

Business of the House

Therefore, for all these reasons and since it is obvious to the Chair and everyone else that no unanimous consent will be given, and because this is not the proper time—

Mr. Nielsen: I would like to be heard, Madam Speaker. I would like to be heard before the Chair makes any firm ruling.

Madam Speaker: I will hear the Hon. Member because I have no interest whatsoever in not allowing the House to come to some kind of agreement if it can. If I can stretch the rules at some point when everyone agrees that perhaps we should have more discussion, I will do so. But I am warning Hon. Member that they are using a procedure that is not to be used at this time. That is not a ruling but a comment on what is usual under this particular item of business.

An Hon. Member: They are the rules of the House.

Madam Speaker: They are the rules of the House as well. However, perhaps Hon. Members could seek another time to propose these matters, which are very promising if I understand what Hon. Members are saying. Some of the amendments which I have declared out of order are being resuscitated, but if they can be worded in such a way as to make them admissible, and if Hon. Members on both sides of the House want those amendments, I see no reason why they should not have them.

Mr. Nielsen: Madam Speaker, in a preliminary way I suppose, you have made observations from the Chair with respect to the rule against anticipation which I submit has no application in the process that is going on here, notwithstanding the usually brilliant arguments of the President of the Privy Council. I submit to you that he was wrong on that.

We are not proposing amendments. The Members who have risen so far and the Member who was on his feet—

Some Hon. Members: Oh, oh!

Mr. Nielsen: I see the Speaker smiling again. She obviously believes that I am not serious in making that statement. Well, Madam Speaker, we are not proposing amendments. The process that is before us is the seeking of unanimous consent to amendments so that they might be placed on the Order Paper for discussion. Failing that unanimous consent they will not be placed on the Order Paper for discussion, contrary to what they are saying on the Government side. The place in our proceedings for discussing House business is the proper and appropriate place for this process.

I have several citations, including some of your own, which I would like to cite in support of that proposition. It is a well established fact that the House is master of its own rules. The Standing Orders outline the ordinary methods or rules of procedure, but they in no way restrain the House from deciding by way of unanimous consent to alter the manner in which it will proceed with respect to a given matter that is to be considered by the House.

You might give great weight to the statement of the Government House Leader that they intend to refuse consent to

anything proposed by this side of the House. We are used to that kind of arrogance coming from the Government side. However, let us stretch the imagination, and not the rules, by asking if the Government House Leader would take that position if one of our Members stood up and moved that we adopt passage of all remaining stages in the next hour? I suggest to you that he would not. I suggest to you that the Government would consent to that rapidly enough.

Therefore, I believe that a global approach to consent is wrong. During my time in this place we have always approached items seriatim. These Members who are rising to seek consent of the Chair must be dealt with seriatim, and consent must be asked and either granted or denied on each occasion. For who is to predetermine whether some Member will rise to make a proposal that will find acceptance on the Government side?

My understanding of the authority of the House to proceed as it chooses is contained in Citation 13 of Beauchesne's Fifth Edition where the following words may be found at page 6 under the heading "Unanimous Consent". Citation 13 reads:

13. (1) Within the ambit of its own rules, The House itself may proceed as it chooses; it is a common practice for the House to ignore its own rules by unanimous consent. Thus, bills may be passed through all their stages in one day, or the House may decide to alter its normal order of business or its adjournment hour as it sees fit.

(2) The House is perfectly able to give consent to set aside its Standing Orders and to give its unanimous consent to waive procedural requirements and precedents concerning notice and things of that sort.

● (1540)

As authority, the *Debates* for June 28, 1977, at page 7154, are cited.

If, as practice and Beauchesne indicate, it is within the authority of the House to waive its rules through unanimous consent, it follows that Members have the right to seek unanimous consent to waive procedural requirements and precedents. The only means by which a Member can seek unanimous consent is to ask, through the Chair, for the consent of the House to waive the ordinary rules.

I submit that the Chair is bound to seek unanimous consent when that consent is sought by any Hon. Member. Citation 411 of Beauchesne's Fifth Edition describes the process of debate. Citation 411(1) reads as follows:

Every matter is determined in the House of Commons upon a question put by the Speaker, on a proposition submitted by a Member, and resolved either in the affirmative or negative as the case may be. This proposition, called a motion, is a proposal moved by one Member, in accordance with certain well-established rules, that the House do something or order something to be done or express an opinion with regard to some matter.

As Citation 411(1) clearly states, every matter is determined in the House of Commons upon a question put by the Speaker on a proposition submitted by a Member. Citation 412 considers the definition of a question. It states at page 150:

The question is the subject matter of the motion, and on the merits of that subject matter the House has to give a decision either unanimously or by the majority of the members present. Every question when agreed to assumes the form either of an order or a resolution of the House. By its orders the House