

*Transportation*

causing some difficulty. The marginal note refers to the meaning of grain and grain products. At the time I moved the amendment I was not at all certain as to the definition of grain and grain products. I said yesterday that after a considerable search of the statutes I could not find a comprehensive definition of grain or any definition at all of grain products. At the time I moved the amendment I was not in a position to phrase it in such a way that those references would be retained in the bill. That is what I thought the minister and his officials would consider. I did not anticipate that they would attempt to bring back the whole section in a modified form.

In the course of the remarks of those who preceded me attention was drawn to a number of references which I will not repeat. However, I should like to direct your attention, Mr. Chairman, to one or two more references because, in view of the importance attached to this fundamental matter, I think there should be a record in *Hansard* for the benefit of those who may wish to refer to this debate and the ruling of the Chair.

I direct your attention to Bourinot's Parliamentary Procedure, fourth edition, page 328, paragraph IX, which is headed "Renewal of a question during a session". It states in part:

It is, however, an ancient rule of parliament that "no question or motion can regularly be offered if it is substantially the same with one on which the judgment of the house has already been expressed during the current session. "The old rule of parliament reads: "That a question being once made, and carried in the affirmative or negative, cannot be questioned again, but must stand as a judgment of the house". Unless such a rule were in existence, the time of the house might be used in the discussion of motions of the same nature and contradictory decisions would be sometimes arrived at in the course of the same session.

On page 329 of Bourinot appears those comments which were referred to by the hon. member for Winnipeg North Centre.

Another reference appears in Bourinot at page 545. It is headed "A bill, once rejected, not to be again offered in the same session—Exceptions to rule." I hope the chairman will look at this reference. I should like to read one sentence which appears about half way down the page. It reads:

But if an amendment has been rejected in a committee of the whole on a bill, it cannot be proposed again during the pendency of the bill in the committee.

In order that the chairman may have the benefit of any research we on this side of the

house have been able to carry out, let me place on record a statement from May's fifteenth edition at page 380 under the heading "Matters already decided during the same session". The following is stated:

A motion or an amendment may not be brought forward which is the same, in substance, as a question which has been decided in the affirmative or negative during the current session. The rule may be fully stated as follows:—No question or bill shall be offered in either house that is substantially the same as one on which its judgment has already been expressed in the current session.

At page 382 there appears a paragraph headed "Repetition of motions which have been negated". It states:

The most frequent attempt against the rule is to seek to evade it by raising again with verbal alterations the essential portions of motions which have been negated.

Let me read this paragraph which appears at page 397:

With regard to the whole matter it may be stated generally that the reason why motions for open rescission are so rare and why the rules of procedure carefully guard against the indirect rescission of votes, is that both houses instinctively realize, as a precedent referred to above shows, that parliamentary government requires the majority to abide by a decision regularly come to, however unexpected, and that it is unfair to resort to methods, whether direct or indirect, to reverse such a decision. The practice, resulting from this feeling, is essentially a safeguard for the rights of the minority, and a contrary practice is not normally resorted to, unless in the circumstances of a particular case those rights are in no way threatened.

Those are the references which I draw to the attention of the Chair. In light of those references and the importance which Beauchesne, Bourinot and May attach to this fundamental question, I hope the chairman will be assisted in reaching his decision.

I will not repeat the arguments put forward by the hon. member for Bow River and the right hon. Leader of the Opposition on the substance of this matter. I will not go into other particulars concerning the debate we had the other day because I think our case in that regard has been presented. I have attempted to deal solely with the rule by presenting supporting authority. It is my belief that the house made a decision in respect of a review of the Crowsnest rates. The minister, by using different words, is attempting indirectly to reverse that decision. The object of his amendment is exactly the same. It is in support of the rule which prohibits that indirect method of reversing a decision of the house that I have presented my argument.