

*Supply*

● (1115)

I submit that the Chair should not instruct the Official Opposition on how it must deal with the division of the allotted days to which the Official Opposition is entitled during supply periods. I suggest to the Chair that the discretion of the number and the discretion of the timing are discretion lying within the exclusive jurisdiction of the Official Opposition in the House.

The Chair is confronted with not only two but three motions on the Order Paper with respect to allotted days. One is in the name of the Hon. Member for Wellington-Dufferin-Simcoe (Mr. Beatty). I will cite them in chronological order with respect to the time they were accepted for filing by the Chair. As I said, the first is in the name of the Hon. Member for Wellington-Dufferin-Simcoe, the second is in the name of the Hon. Member for Kingston and the Islands and the third, which was tabled yesterday, is in the name of the Hon. Member for Kamloops-Shuswap. As I understand it, after having failed to obtain unanimous consent to put the motion yesterday, it was then filed with the Table. In any event, the motion was filed subsequent to the motion filed by myself on behalf of the Hon. Member for Kingston and the Islands.

There are some numbers which should be taken into account in exercising your discretion, Mr. Speaker, under Standing Order 62(4)(c). Based on the fact that New Democratic Party Members in the House constitute approximately 23 per cent of the Opposition, according to practice they would be entitled, in our view, to roughly six of the 25 Opposition days in any given year. We agree with the Hon. Member for Hamilton Mountain that this would be their normal entitlement. However, he is wrong in the manner in which he has chosen to calculate these days. He will be making his own argument in that respect, as he has in a letter to me which requested the allotment of one of these five days. The letter was delivered to me by hand after I had already filed the motion of the Hon. Member for Kingston and the Islands.

I want to emphasize that the first supply period in this session was an extended period ending December 10, 1980. Therefore, the calculation of the annual allotment of supply days should begin in the fall trimester; that is when it should begin, not on January 1. On this basis it can be seen that last year Members of the NDP received six Opposition days out of a total of 25, which is their fair allotment.

We are now about to commence the fourth day in the fall trimester, the first trimester of supply for the purpose of our calculations. Although the first four supply days have been taken by the Official Opposition, there is no obstacle which prevents the NDP from receiving a share of the remaining 21 days, accepting my submission that we start in the fall trimester. I have indicated to the Hon. Member for Hamilton Mountain that we are prepared to give those days to the New Democratic Party, as we always have in the past. Indeed, just before coming in here I gave him that undertaking. However, this is done at the initiative of the Official Opposition, Her Majesty's Loyal Opposition, or the Opposition, however you want to call it.

● (1120)

If we operate on any other principle, there not being any specific divisions set forth in the Standing Orders, then what we would be doing would be negating the idea that there is an Official Opposition in this House with some exclusive rights by virtue of being that Opposition. What we would do if we depart from the practice of allowing that discretion to remain with the Opposition would be to give a minority Party in the House the right to decide at any time when it will elect to have an allotted day.

I might point out that while there are three motions on the Order Paper attempting to use the fourth allotted day, the NDP, in making the submission that they are now entitled to have their motion considered before two others filed in priority, are making a presumption with respect to the disposition of the final day in this trimester. That argument happens to be academic, because not even the Chair knows what disposition is going to be made with respect to that day coming up on November 28.

**Mr. Malone:** Nor does the House Leader.

**Mr. Nielsen:** Nor does the House Leader at the moment, as my colleague points out. There is nothing in our Standing Orders that requires the Opposition—and I submit that the majority on this side are the Official Opposition—to make any division.

Second, we have functioned in the past on the basis of fairness but without any requirement technically in the Standing Orders to divide those Opposition days on the basis of numerical representation in the House. We have done that on a global basis. We have allotted a little less than one-third out of the 25, not out of the five in the fall trimester, the seven in the spring trimester and the 13 in the final trimester. We have not approached it that way. In the past we have operated on the basis of the 25 days being divided. Nor is there any obligation, with respect to the two votes in each of those semesters, as to when those votes are going to be allotted.

The strongest argument I make to you, Mr. Speaker, is the right of the Official Opposition to exercise that discretion. It has not been abused in the past. Even though there is no technical requirement for allotting any days, we have been fair throughout. Even the Hon. Member for Hamilton Mountain will agree with that. They have never been dealt short on a fair division of the days, but that discretion rests with us and, with great respect, with no one else.

● (1125)

Even if that argument does not find favour with the Chair, there is the argument that if any discretion is to be exercised under Standing Order 62(4)(c), then that discretion should be exercised on the basis of the time of filing of the motion. There are two motions that were received by the Table prior to the motion of the Hon. Member for Kamloops-Shuswap, the one filed by the Hon. Member for Wellington-Dufferin-Simcoe which we prefer not to have called today, and the one filed by myself on behalf of the Hon. Member for Kingston and the