

*Point of Order—Mr. H. Gray*

● (1120)

The notice of motion which the Government has put forward is clearly contrary to the usages and practices of the House and, therefore, contrary to the Standing Orders as well as to the privileges of the House. I remind you, Mr. Speaker, of the words of Standing Order 1. You, Sir, have the power and, indeed, the duty to refuse to put the Government's motion to the House. Beauchesne's Fifth Edition, Citation 120 reads:

Foremost among his many responsibilities, the Speaker has the duty to maintain an orderly conduct of debate by repressing disorder when it arises, by refusing to propose the question upon motions and amendments which are irregular, and by calling the attention of the House to Bills which are out of order. He rules on points order submitted to him by Members on questions as they arise. Many powers have been vested in the Speaker by virtue of the Standing Orders.

Citation 424(3) reads:

It is the Speaker's duty to call the attention of the mover and of the House to the irregularity of the motion; whereupon the motion is usually withdrawn or so modified as to be no longer objectionable. If the motion is of such a nature that objection cannot be removed, the Speaker may refuse to put the motion to the House. He treats it as a nullity.

These citations clearly impose upon the Speaker the responsibility for refusing to permit the Government to proceed with its motion. I say, Mr. Speaker, that the mere submission of the notice of this motion would appear to be both a breach of the rules, a breach of the privileges of the House, and contempt for its rights and immunities.

We are dealing here with a situation where the Government is attempting to override a basic concept of our parliamentary democracy, that is, the House belongs to all its Members. It does not belong simply to those Members who happen to be, for the time being, Ministers. It does not belong only to those Members who, for the time being, are supporting the Government. It belongs to all of its Members. The Members who are in the minority in this House who are in the Opposition have rights which, under the concept of parliamentary democracy, fall upon you, Sir, particularly, to defend and to protect. The Government's concept of democracy is foreign, as it is expressed in this motion, to the rules, to the traditions of this House and of parliamentary democracy.

**Mr. Mayer:** How can you be against a free vote?

**Mr. Gray (Windsor West):** If the Government succeeds with this motion, it will rip out the heart and the guts of our parliamentary traditions and democracy.

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

**Mr. Speaker:** The Chair fully appreciates the importance with which Hon. Members deal with this matter. As I say, I have asked spokespersons for both the Official Opposition and the New Democratic Party to give me briefly the parameters of the issue as they see it. I think the Hon. Member for Windsor West has done that most explicitly, and I would ask him to conclude his remarks.

**Mr. Gray (Windsor West):** I will conclude my remarks, Mr. Speaker. I want to say that you have a special role to protect the traditions and privileges of this House. You have a special role to protect minorities in this House. You have a special role to make sure that our parliamentary democracy, its spirit and its traditions remain. The Government may be claiming to be operating on a basis of democracy, but what it is doing is following a course of action which, I submit, will leave an outward shell and nothing else. The Government takes great credit for supporting parliamentary reform.

What it is saying and showing through this motion is that the Government really does not believe in parliamentary reform. I do not think the Government really believes in the concept of parliamentary democracy because if it did, it would not attempt, in advance, to limit the Members' rights to speak and the Members' rights to offer amendments.

By way of conclusion—

**Mr. Speaker:** By way of conclusion.

**Mr. Gray (Windsor West):** By way of conclusion, Mr. Speaker, I say that what the Government wants to do is clearly contrary to the Standing Orders of this House, particularly Standing Order 1. The traditions and precedents which Standing Order 1 covers are valid, binding and relevant in the operations of this House.

**Hon. Edward Broadbent (Oshawa):** Mr. Speaker, the motion which the Government would like this House to be dealing with, if it should be proceeded with in this House, and I stress that, and debated in a serious way as the Government wants, would be a denial of the most fundamental rights of parliamentary democracy rather than a triumph of parliamentary democracy.

The reality is that this Government is now trying, by using a procedure that has not been used in 105 years, to get away with what it clearly understands is unacceptable in terms of the current rules of the House of Commons.

[*Translation*]

Last week, the Government made a suggestion to the Opposition Parties regarding the resolution on abortion. The resolution was contradictory, and that is why the Opposition Parties did not agree with this approach. Even Government Members are aware that a resolution must be consistent and coherent to be debated in the House of Commons.

[*English*]

Instead of doing what it ought to have done, Mr. Speaker, going back to the drawing-board of the Cabinet room and presenting an internally consistent and coherent resolution that would be acceptable within the rules of Parliament, and instead of using its majority to demonstrate leadership in dealing with a tough issue and presenting it to the House of Commons, the Government is trying to use its majority to trample over the rights of the Opposition in the House of Commons, and that is totally unacceptable.