

and (7) of Beauchesne's fifth edition, pages 38 and 39, which reads as follows:

(5) Hypothetical queries on procedure cannot be addressed to the Speaker from the floor of the House.

(7) The opinion of the Speaker cannot be sought in the House about any matter arising or likely to arise in a committee.

Consequently, I think that if my hon. colleague wishes an opinion on parliamentary procedure, it is not appropriate for him to direct such a request to the Speaker, from the floor of the House. These questions are procedural, they are hypothetical, and I submit, with due respect, that it is not up to the Chair to answer them.

[*English*]

Mr. Andre: Madam Speaker, hypothetical or not, and I would argue it is not, we are in a dilemma in that you have ruled that since there is no precedent you cannot address the question that this bill has no principle, or that it has a multitude of principles, and all the other problems. If the Speaker cannot do anything because there is no precedent, the Speaker can never do anything. Precedents are only established by Speakers. Having ruled that you cannot act because there is no precedent, Madam Speaker, you have in essence ruled that no Speaker can ever act. Because you have to start somewhere: which is the chicken and which is the egg?

Mr. Nielsen: What about Bill C-93?

Mr. Andre: We are in a circumstance, Madam Speaker, where literally the tyranny of the majority prevails in contravention of Citation 1 of Beauschene. There is absolutely no possibility of preventing the government from doing anything unless perchance some Speaker was not so proscribed in the past as to say "Yes, I will take action, even though it is establishing a precedent." If you cannot act because there is no precedent, nobody can ever act on anything.

I humbly submit, Madam Speaker, that there is no protection of this chamber from the tyranny of the majority in that circumstance.

Madam Speaker: The hon. member should know that the only protection that members have, apart from the one specified very clearly by the rules and which the Speaker is bound to enforce, is the House itself. The members themselves should be making the rules by which the Chair will conduct the debates or preside over the debates of this House of Commons.

The hon. member is inviting the Chair, in the absence of a precedent or a rule, to make one of her own. I submit to the hon. member that is the last thing a Speaker should do. In the absence of precedents or any valid argument or valid rule on which I could base a different judgment from the one I have just made, I have to refer the question to the House itself. That is why in my decision I have asked the House, if it feels this question has to be addressed, to determine guidelines or rules that would be applicable to the particular situation which the hon. member so ably brought forward in the House the other

Energy Security Act

day. But it is wrong to ask the Chair to substitute her own rules in the absence of clear rules or clear precedents.

Mr. Andre: Madam Speaker, I move therefore, that Bill C-94 be put aside and a committee of this House be authorized to examine the appropriateness of omnibus bills of this sort containing multiprinciples being brought before the House. If that is a requirement on which the House needs to judge, then the Chair should allow this House some mechanism upon which to reach that conclusion.

If a precedent can never be established, and the House has no mechanism to carry forward the suggestion which you, Madam Speaker, have raised, we are back to the fundamental dilemma that whatever is proposed by the majority shall come to be; that is, the tyranny of the majority will prevail in direct contravention of Citation 1 of Beauschene.

[*Translation*]

Mr. Pinard: Madam Speaker, two things are quite clear from the hon. member's statement. First of all, he has been thoroughly criticizing one of your rulings which is based on the standing orders and parliamentary procedure, and that is in itself inadmissible. Second, he is proposing a motion without having given prior notice to the House, which is entirely irregular. In the circumstances—we are pressed for time since we have already wasted seven days on second reading of a bill supported by the party that is now using delaying tactics—I suggest that we proceed without further delay with consideration of the bill in question which the Chair ruled was admissible and which we are ready to debate.

Madam Speaker: To conclude on the statement by the hon. member for Calgary Centre, it is clear that I cannot accept his motion since no prior notice was given, which is against the Standing Orders of the House.

[*English*]

Hon. Erik Nielsen (Yukon): Madam Speaker, the intervention by my friend, the hon. member for Calgary Centre (Mr. Andre) was by no distortion or stretch of the imagination a criticism of the ruling of the Chair. That is not the way I heard it. The hon. member was seeking desperately not only for clarification but for guidance, having regard to the very serious nature of the question raised by him and the very serious consequences of the ruling by the Chair.

The government House leader suggests that it is wrong to ask the Chair for guidance on a hypothetical question. There is nothing hypothetical about the fact that the bill is before us accompanied by a ministerial press release which sets out seven different principles. The hon. member for Calgary Centre has submitted that the bill goes beyond that, but I am prepared to sit with the minister's own press release. The guidance and clarification we seek, Madam Speaker, is: does your ruling now mean that the long-established precedents and practices of this House that it has a right to divide on the principle of a bill—because that is what second reading is all about—has now been expanded to the point where the House