

binding authority. It is not Beauchesne's, it is not the Standing Orders. The language in the précis may be strong and very descriptive, but it is designed so that those of us who are not experts in the rules can have some sort of an understanding of the subject that we may want to have some interest in.

Mr. Boudria: That is a really strong argument.

Mr. Cooper: Perhaps it is a very strong argument.

The hon. member for Ottawa—Vanier as usual made a good argument in the House of Commons and as usual it was very persuasive for people who are watching the debate. What he essentially said, and he referred to Erskine May and other citations of other documents, was that all business of the House of Commons is quashed with prorogation. That was the thrust of his argument.

That is not true. We have plenty of precedents where business from a previous session prior to a prorogation has been reinstated. We have plenty of examples of that. It has not always been quashed. Maybe by another process, but bills, questions and all sorts of things—and you know the precedents as well or better than I do, Mr. Speaker—have been reinstated in this House of Commons. The process may have been different, but the precedent is very clear that in fact there is argument and precedent for reinstatement.

The member for Kingston and the Islands made four points, as I listened to his arguments. The first point was that what we were doing was unprecedented and therefore out of order. If we were to take the argument that any time a decision, action or process is new it is therefore out of order, or because it is different it is unprecedented and therefore it cannot be done, then judges, lawyers, the Speaker of the House, I, in my role as a parliamentary secretary to the House leader, the House leaders of the Official Opposition and the New Democratic Party would not be able to proceed because all we could do if we could rely only on precedents would be simply to follow what our predecessors have done. That in and of itself is not an argument. It is a basis for much of our arguments and in most cases a good reason. Simply because we are using a process or a practice that is not clearly precedented does not in and of itself assure that process is out of order or in some way in contempt of this House of Commons.

Government Orders

We have precedents. We have precedents of reinstating business in this House of Commons. We are dealing today with a different process but the precedents are very clear.

Second, the hon. member says that it is up to the Speaker to maintain order. I agree. I have no problem with that. That is the role of the Speaker. Let us be specific, and I want to raise this particular citation because it applies not only to the arguments of the hon. member for Kingston and the Islands but also to the arguments of the Liberal House leader. It talks about the Speaker's right to rule on motions or processes before the House in order to maintain order. I want to read citation 411, page 149 of Beauchesne's fifth edition, subsection (3), the latter part of the paragraph:

There can be but one question pending at the same time, though there may be numerous matters of business in various stages of progress standing on the *Order Paper* for consideration during the session. The only exception from this citation occurs at the report stage of a bill, when the Standing Orders confer upon the Speaker the power to combine amendments or clauses for discussion and decision.

There were references made to the power of the Speaker in relation to motions. What this citation is saying is that power, the one referred to by my hon. friends, is at the report stage. It is not particularly in this case and there are plenty of arguments and reasons why the Speaker can find that this particular motion is completely in order.

The third argument the hon. member for Kingston and the Islands made was that any irregularity of any portion of a motion would therefore make all of the motion irregular. I believe what he was pointing to is the fact that Bill C-73, as named in this motion, had been previously adopted by the House of Commons by unanimous consent and has now a new number on the Order Paper and we proceeded with it last week, I believe.

He argues that because this particular part of the motion has already been dealt with by the House, the motion in and of itself should be null and void.

Mr. Speaker, I believe that if you check through your precedents you will find one which says that what has happened here is that the House has taken action on a part of a motion and therefore that part of the motion becomes mute, becomes silent.