

*House of Commons*

Paragraph 6 of the motion says that “immediately upon the House returning from the Senate after the first Royal Assent of this session, a Minister of the Crown may propose, without notice or debate, a motion to rescind this order”.

This motion goes much, much further than the motion last June. It is drastic enough because, like the motion last June, it sweeps away parliamentary reforms requiring that the House does not sit at night, and also sits according to a fixed calendar. This motion goes further. It sweeps away not just the concept of legislative committees, something relatively new, but also entirely casts aside the concept that legislation be considered in small committees apart from this House with report stage in this House following such consideration, something which has been a fundamental part of our parliamentary process for over 20 years.

It is relevant to note, Mr. Speaker, that you pointed out in your ruling of last June, if I may summarize, that the motion did not do anything drastic to the rules of this House. However, I submit this is not the case here. Quite the contrary. As you said on June 13, 1988, as reported at page 16378 of *Hansard*, referring to the motion of last June:

—I should also reassure Hon. Members that its passage would not throw out the rule book, nor would it destroy the major recent reforms.

That is not the case with the motion before us. I have already pointed out that this motion would destroy a very important recent reform, that is the concept of the legislative committee.

Your ruling last June was based on two key citations from *Beauchesne's*, Citation No. 21 of *Beauchesne's* Fifth Edition, and Citation 10 of *Beauchesne's* Fourth Edition. It I may quote them very briefly, Citation 21 of *Beauchesne's* Fifth Edition refers to the rules of procedure generally:

The most fundamental privilege of the House as a Whole is to establish rules of procedure for itself and to enforce them. A few rules are laid down in the British North America Act, but the vast majority are resolutions of the House which may be added to, amended, or repealed at the discretion of the House. It follows, therefore, that the House may dispense with the application of any of these rules by unanimous consent on any occasion or, by motion, may suspend their operation for a specified length of time.

I also want to quote Citation 10 of *Beauchesne's* Fourth Edition which you also used as a foundation for your ruling. It says in part:

Standing Orders may be suspended for a particular case without prejudice to their continued validity, for the House possesses the inherent power to destroy the self-imposed barriers and fetters of its

own regulations. It may even pass an order prescribing a course of procedure inconsistent with the Standing Orders. A motion for such temporary suspension requires notice—but in urgent cases the notice can be waived—

I draw your attention to the words “for such temporary suspension”.

You used these citations as a foundation for your ruling of last June, and I will and do argue here that they clearly apply only to a temporary suspension of the rules, a motion by the Government for a “temporary suspension” of the rules, to quote Citation 10, or a motion which is for “a specified length of time”, to quote Citation 21.

• (1720)

This motion today is clearly not for “a specified length of time”, or to bring about “a temporary suspension” of the rules. Nor, by the way, is it limited to dealing with “a particular case”, to use another phrase from a citation. Instead, it applies to any and all Bills that the Government may choose to put on the Order Paper.

Again, as I have said, unlike the motion of last June, it does not end after a specified length of time.

By way of conclusion, I want to say that with this motion the Government gives the appearance of trying to smuggle in a drastic change in the rules, a permanent change in the rules, under the guise of forcing passage through this House of its trade legislation.

It has done this without having first had the advice of a parliamentary committee to study the matter, which has been the case in the past, or even without any consultation with the Opposition, which has also been the case in the past. In fact, this change in the rules is a reversion to an old, outmoded process, and the Government itself has in recent months been taking credit for helping bring about its elimination.

Therefore, relying on the Standing Order requiring you to rule on the acceptability of any motion or measure before it is debated or voted on, I call upon you to reject this motion before us. I call upon you to reject this motion, not only because, in effect, it is not within the ambit of your ruling of last summer, but it is also not covered by the citations on which you founded your ruling, inasmuch as it does not deal with a specific case. Nor does it attempt to bring itself to an end after a specified length of time or last only for a temporary period.