

*Point of Order—Mr. H. Gray*

In my brief comments I would like to say first what is not at issue here. As has already been mentioned, nowhere in this smorgasbord of the resolution which the Government is trying to force Parliament to deal with is there any reference to the words "a free vote". That is not the issue. If the Government had wanted to act courageously in a parliamentary democracy, it could have presented a coherent, logical resolution which would be procedurally acceptable and then make a request, if it so desired, for a free vote. It did this in the case of capital punishment, a motion that we opposed but at least the Government proceeded in a responsible fashion to address a concern that was of some real importance to the people of Canada and to its elected Members here in the House of Commons. The Government could have followed that procedure but it chose not to.

This issue is not about whether there is or there is not a free vote on the question of abortion. Nor is it a question of being able to change the Standing Orders. There has been ample precedent for changing the Standing Orders. We did it in my lifetime as a Member of Parliament back in 1969 when there was heated debate, discussion and a vote. But the point is there were all of those elements. A change in Standing Orders, yes; after a debate, discussion and vote, yes. Again we did it last year, which I think is coming to be the acceptable process in our Parliament in the evolution of parliamentary democracy where all the Members on both sides agreed unanimously to change the Standing Orders. Whether the route of 1969 was chosen or the route of last year when attempting to change the Standing Orders, there are procedures for doing it. However, that is not the issue. What is at issue here is fundamental to the evolution of parliamentary democracy from the 18th century to the present.

● (1130)

I am astounded that this is a Government that calls itself Conservative. It ought to be hypersensitive to the protection of minority rights and the evolution of Parliamentary democracy, both in Great Britain and in other Commonwealth countries like Canada.

We are seeing an attempt to do something by the Government, not simply by individual Members who constitute a majority on the other side of the House, but by the Cabinet. It is attempting not to persuade its Members to have a vote using its majority to change rules after long debate, but we are seeing the executive branch of Government unilaterally suspending the rules of Parliament. Anyone who believes in democracy and who understands our traditions has to understand that that is totally unacceptable in a Parliamentary democracy.

It is not, in my judgment, accidental that the last time this was done was 105 years ago. Surely we have learned a lot from the evolution of democracy in Canada as well as elsewhere about keeping a constant check on the rights of the majority, symbolized by the Cabinet of the day which has its responsibility to that majority of its own caucus but also a responsibility

to preserve the rights of minority in opposition. However, this Government has done something, for whatever reason I know not.

Very often, one gets arrogant in the use of power, simply by not thinking about what is going on. One's will is frustrated by using the rules and one simply wants to achieve an end, so one works to get around the rules. We on this side of the House say that the democratic rules as they have evolved in our system have to be respected, not trampled on.

**Some Hon. Members:** Hear, hear!

**Mr. Broadbent:** It has already been indicated to you that the first rule in our book, Your Honour, deals with calling upon the Speaker to reach a decision about the acceptability of a proposed resolution, any other rule or any other procedure. This rule indicates that the Speaker's decision shall be based on the usages, forms, customs and precedents of the House of Commons of Canada and on parliamentary tradition in Canada and other jurisdictions so far as they may be applicable to the House.

With the exception of the one precedent 105 years ago, all the other traditions, rights and privileges that have evolved in this Parliament, including the democratic tradition of electing the Speaker of Parliament and the rules that were developed unanimously a year ago, have entailed as a basic presupposition not simply the right of the majority ultimately to make decisions but that the majority has to work within pre-established rules and that those rules have to inherently respect the rights of the Opposition. That is the point.

**Some Hon. Members:** Hear, hear!

**Mr. Broadbent:** I want to conclude by making two points. I want to cite for the benefit of Government Members words spoken by the Right Hon. John Diefenbaker, a man who did understand Parliament and its traditions, if any Canadian ever did understand Parliament and its traditions. Mr. Diefenbaker had this to say:

In order to maintain Parliament as an instrument of freedom, a fearless and determined opposition whose rights are respected is of the essence. To that end rules have to be interpreted fairly, for when the interpretation of the laws of parliament is altered or changed in order to meet the demand of the majority or has the appearance of being so altered, then the rights of Parliament are violated and tyranny is substituted for justice.

I think Mr. Diefenbaker was right when he spoke those words, and I ask you, Your Honour, as I know you will, to give a lot of serious thought, in reaching your final decision, to whether or not this motion has to be taken off the Order Paper. I think that that ought to be the final decision. The Government ought to withdraw it from the Order Paper. We cannot proceed with this kind of motion.

What the Government is attempting to do procedurally today on the question of abortion, if it is permitted today, will allow it tomorrow to do the same thing on the Canada-U.S. Free Trade legislation. Another day it may do so with pension legislation or with any other matter. I urge Members on the