

*Government Orders*

I underscore his words "principle which underlies all parliamentary rules and constitutional provisions with respect to money grants" and will return to these constitutional provisions in a moment.

He continued:

When burthens are to be imposed on the people, every opportunity must be given for free and frequent discussion, so that parliament may not, by sudden and hasty votes, incur any expenses or be induced to approve of measures, which may entail heavy and lasting burthens upon the country. Hence it is ordered that the Crown must first come down with a recommendation whenever the government finds it necessary to incur a public expenditure, and that there should be full consideration of the matter in committee and in the house, so that no member may be forced to come to a hasty decision, but that every one may have abundant opportunities afforded him of stating his reasons for supporting or opposing the proposed grant.

What greater indignity to the Commons would there be, than to have to deny its right to withhold supply until grievances have been heard.

What greater insult to the authority of the House than for a government to claim supply without hearing grievances. That is my first point and very succinctly I will put my second.

• (1650)

Similarly offensive to the rights of the House and its members is the proposal to override unanimous consent. Clause 20 of this motion proposes to change our notion of unanimous consent and to enable the rules of procedure and operations of the House to be changed by an agent of the Crown unless 25 members of the House object. It is significant that this proposal establishes two classes of members, those who by virtue of being ministers of the Crown can obtain unanimous consent as long as 25 members do not object, and those ordinary members for whom unanimous consent means no one objects.

Surely this is tipping the balance of power between the government and the Commons which significantly diminishes the authority of the House and by sharply narrowing the scope of their duties is this an impediment of the ability of the members to perform those duties as currently defined.

Let us consider just for a moment what this proposed rule would and could involve. With this rule a minister of the Crown could propose that the House pass all legislation, grant all moneys for the year, diminish the ability of the committees of the House to examine

government's expenditures and operations, and adjourn until further recall.

Unless 25 members, that is 10 per cent of all private members are present to oppose, these suggestions would automatically be adopted without debate, without the ability to amend.

The question I put to you, Mr. Speaker, is not whether or not this is right, or just, or fair play. Those questions, you will agree, should be saved for another time. The question I put is whether or not this is a qualitative substantial alteration to the privileges of members and a qualitative and substantial reduction in the authority of the House to debate and decide upon proposals put forward by ministers of the Crown.

Surely when an agent of the Crown can deny 24 members the right to speak to a motion this is an infringement on the rights of the House as defined by Redlich. He recognized these as:

The sum of the fundamental rights of the House and of its individual members as against the prerogatives of the Crown.

That is from *Procedure of the House of Commons*, Volume 1.

Surely this would be an infringement of the privileges of members as described by Erskine May as:

—the peculiar rights enjoyed by—members of each House individually, without which they could not discharge their duties.

A former law clerk of this House, Joseph Maingot, wrote:

A distinctive mark of a privilege is its ancillary character—it is a means to accomplish a purpose or fulfil a function—The members of the legislative body enjoy these rights and immunities because the legislature cannot act or perform without the unimpeded use of the services of its members.

I am reminded of the importance to members of the right to deny unanimous consent by the events last summer when Elijah Harper could speak for his community by refusing to allow the rules to be broken.

You may hear arguments from those who feel that the House is the master of its own proceedings, and that if the House shares my concerns about the curtailment of the privileges of the House and its members contained in these proposals, then the House will reject them.

You may hear arguments that these are questions of debate, not of procedure.