

House of Commons

I must say that there are several reasons I believe Your Honour should rule this motion out of order. First, the Government has said that it requires the House to sit beyond the normal day of adjournment because the trade legislation must be passed by January 1. Leaving aside for the moment the fact that the United States implementing legislation does not require this, there is a provision in the Standing Orders at the moment which allows for the House to be recalled when it is in the public interest. Standing Order 28(3) states:

Whenever the House stands adjourned, if the Speaker is satisfied, after consultation with the Government, that the public interest requires that the House should meet at an earlier time, the Speaker may give notice that being so satisfied the House shall meet, and thereupon the House shall meet to transact its business as if it had been duly adjourned to that time.

We on this side of the House are quite prepared to let you, Mr. Speaker, make the decision whether or not it is in the public interest rather than leave it to the parliamentary assassins across the aisle.

In Your Honour's ruling of June 13 earlier this year you stated the following:

Does such a motion require the unanimous consent of the House or a simple majority decision?

There is no doubt in anyone's mind that the House can amend or suspend its rules by unanimous consent. That is a given.

Often, we do that in this House to make it more convenient for Members on rather insignificant aspects. However we are talking now about a major piece of legislation.

Your Honour went on to state in your ruling:

A review of our present Standing Orders reveals that they are, unlike those in the Australian House, totally silent on the manner of suspension.

You went on to state that if the Speaker rules that the Standing Orders should only be suspended or changed by unanimous consent of the House, the situation could arise where the House could be in jeopardy of becoming procedurally the hostage of a single Member.

You continued by saying:

The unique flexibility of the British parliamentary system, a flexibility which has allowed for adaptations to an infinite variety of circumstances, would be jeopardized. Clearly that is undesirable.

I agree that we cannot allow the House to become the hostage of a single Member, but I put to you, Mr. Speaker, that we cannot allow the House to become simply a rubber stamp where the rights of the Opposition are trampled by the tyranny of the majority.

• (1730)

I think all of us as serious parliamentarians must ask the question: Where does this stop? In over 100 years of government suspension of the rules without the consent of the Opposition has virtually never occurred. In the last six months we have now had two attempts by this Government to do just that. When will it stop, Mr. Speaker? Will we find on the Notice Paper later this week a motion to do away with Question Period? Will we find a motion to do away with committees or to fundamentally alter the process of our debate? When will these parliamentary assassins stop? That surely must be the question you must weigh heavily today.

I return to Citation 1 of *Beauchesne's*. A fundamental principle upon which this House of Commons rests is the protection of the minority against the tyranny of the majority.

Here we have two competing concepts: the rights of the majority and the rights of the minority. I put it to you, Mr. Speaker, that you as the Speaker, whose job it is to protect the rights of all Members, must be the final arbiter between the two competing tendencies.

In light of your decision, however, of June 13 last, and in the light of Citation 1 of *Beauchesne's*, I would suggest that in this case there is a clear abuse by the Government of our rights as a minority. It is our contention that given this situation you must exercise your authority and rule this motion out of order.

I want also to add that the parliamentary rules, as I indicated earlier, permit you, Mr. Speaker, the option of recalling the House at any time the Government convinces you it is in the nation's interest. However, I do now want to conclude by saying that democracy as it expresses itself in this House is not a neat and tidy thing. Oft-times it is a tiresome affair, yet it is fundamental to our system. Without the recognition of the rights of the minority, we have no democracy. It is in that spirit that I make this intervention and ask you to rule against this particular motion.

Hon. Doug Lewis (Minister of State and Minister of State (Treasury Board) and Acting President of the Treasury Board): Mr. Speaker, I appreciate the opportunity to add some comments with respect to the procedural acceptability of this particular motion. The House will know that the Government has placed a motion on the Order Paper, the essence of which is to suspend the parliamentary calendar so that the House will not have the customary Christmas recess from December through to the middle of January. Instead,