or totalitarian uses of closure. I ask you to consider whether the time has not come, as it did in April of 1987, for the Chair to intervene to ensure that the balance of democracy is not tipped over. In deciding the above, Mr. Speaker, I would ask you to consider my