

troubled because it would seem to me that it is very much a question of legitimate debate. I am having a very great deal of difficulty being able to accept it as a question of privilege.

The difficulty I am in is that while the Hon. Member has a view, which he has put forward very well if I may compliment him for that, other Hon. Members have a different view and the Hon. Member will probably soon be interrupted by other Hon. Members who will tell me that there is a clear order, that there is no question or doubt about what the rules are, and that when the rules are followed in this place it is hardly up to one Member or another to say that that is a question of privilege. That, specifically, is the problem I have to face.

I ask the Hon. Member to put aside completely the merits of his case, which I think he has put forward very adequately in terms of debate. How is the Chair to continue a long debate on a question of privilege which the Chair is having a very great deal of difficulty accepting as a question of privilege, even though I realize I have not heard all of the very persuasive argument of the Hon. Member?

Mr. Kaplan: Mr. Speaker, you have asked me, and I agree, not to dwell on the merits, but I cannot refrain from observing, in just a sentence or two, that from my recollection of the British experience on that subject closure was not imposed but the debate was limited. The Government itself has said that it wants every Member to be able to participate in this debate on as high a level as possible.

I want to respond to you, Mr. Speaker. You have indicated that you see a clear rule and you feel you have no alternative but to apply it. I remind you that in the order you made on April 14 there were also clear rules on which you intervened. There are clear rules giving opposition Members of the House the opportunity to participate by raising the points which they were raising. Your intervention quite reasonably, I will concede, limited the clear rights they had under the rules on which they were relying for their interventions.

At this point the Government is asking you to rely on a rule and I am making a similar argument that, although the rule is there, just as this ruling authorized you to intervene and suppress rights set out in the rules of procedure for the benefit of private Members and opposition Members, you have the authority which you have given to yourself through your ruling of April 14 to intervene there.

You made the point that some Members are in favour of this debate continuing and some Members are against it. I agree. However, I think you will find that those who are in favour of closing the debate down tend to be members of the majority and those who would like to see the debate continue tend to be members of the minority. Therefore, we come back to the very issue which you yourself raised on April 14—the balance between the rights of the majority and rights of the minority.

You have a right to ensure that there is a reasonable debate on this subject. Erskine May makes it clear that in Great Britain, where closure is frequently used, the Speaker has to

ensure that it is not used unreasonably or prematurely or, to use your expression, Mr. Speaker, that it is not used illegitimately. If there ever was such a case, this is it.

You can look back upon how the subject has been dealt with before by the Canadian Parliament. There were hundreds of hours of debate during which over one hundred Members spoke. In this case, in which closure is being applied prematurely and illegitimately, in my submission, there have been less than 20 speakers and less than four days of debate. The Government itself adjourned the debate on the fourth day so there have only been three and one-half days of debate.

If closure is going to be part of the arsenal of this oppressive Government, the Speaker has a clear duty and a well-precedented responsibility to step in and ensure that there is a reasonable debate. Just as the rights of the minority can sometimes be denied in the House on the basis of common sense, as you said yourself, in this case common sense surely demands that the Opposition be given what the Government said it would be given, a full opportunity for debate, an opportunity for all Members to discuss this subject on the highest level.

I am not asking you, Mr. Speaker, to invent a proper length of debate out of whole cloth. I am asking you to look at the precedent in Canada, which is the debate of 1976, to look at the promises of the Government, and to do the fair thing now as you did on April 14 to the disadvantage of the rights of the minority.

Mr. Doug Lewis (Parliamentary Secretary to Deputy Prime Minister and President of the Privy Council): Mr. Speaker, I think I can assist the Chair and perhaps my hon. friend.

Mr. Penner: What arrogance.

Mr. Murphy: You're resigning?

Mr. Lewis: If my hon. friend cares to look at Standing Order 57 he will see that it says that notice must be given before a motion is moved. There is an essential difference between notice and a motion. Yesterday the Deputy Prime Minister (Mr. Mazankowski) gave the House notice. That is the essential difference. Surely no one's rights can be breached by notice.

If I may say so, my friend is premature. We have called the previous motion on capital punishment for debate. It was our intention that the first 27 minutes of today would be occupied by a legitimate debate on the issue. We have continually made the point that we are prepared to negotiate shorter speeches on our side, if one wishes to distinguish between our side and their side. We are prepared to extend the hours. However, the Opposition refuses to negotiate.

Allow me to put the mind of the Opposition at rest and state very clearly the intentions of the Government for today and Monday. It is the intention of the Government to have debate on the issue.