

*Privilege*

I want to make two or three points on this matter. Your Honour has noted that we were both present in the Standing Committee on Justice and Legal Affairs on June 6, 1984. At that time the chairman brought the proceedings to a halt by making a ruling. That ruling was upheld by the committee on a divided vote with the vigorous opposition of the Conservative Party as well as the New Democratic Party. Following that the chairman resigned.

I want to emphasize the point made at the conclusion of the remarks of the hon. member for Nickel Belt. If the hon. member for Mississauga South is allowed to get away with this kind of dictatorial ruling, in effect it subverts, it utterly subverts, not only the Standing Orders of this House but the long-standing traditions and precedents of this House. There are two particular arguments on that I wish to make.

If, in the course of proceedings in committee, members on the government side believe that there is an abuse of the committee taking place, if members on the government side believe that there is a filibuster under way which has to be stopped—and we in this party readily concede that we were attempting to do what we could to lead the opposition to the goods services tax in the finance committee and to use every legal means of doing so; that is what we were doing in accordance with the laws and precedents of this House—surely it cannot be acceptable for the chairman of that committee to state arbitrarily as he did, and I quote: “I terminated it. I just went ahead and did it. The majority has the right to run the country”.

If in fact the chairman of that standing committee or of any standing committee in this House is given those sweeping powers to terminate debate, legal debate, after 31 hours today, what will it be tomorrow if this precedent is allowed to stand? Will it be 20 hours in the committee on communications? Will it be 10 hours in the justice committee? Will it be 2 hours in a legislative committee? There is no limit.

If Your Honour allows this very, very dangerous ruling to stand, what is to limit a future committee chairperson from arbitrarily shutting off debate, not at 31 hours but at any earlier period of time, subject to no debate, because as was very clear last night the chairman said: “There is no debate”. He was right on that ruling.

“There is no debate. You can appeal my ruling to the committee and that appeal is also subject to no debate”.

If Your Honour does not intervene in these circumstances to protect the privileges of all members of this House, a profoundly dangerous and destructive precedent will have been established that surely runs counter not only to the Standing Orders but to the long-standing traditions of this House.

As my colleagues have indicated, there was another mechanism. I want to quote from a very distinguished member of this House who said in the Standing Committee on Justice and Legal Affairs on June 8 1984: “Members will understand and appreciate that there were certain provisions and there are certain provisions under the rules whereby if the government deemed it appropriate to establish some kind of allocation or regime of allocation or limitation of the debate it was open to the minister to go to the House to obtain some authority in that regard which would, if it were obtained, of course, be binding on the procedures in this committee”.

The very distinguished member of the committee who spoke those words was the hon. member for Vancouver South. Indeed that was the appropriate procedure to adopt. Standing Order 78(3) of this House states that a minister of the Crown who has made an attempt to negotiate with representatives of the other parties but has been unsuccessful in doing so can in fact propose a motion.

It is very important that when that motion is tabled in the House—and it can apply to committees under 78(3); it states under consideration that either in the House or in any committee—there is then a debate, a two-hour debate on the wisdom of shutting off debate, and at the end of that process there is a vote.

Both those fundamental elements should be in place before this Draconian mechanism of closure is invoked arbitrarily by the chairman or denied. If this precedent is allowed to stand, there is no debate; not two hours, not one hour, not five minutes. There is no debate and effectively there is no vote of the House on this very important question.

The final point I would make is that it has always been the case that the chair has recognized that we must not allow to be done indirectly what cannot be done directly. That is precisely what the ruling of the hon. member for Mississauga South would do.