

Procedure and Organization

one of the most absorbing that I have heard from him. Incidentally, I noted at the time that he took 40 minutes to convey that message. I will undertake to say what I have to say today in a shorter period of time.

During the period 1962 to 1968, the government of Canada was formed by a minority party in this house. During this period many changes were made in the practices and procedures of the house. In many respects the proposal that we have before us today is a product of the developments during a long period of minority government. Instead of two major parties we now have four parties. The key to the proposed rules changes that are before us, I contend, is the substitution of a new doctrine, the doctrine of equality of parties for that of equality of members.

The objective of rules changes that must be made and are being made in this house, Mr. Speaker, must be to strike a careful balance between the very necessary right of the opposition to call to the attention of the public any possible errors, mistakes or unwise provisions in government legislation, and the undoubted right of the majority to bring its measures before the house and have a decision made within a reasonable period of time.

Mr. Gilbert: No one has been stopping the government.

Mr. Francis: The issue before us clearly and simply is one of programming government business. Our Committee on Procedure and Organization was instructed by this house on December 20 last to consider again a rule which had been brought forward in the form of 16A. A number of objections were taken by hon. members of the house at that time. The rules were considered in committee and the committee report contained a proposal for three separate rules.

The first of these, 75A, provides that when there is agreement among all the parties in this house, a motion to allot time may be moved. Rule 75B carries this one step further. It provides that when a majority of three of the four parties represented in this house, including that of the government—since obviously a minister of the government will be proposing the motion—have come to an agreement a motion for time allocation may be placed before the house. These two rules work on the basis of agreement. Where there is agreement, an order to limit debate may follow.

The reason for the prolongation of this debate arises as a result of the government's

[Mr. Francis.]

concern that proposed rules 75A and 75B, without adequate safeguards, would lead to the denial of the principle that the majority under democracy has a right to put its measures before the house for decision and have the decision made within a reasonable period of time. Why is rule 75C needed, Mr. Speaker? I should like to make three basic points at this time, but of course I shall offer little that is new since, in a debate that has gone on this long, most points have been fully covered.

People say, for example, that we have rule 33, the closure rule. Why do we not use it? My simple answer is to point to what happened during the report stage when the Criminal Code amendment was before the house. Under the new rules of the House of Commons there is unlimited right to amend at the report stage of a bill, and properly so. Originally 44 amendments were proposed, being consolidated to 30 after Mr. Speaker had made his rulings. Application of the closure rule would have meant that each amendment would have had to be considered for closure, an obvious impossibility under the circumstances since it would involve a disproportionate amount of the time of the house. Those amendments were introduced as a result of the change in committee procedure which permits an unlimited number of amendments to be adopted for consideration at the report stage in the house. Under those circumstances, the application of the closure rule would have been almost impossible. The simple application of closure will not serve as a means of allocating time effectively.

We then come to the other situation to which the government takes exception. The representatives of the N.D.P. on the Standing Committee on Procedure and Organization argued their case in this regard very effectively. Section 49 of the British North America Act says that questions arising in the House of Commons shall be decided by a majority of voices. I, and hon. members on this side of the house, contend that rules 75A and 75B alone, and without any further safeguards, would veto the ability of the government, even if it had the support of the official opposition party, to bring measures before the house and have them dealt with within a reasonable period of time. If one of the two smaller parties in this house digs in on any important question, the other small party will be in an absolutely key position. It will be in possession of a veto because of its right to unlimited filibuster. That is the basic defect of having rules 75A and 75B stand alone, without additional safeguards.