

● (1120)

An eminent parliamentary authority, Josef Redlich, has written that it is the duty of the Speaker to serve the majority and the minority:

—by maintaining the rules and the usage of centuries, and by taking care that both majority and minority are not impeded in the use of the forces and the weapons which the order of business provides for strong and weak. Protection of a majority against obstruction and protection of a minority against oppression are both alike functions of the Chair.

When interpreting the rules of procedure, the Speaker must take account not only of their letter but of their spirit and be guided by the most basic rule of all, that of common sense.

The practice of using dilatory motions as a means of obstruction is undoubtedly sanctioned by our parliamentary practice. However, many parliamentary jurisdictions in the Commonwealth place restrictions on the extent to which they can be used. For example, in the British House of Commons the Speaker has the power to refuse a dilatory motion if he believes it to be an abuse of the rules of the House. By the same token, he is empowered to allow them if he believes them to be justified.

I repeat my conviction that the entire question of the use of dilatory motions during Routine Proceedings needs to be examined and that no procedures should be sanctioned which permit the House to be brought to a total standstill for an indefinite period. Division bells are no substitute for debate.

[*Translation*]

This Parliament has been a Parliament of reform. We have seen important changes implemented designed to facilitate the flow of business, increase the powers of committees, improve the opportunities of Private Members, and increase the effectiveness of our procedures.

The decision of the House to change the manner of electing its Speaker is indicative of the fact that the House of Commons has matured. Has it matured enough to confer upon its Presiding Officer the discretionary powers necessary to control abuse and resolve deadlocks that the British House of Commons gave its own Speaker over a century ago? I believe it has.

[*English*]

Having given serious consideration to all of the arguments that have been made, I have decided that I can best serve the interests of the House by allowing the motion moved yesterday by the Hon. Parliamentary Secretary to the President of the Privy Council. In doing so, I make it clear that this will not be regarded as a precedent for all time, and that in other circumstances the Chair might well disallow such a motion.

I hope all Hon. Members realize that the spirit of my decision has nothing to do with the content of Bill C-22. I am concerned only with the procedures of this House and the implications for the future of what we may do today. There are circumstances in which obstructive tactics can be an abuse of the rules of the House. Equally, notice of time allocation motions after only a few hours of debate at any stage of a Bill can also be an abuse. However, when such notice is given in the face of a lengthy report stage, after detailed consideration

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of a Bill has taken place during a long period of time in committee, I submit that this is a legitimate use of Standing Order 117. Both time allocation motions and dilatory motions are open to abuse. When such tactics are entered upon by either Government or Opposition the balance of democratic parliamentary government can be easily upset. The maintenance of that balance is a fundamental responsibility of the Speaker.

I wish to make it clear to all Hon. Members that if this ruling is resorted to as a precedent, the Chair will interpret it in the light of the prevailing circumstances with a view to maintaining that essential balance to which I have just referred.

I wish to make some additional comments. I have not enjoyed making this ruling. Nonetheless, that is the responsibility that, in the circumstances, Hon. Members have imposed upon me. I have accepted that responsibility with due regard to the traditions of this place which I have tried to adequately express in my ruling. The ruling which I have just made was made after intense consideration of not only our rules and our precedents but also with regard to as much common sense as I could bring to the present situation.

However, I want something to be clearly understood by all Hon. Members wherever they sit in this Chamber. I expect every Hon. Member to take my ruling in the spirit in which it is intended. It is simply this. In the absence of any clear direction according to the standing rules I have had to make a decision.

I want to address a particular concern that was made by some Hon. Members during argument on this important matter. Simply stated it is this. The result of my ruling might be that the right of Private Members to present their concerns under Routine Proceedings could be prevented and, if so, their rights as parliamentarians would be unfairly and wrongfully restricted or, indeed, extinguished. Let me answer that concern. If anyone on either side of the House tries to take what could be considered unfair advantage of my ruling, I serve clear notice that as long as I am Speaker I will not tolerate such a proposition. I have had to make a decision. It is a decision circumscribed by events. No one should presume for a moment that it ought to be used as justification for abuse of whatever form against or violence to the principles of fair play.

My ruling, admittedly, has left some discretion to the Speaker. Until there are some rule changes that help resolve the need for the Speaker to exercise, in the interests of the Chamber, this discretion as Speaker, I shall strive mightily to find an acceptable resolution of the disputes. I believe that the resolution of these inevitable and legitimate disputes should be on the basis of our traditions, our rules, our precedents, and something else as well. By this I mean what is essential to this House of Commons, that is, that well accepted but not always definable thing upon which our whole constitutional history is based. It is fair play and, perhaps I can add as I have already