

Procedure and Organization

by the literal construction of the orders themselves as by the consideration of what has been the practice of the house with respect to them."

The practice of the house, with a few exceptions, has been to make our rules collectively and by consent. Experience has taught us that they are the only rules that work. Rules imposed upon us do not work, and rule 75c imposed in this way will simply take this house into trouble.

Let me quote from citation 11 in Beauchesne's fourth edition, which I believe is still issued to every member of the house. It states:

An amendment to the standing order which is only intended to settle a small detail in the procedure and on which there seems to be general agreement may be passed on a simple motion after notice has been given under Standing Order 41. But if it is desired to make a general revision or to adopt some important rule—

Surely this is important or we would not have given it this much time.

—a special committee is appointed "to assist Mr. Speaker" for that purpose. The Speaker acts as chairman and the Clerk of the House acts as clerk of that committee.

Has that happened in this case? Has Mr. Speaker been given a committee to assist him to revise the rules of the house? That was the way it was done in most previous instances, and Mr. Speaker was chairman and the Clerk of the House was the clerk of the committee. In this instance it was decided that there would be a committee without Mr. Speaker, and without the Clerk of the House, but with a government member being the chairman of the committee.

I submit, when we are called upon to make such an important change as is proposed in 75c that the house should not be asked to act contrary to the rules and privileges of parliament. That is what is being done by bringing in this report, which is a report of the majority of the committee, representing nothing more or less than the will, dictation or intent of the government.

I draw your attention to another quotation from Beauchesne's, only this time it is from the third edition. I have them all upstairs; editions one, two, three and four, but I brought down extracts from only two pages from the third edition. They are pages with roman numerals lvii and lviii.

An hon. Member: Aye, aye, aye.

Some hon. Members: Oh, oh.

An hon. Member: Olé.

[Mr. Knowles (Winnipeg North Centre).]

Mr. Knowles (Winnipeg North Centre): I am glad to hear the Liberals say "Aye, aye". I invite them to read this bit of Beauchesne's third edition:

"The government of the day, says Sir Guthbert Headlam, M.P., whatever may be its political complexion, must always regard itself, during its tenure of office, as the trustee of the whole nation and not as representing only the views of its own party or of a section of the community". Mr. Hugh Sellon, in "Democracy and Dictatorship", p. 40, says: "To hasten drastic and contentious legislation through parliament—

Under 75c we have been told that this may be done during the next session of parliament because there are half a dozen tough decisions that have to be taken, so the government needs this rule to get them through quickly. I continue the quotation:

● (4:30 p.m.)

"To hasten drastic and contentious legislation through parliament, except on the basis of the clear and unmistakable approval of the majority of the electorate, might, strictly speaking, be legal. But it would be unconstitutional in the sense that it would offend against one of the foundations of parliamentary government, the principle that no party in office shall act so drastically along party lines as to cause grave apprehension among large numbers of citizens or as to be regarded as action designed solely to protect one class of the community, and not the community as a whole.

I commend to Your Honour, and to hon. members of the house in all parties, the principle that the role of the government of the day is only that of trustee; that it has no right, especially under the use of closure, to bring in rules that would make it possible to put legislation through in a hurry without the proper consideration that is constitutionally required.

The whole attempt to violate this basic concept, and to do it by putting through rules that have not been agreed to collectively, rules to which we have not consented, is, I submit, contrary to the rules and privileges of parliament. In my view, under Standing Order 51 Your Honour should so advise the house. I hope Your Honour feels as strongly about this as I do, and will say that in view of this action being so contrary to the rules and privileges of parliament the motion ought not to be put to the house at all.

Let me read one or two more quotations. Listen, please to this one:

I would like to conclude by emphasizing that the opposition, whatever its policies and tactics may be, shares with the government and, of course, with the electorate, the responsibility of making our form of democracy, based on parliamentary institutions, work for the welfare of all the citizens.