

*Extension of Sittings*

debate. The motion for a permanent change in the rules reflected the report of one committee, and it was in an effort to create the parliamentary calendar, and not to do what the Conservatives are trying to do in this motion, to sweep away the parliamentary calendar.

There has been no instance for over 100 years, and no precedent of a Government attempting to suspend the rules and throw them out of the window just to help it get through a number of measures that it did not have the skill and competence to get through by operating within those rules. Our rules, the rules we have today, the rules adopted by unanimous consent with the encouragement and support of the Government, for which it takes credit as a vaunted achievement of parliamentary reform, say that this House is to meet within fixed dates. These rules, for which the Government has been taking credit, I repeat, as an achievement of parliamentary reform, say that the House will sit during the periods of adjournment in only one way, that is, if after the House is adjourned the Speaker deems it in the public interest to do so. If that is the case, he can recall the House. I repeat, he can do it only after the House adjourns and if he deems it in the public interest, and after consultations with the Government.

● (1530)

Our rules, reflecting our parliamentary practice and traditions and for which at least until today the Government was taking credit as an achievement on its part of parliamentary reform, do not say if at any time the Government is not satisfied with its progress on its program, the measures it wants to get through, it can use its majority to cast those rules aside. It is wrong when a Government, as this Government has done, cannot manage its program, is incompetent when it comes to handling and organizing parliamentary business and as a result gets itself into a corner, and to get out of it tries to use its majority to throw the rules out of the window. The Government with this motion today says it wants to cast aside, to discard, the rules of this House because it cannot work or live within them.

I say to you, Mr. Speaker, and I will cite authorities to support my position, the Government cannot treat our rules just like they were another one of the Government's promises made to be broken and discarded, not to be kept and treated seriously.

The rules, which the Government says were adopted because of its own commitment to parliamentary reform, mean the Government must organize itself and fit its program within the framework of those rules. It is not supposed to crush them under foot to cover up its own mismanagement and incompetence.

**Mr. Fennell:** We have put through far more laws than you did.

**Mr. Gray (Windsor West):** We are talking here about something fundamental to our system of parliamentary

democracy. We are not talking about some trivial parliamentary manoeuvre by this Government that is of little significance and has some meaning if only just for today. I repeat, this motion has serious and fundamental implications for Parliament and for our entire system of parliamentary democracy.

I refer you, Mr. Speaker, to Beauchesne's Fifth Edition, Citation 1, the very first citation in this handbook of parliamentary law. It is headed Principles of Parliamentary Law. It reads:

The principles that lie at the basis of English parliamentary law, have always been kept steadily in view by the Canadian Parliament; these are: To protect a minority and restrain the improvidence of tyranny of a majority; to secure the transaction of public business in an orderly manner; to enable every Member to express his opinions within limits necessary to preserve decorum and to prevent an unnecessary waste of time; to give abundant opportunity for the consideration of every measure, and to prevent any legislative action being taken upon sudden impulse.

This citation is from Sir John Bourinot, the learned, important, respected and very well regarded expert on Canadian parliamentary law, from his *Parliamentary Procedure and Practice in the Dominion of Canada*, Fourth Edition.

I want to refer you also to Standing Order 1 of the rules of this House, Mr. Speaker. These, I repeat, are the rules for which this Government takes credit as a fundamental achievement on its part of parliamentary reform. Standing Order 1 under its heading Public Business reads:

In all cases not provided for hereinafter, or by other Order of the House, procedural questions shall be decided by the Speaker or Chairman, whose decisions 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.

The Government itself recognizes that the motion about which I am raising this point of order is not a simple or routine motion. It starts out by saying, and this is the proof I am offering for this point:

That, notwithstanding any Standing Order or practice of the House—

By saying, "notwithstanding any Standing Order or practice of the House", the Government itself recognizes that this motion is not some limited, ordinary or trivial procedural device. It recognizes that its motion relates to the general practices as well as the rules of the House. The motion relates to and calls into question the fundamental principles of our parliamentary law. This I submit the Government must be recognizing in the wording of the motion. I submit that you can and, in fact, must rely on and follow Bourinot's statement of principles and the authority given to you by Standing Order 1 to apply the principles of parliamentary law and other precedents of this House and declare the Government's motion to be out of order.

What are some of the principles as stated in Citation 1 of Beauchesne, the words of Sir John Bourinot? He says that the principles are:

—to protect a minority and restrain the improvidence or tyranny of a majority—