

budget motions under Standing Order 60 to one a session. This is the effect of the new procedure in light of the Commons convention that the House will not consider again a question which the House has voted upon in that session. The convention of course is the basic application of the wider rule against repetition which is essential to the progress of business in the House.

Prior to January, 1969, Standing Order 58(1) and (2) read as follows—I apologize to Your Honour but I must detail this case.

Mr. Speaker: I take it that the hon. member is now raising a point of order and will allow other hon. members to speak to the point of order so that the Chair can take the matter into consideration.

Mr. Lambert (Edmonton West): That is without question, Mr. Speaker. Under the old Standing Orders, Standing Order 58 (1) read:

When an order of the day is called for the House to go into Committee of Ways and Means, Mr. Speaker shall leave the Chair without question put, but the provisions of this section shall not apply when the said order is called for the purpose of enabling a Minister of the Crown to make the budget presentation.

Subsection (2) read as follows:

(2) The proceedings on the order of the day resuming debate on the motion "That Mr. Speaker do now leave the Chair" for the House to resolve itself into Committee of Ways and Means (Budget) and on any amendments proposed thereto shall not exceed six sitting days.

● (12 noon)

These provisions were replaced by the present Standing Order 60 which provides in part:

(2) An Order of the Day for the consideration of a Ways and Means motion or motions shall be designated at the request of a Minister rising in his place in the House.

(3) When such an order is designated for the purpose of enabling a Minister of the Crown to make a budget presentation, a motion "That this House approves in general the budgetary policy of the Government" shall be proposed.

I put it to Your Honour that the former motion under 58 (1) and (2) was a procedural motion which related only to the question of in what manner the House should organize itself on business for a particular sitting day. The motion, therefore, can be repeated on other sitting days throughout the session without repeating a question already decided. Indeed, the word "now" points up the fact that the House was making a present decision and was not deciding on how the House would sit on a day in the past or the future.

The new motion, however, is non-procedural and proposes a question that once accepted or rejected would apply under the general rule throughout the session. The first session of the 28th Parliament, the present Parliament, saw two budget presentations. The motion on the first budget was on October 22, 1968, under the old rule and was in the terms that Mr. Speaker do now leave the Chair for the house to go into the committee of ways and means.

In January, 1969, the new rule took effect. On the second budget, therefore, on June 3, 1969, the motion was

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that this House approves in general the budgetary policy of the government. In this transitional period there was no repetition of the question. In the second session of this Parliament the question was only put once, March 12, 1970. In the third session, the present session, the question was put on December 3, 1970, and approval of budgetary policies was given on February 11, 1971.

The Commons has always honoured the rule against repetition of the same question in the same session. This is confirmed by the continued need for the exception to the rule with respect to legislation. This is a most important part. In legislation we provide for it under the Interpretation Act. Section 34 (2) of the act reads:

An Act may be amended or repealed by an Act passed in the same session of Parliament.

I suggest, Mr. Speaker, it is an exception to the rule. This is a statutory rule of procedure that is applicable to both Houses of Parliament. It is by way of written exception with respect to legislation only to the rule which is unwritten in this House, but in the other place rule 47 is very specific on this point. It reads:

(1) A motion shall not be made which is the same in substance as any question which, during the same session, has been resolved in the affirmative or negative, unless the order, resolution, or other decision on such question has been rescinded as hereinafter provided.

There is a provision in the set of rules for revision. It is interesting to note that the other place confirmed in its revision of its rules rule 47 on August 1, 1969. Although the rule is unwritten in the House of Commons, it is recognized by reference to the method of rescinding a vote. The final prohibition in Standing Order 35 reads as follows:

No member may reflect upon any vote of the House, except for the purpose of moving that such vote be rescinded.

I have more notes on this matter, but the point I want to make is that it should be noted this is the first time that this House is discussing a second budget during one session on the basis of a substantive motion being made a second time. Why I am so concerned about this is to protect the position of members of the opposition now and in the future if this is to continue to be our rule. It may be only pointing up an anomaly in the revised rules to protect the position of hon. members in the House so that they shall not be disqualified in their amendments on the basis that the amendment now proposed or a substantial portion thereof would be the same as the one decided on the occasion of the last budget.

If the government is permitted under the rules to bring forward during the same session a motion dealing with the same matter, in other words, the budgetary proposals of the government twice in the same session either for approval or contrary vote, the opposition must be in the same position. The point I am making may be said to be academic or hypothetical, but I want to stake out the position at this time and draw to Your Honour's attention a point that Your Honour may wish to have referred to the Standing Committee on Procedure and Organization whenever the rules are revised for clarification. It seems