

Government Orders

Are there any precedents on this motion? As my colleague who spoke previously indicated to the contrary, in past sessions the House has unanimously decided to revive certain bills from previous sessions, and it was only by unanimous consent that such motions were adopted. Again, I simply want to say that this has been used in this session. There have been some discussions and yes, as we know, a bill was dealt with earlier in this session because of the unanimous consent that it had received in order to enable it to proceed.

I simply want to say that Beauchesne's is clear on this point. In the fifth edition, citation 167, Beauchesne's states: "The effect of prorogation is at once to suspend all business until Parliament shall be summoned again. Not only are the sittings of Parliament at an end but all proceedings pending at the time are quashed. Every bill must", and I emphasize must, "therefore be renewed after prorogation as if it were introduced for the first time".

May is also clear. In the recent edition he notes that: "Proposals have been made for a provision either by statute or by Standing Orders for the suspension of public bills from one session to another or for resuming proceedings upon such bills notwithstanding a prorogation".

These schemes have been discussed in Parliament, carefully considered by committees, but by various considerations have restrained the legislature from departing from the rule that parliamentary proceedings are discontinued by prorogation.

The most recent publication we have as hon. members is the *Précis of Procedure* of our own House. Obviously a great deal of thought went into the wording to provide guidance to hon. members. It states on page 157 of our own *Précis of Procedure*:

—any bill of a previous session, in order to be proceeded with, must be introduced again as a new bill. It is possible, however, with unanimous consent, to reintroduce bills in the new session at the same stage they had reached at the old session and to revive committee work in a similar manner with unanimous consent.

That is in our *précis*. This is what we use to guide us in our deliberations, in our process here. In my judgment the government is simply ignoring this in order to expedite its legislative agenda.

In summary, I just want to make six points. The motion is out of order in so far as it contains a question already decided by this House, as argued very aptly by my previous speaking colleagues.

Second, the government has had the opportunity to remedy this flaw in the motion and has elected not to do so. It is not the Speaker's job to facilitate the government's business by permitting the other parts of the motion to be put to the House now.

Third, the motion is too broad. It asks too many questions of the House. It should at least be divided for purposes of debate as well as for voting.

Fourth, the omnibus nature of the proposed motion sets a very dangerous precedent for the management of government business as it permits the normal, conventional, historical, and traditional review of legislation to be circumvented.

Fifth, the motion offends the parliamentary conventions surrounding prorogation. All the authorities and all the practices direct bills to die upon prorogation.

Last, there is no precedent for a government motion which lacks unanimous support of the House to revive bills.

I suggest humbly, Mr. Speaker, that this motion is out of order.

[*Translation*]

Mr. Jean-Robert Gauthier (Ottawa—Vanier): Mr. Speaker, I will be brief. The arguments made so far seem convincing, and I support them all because they are good arguments. It is true that traditionally, when after prorogation a government wishes to resume consideration of a bill at a given stage, unanimous consent is the usual vehicle, and we saw this in the House on May 23 when we gave unanimous consent for Bill C-73, which as you know, Mr. Speaker, has followed the usual legislative course and is now before the Senate.

In that case, I don't see why the government did not apply the same procedure to the other bills it wanted to reinstate. Mr. Speaker, there are two points I would like to make. First, I think we should consider the word "prorogation" and find out exactly what it means. Second, why do we use it and what are the consequences of doing so?