

Point of Order—Mr. Nielsen

Mr. Jim Hawkes (Calgary West): Madam Speaker, I listened with interest to the NDP House leader in what I take to be some support for the position taken by the government House leader yesterday. I think it exemplifies some things which have bothered me, as a new Member of Parliament, about the functioning of Parliament and a certain lack of precision, and the possibilities arising out of that for the philosophy we hold to sort of take over and take us to a particular perspective.

I think the counterargument to the NDP House leader is really found in pages 3 to 7 of Beauchesne where it clearly tells us that the rules of the House are to protect us from the tyranny of a majority. We have used that phrase on many occasions in debate related to orders, but yesterday we faced a government decision to change the orders of the day, and there has been some argument presented in relation to that. However, the perspective presented by the NDP House leader, and I think by the Parliamentary Secretary to the President of the Privy Council (Mr. Pinard) relates to the use of Standing Order 18(2), which says that:

Government orders shall be called and considered in such sequence as the government determines.

I suggest to you, Madam Speaker, on first reading that looks like a fairly precise paragraph, but its interpretation hinges on the word "determines." If we consider that the cabinet has an untrammelled right, then it is conceivable the government House leader can rise on a point of order in the middle of a debate and change the orders of the day, and move abruptly from debate for which members have prepared themselves to one for which they have not. That is the principle upon which the government and NDP House leaders have essentially based their argument, that a small group of people in cabinet have an untrammelled right to step on the remaining 250 members' rights to advance their arguments.

Yesterday, Madam Speaker, the government acted on that principle, that they had the right to take away an allotted day, not a day given to an opposition party, but in principle a day which had been determined in advance by the government as being available to any and all members who were or might be opposed to government policies, or who might like the opportunity to indicate whether or not they were so opposed.

Members of this House who had arranged their schedules, put their notes together and had their arguments ready were denied by that move the opportunity to express their collective will. As a member of the Conservative Party of Canada standing here today, Madam Speaker, I would have liked that allotted day to have occurred, I would have liked to have had at five o'clock that vote in which the government, the 30 or 35 members of cabinet, sought the approval of the House for their economic policy, and I would have liked those who were opposed to have had the opportunity to stand up and so indicate. If the government had fallen, Madam Speaker, we would have been in a general election and the voters of this country could have determined whether or not they were in accord with government policy.

Madam Speaker: I would like to ask the hon. member to keep to the point of order brought up by the hon. member for Yukon. Some of the points he is now discussing have been dealt with, and he is also arguing a point as if the debate had been allowed to take place. I urge him to speak to the point of order. I think when we listen to points of order, relevance has to be observed.

Mr. Hawkes: Madam Speaker, I read that part of the rules about relevance this morning and I am sorry if I have strayed a bit. The point of order which the hon. member for Yukon (Mr. Nielsen) raises is based on the very nature of our rules of order in which there is some imprecision, and when faced with that imprecision it is then the job of the Speaker of the House to rule on its interpretation. We have the opportunity, when allowed, to stand in this chamber and try to provide you with our sense of wisdom about how you should rule in such cases.

My support for the hon. member for Yukon, my intervention, is essentially based on what I think are the principles which should guide you in making those very close decisions. I suggest the point of order raised by the hon. member is one of those close decisions where the rules are somewhat imprecise and are, to some extent, in conflict, as different speakers have indicated, and therefore that very difficult decision falls on your shoulders.

I would like to indicate that what we are dealing with here is the power of ordinary members of the House, those 250 who do not serve in cabinet, to hold that cabinet accountable to this chamber. I said I would like a result which led to a general election, but that was never likely. Possible, but not likely. What was more realistic and more likely was that government members who normally supported that cabinet were to be given an opportunity, in the 24 hours preceding that vote, to indicate to the government that unless it changed those things of importance to them which would have been in the motion, they might withhold their support.

● (1420)

Mr. Smith: You are dreaming.

Mr. Hawkes: They could have made the government change the policy in a manner which should be obvious to everyone, in a manner the Canadian people and the majority of the hon. members in the chamber would want.

Mr. Smith: Dream on.

Mr. Hawkes: That is why these opportunities exist in our rules. That is what lies behind the principle of a vote of confidence, and that is what lies behind the need for hon. members to be aware, some time in advance, of the existence of such a day so that they can arrange their affairs on behalf of the people they represent, so that they can be here in this chamber at that allotted time, on that allotted day, to fulfil their obligation to the people who sent them to this chamber.

When we consider the right of government to determine the order of business to be untrammelled in its ultimate sense, and if we take it to its logical conclusion, the government could