

*Point of Order—Mr. Nielsen*

A written notice of motion pursuant to Standing Order 62 was filed with the Table during the sitting yesterday. On that basis, I submit that the Opposition has met the notice requirements for an Opposition day motion and that the business of the House today should be the consideration of an Opposition day motion. Instead, Mr. Speaker, the Projected Order of Business indicates that the business to be considered in the House today is the report stage of Bill C-155. As well, today's Order Paper contains no reference to the motion that I submitted to the Table on behalf of the Hon. Member for Wellington-Dufferin-Simcoe (Mr. Beatty). In other words, the supply day that was allotted by the Government House Leader yesterday seems simply to have disappeared.

In anticipation of your dealing with Standing Order 47, Mr. Speaker, I submit that it has no applicability here. It is Standing Order 62 that deals with supply days. As there may be some concern that proper notice was not given yesterday or that the events which transpired in the House prior to the adjournment last evening may have blocked the filing of the notice of motion, I would like a moment to discuss yesterday's events as they occurred and the practices of the House with respect to the notice requirement.

It was at 5.12 or 5.15 yesterday, when Members returned to the House to vote on the motion of the Hon. Member for Vegreville (Mr. Mazankowski), that the Government House Leader spoke to me to confirm the fact that today would be an allotted day. I do not rest my case on that but I think that fact should be made known. He did the same thing last week when he allotted a day. Out of courtesy, he simply confirmed to me that there would indeed be an allotted day today. You will recall, Mr. Speaker, as can be demonstrated by reference to page 28349 of *Hansard*, that the announcement made by the Government House Leader was, in his own words, subject to change. At 5.12 p.m. yesterday, the Government House leader informed me that there would be no change and that the Government intended to proceed with an allotted day today.

Immediately after my discussion with the House Leader, proceedings began in the House again and I became involved in presenting a lengthy point of order on which the Government House Leader also made a submission. At the conclusion of the point of order, the House proceeded to the division on the motion for the Hon. Member for Vegreville. Throughout this period I did not have the opportunity to file the Opposition day motion with the Table. However, I did file with the Table a copy of the notice of motion during the time in which the division bells rang prior to the division on the time allocation motion moved by the Minister of Transport (Mr. Axworthy). At that time the House was still sitting and, indeed, still had a decision to make. In other words, the notice of motion had been given to the Table well before I rose to seek the consent of the House to file the motion.

● (1120)

**Mr. Deputy Speaker:** May the Chair interrupt the Hon. Member to ask him a question at this point? At what time

yesterday was this notice filed? I am asking the Hon. Member if he cares to offer this information.

**Mr. Nielsen:** Mr. Speaker, it was filed after the division had been recorded on the motion of the Hon. Member for Vegreville and before the division on the motion of the Minister of Transport. The House was still sitting, waiting to record the division on the motion of the Minister.

**Mr. Deputy Speaker:** The Hon. Member is being very helpful and very explicit. I hope he understands the reason why the Chair is asking the question. This was after six o'clock?

**Mr. Nielsen:** Yes, of course it was, and I will get to that in a moment. It appears quite clearly from the record.

However, my point is that it was filed while the House was still sitting. As I noted in my remarks last evening, I submit that consent was not needed. The Government House Leader was of the same view last evening, and I believe that he still is, although he may have some quarrel with my submission as to the correct order to be called today. I rose to seek consent last night so that there could be no question that the motion had been filed and there could be no question that the motion was properly before the House today. I did that because of a knowledge of some apparent doubt which existed with one or two of the officials at the Table.

You will recall, Mr. Speaker, that the NDP at that time refused to give their consent to the filing of the motion. I can only presume that they did this in order to facilitate debate on the Crow and to prevent the House from considering the matter of Revenue Canada's abuse of authority. But Madam Speaker, having determined that consent was not forthcoming, adjourned the House for the day. At that point in time the House was still sitting. Indeed, the House was called upon to make a decision as to whether or not that consent would be forthcoming.

Therefore, we arrive at the current stage of the proceedings. The motion is not on the Order Paper and I question the absence of it. The Projected Order of Business indicates that Bill C-155 is the business for today. If Bill C-155 is proceeded with, I believe that the House could not then move to an Opposition day motion and complete consideration of that motion today. That is plain. As a result, it is most important that any outstanding questions with respect to the procedural acceptability or validity of the motion of the Hon. Member for Wellington-Dufferin-Simcoe be settled now, at this stage. It is something we cannot reserve.

The key point in my submission rests on Citation 399 of *Beauchesne's Fifth Edition*, as previously cited. The substance of Citation 399 may be traced back at least as far as the Third Edition of *Beauchesne* which also contains, at pages 827 and 828, the Speaker's ruling on which the citation was based. That ruling is quite lengthy but I believe it bears directly on the events of yesterday and that it will help the Chair to make a ruling on the point of order now before the House.