

GOVERNMENT ORDERS

[English]

HOUSE OF COMMONS

REINSTATEMENT OF BILLS

Mr. David Dingwall (Cape Breton—East Richmond): Mr. Speaker, we object procedurally to the motion that the government seeks to put before the House.

There are three points that I wish to make, and I believe that any one of them is sufficient cause for you, Sir, to refuse to put the question to the House.

First, the motion is defective in that one of its paragraphs is precisely the same terms as the motion already disposed of by this House. This is the paragraph referring to the Crown corporations bill. It is a well-known procedural principle that a matter, once decided by the House, cannot be reopened in the same session. This point is clearly stated in Beauchesne's fifth edition, which I read:

416.(1) An 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 the judgment of the House".

The paragraph in question was contained in a motion put by unanimous consent last week. The motion was carried and the bill referred to in the motion has been dealt with by this House. If the government had wanted to proceed with the rest of the motion, it had plenty of time to put down a new notice without this paragraph; but it clearly cannot now proceed with a motion that includes in my view the offending section.

Mr. Speaker: I wonder if the hon. member could help the Chair. What you are saying is that the offensive part of the motion to which the hon. member is referring was in fact proposed with consent some days ago. Is that correct?

Mr. Dingwall: That is right.

Mr. Speaker: But it remains in the existing motion.

Mr. Dingwall: The second grounds for refusing to put this motion is that the motion attempts to place before the House five completely separate and distinct legislative matters which do not lend themselves to being considered together.

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The government should have given notice of five individual motions. This motion has a legislative effect and it seeks to do in a speedy way what would never be permitted in the normal legislative procedure. The matters dealt with in this motion would never be permitted to be considered together in one omnibus bill and therefore, I suggest, should not be permitted to be dealt with in one omnibus motion.

It is no remedy to permit the motion to proceed with debate being held as if it were one motion with the question being split for a decision. The motion should be divided into separate parts, each of which, if otherwise found to be in order, should be debated and decided upon separately.

Third and finally, I contend that the motion is in principle unacceptable in that it seeks to circumvent, indeed to subvert, the normal legislative process of this House.

In the past this kind of thing has been done only by unanimous consent. Now the government is seeking to establish an ominous precedent by attempting to force this procedure on the House. This is an offensive and dangerous departure from the practices of all parliamentary bodies and the Chair is, I believe in accordance with Beauchesne's citation 123.(1) and Standing Order 1, required to refuse to put the motion because of its unprecedented violation of the checks and balances written into the rules governing the normal legislative process.

• (1020)

If the government wishes to amend the rules, it should bring in a motion to amend the rules. It knew what it was doing to legislative programs when it prorogued last session. It had had the opportunity before prorogation to deal with those rules. It is entirely offensive for the government to attempt now to subvert the very rules that it claimed to champion only five weeks ago.

I submit, Mr. Speaker, that you have the authority to refuse to permit this transgression. On several grounds, three of which I have mentioned, you ought to refuse to allow the government to proceed with this motion.

My colleague from Kingston and the Islands, as well as my colleague from Ottawa—Vanier, would like to make references and interventions on this most important procedural aspect of this motion.