

Point of Order—Mr. Nielsen

been complied with. I point out with respect, and with no reflection on the action of the Speaker who was present at the time—I do not know who it was—that it was up to the Chair at that time to seek the consent that was necessary, as the Government House Leader displayed on the occasion of July 27, 1982. That consent was not sought.

It might be said that now that record is part of *Hansard* it constitutes some kind of precedent as to the manner in which notice must be given under 75C. I suggest to the Chair that simply because no objection was raised at that moment to that notice on that Bill, it does not establish that event as a precedent for all time to be taken into consideration in reaching a decision as to whether 75C has been properly invoked. My submission is that it was done the wrong way and that consent should have been sought.

It is of singular importance to note that in all cases, apart from that one aberration, since that Standing Order has been utilized in this place—and I believe it came into force in 1969—notice under 75C has either been given during Routine Proceedings or during the discussion of the measure which the notice intended to affect. That was not done in this case.

Last night we were discussing Bill C-139, an Act to amend the Income Tax Act. In my submission, based on those precedents, that notice was wrongly given and is a nullity. Let us just reflect for a moment on the wording of 75C:

A Minister of the Crown who from his place in the House at a previous sitting has stated that an agreement could not be reached under the provisions of Standing Order 75A or 75B—

There is nothing wrong at all so far. It is the next words that are important:

—in respect of proceedings at the stage at which a public bill was then under consideration—

My submission is that Bill C-85 had to be then under consideration in order to allow the Minister to invoke the provisions of Standing Order 75C.

Some Hon. Members: Hear, hear!

Mr. Nielsen: That is in those cases where the notice is not given during Routine Proceedings, which I submit would be the proper place for it to be given.

That essentially is my submission to the Chair. I believe that the notice is a nullity. We cannot proceed with the triggered debate for two hours today unless the Government now wishes to call Bill C-85. If it calls C-85, then certainly it can give the notice; but it cannot give it during debate on a matter which is not the subject matter of the notice.

Those are my submissions. I tried to give the Chair as much notice as possible last night because I realized this matter required an immediate decision of the Chair.

I further submit to the Chair, on the basis of the literal raft of precedents, that the Chair really is compelled to come to the conclusion that either the notice should have been given under Routine Proceedings, which could have been done quite easily by any Minister of the Crown giving notice yesterday during Routine Proceedings, or during a discussion of C-85. There

may be other ways. However, what happened last night is certainly not one of them.

Mr. Ian Deans (Hamilton Mountain): Madam Speaker, I will be brief in dealing with this point. I want to say that the Hon. Member for Yukon (Mr. Nielsen) has made a submission both lengthy and elaborate, obviously well researched and supportable.

I want to say that to give notice of 75C in the middle of another debate is quite unacceptable. If it were not for the way that *Hansard* does its work, it would be entirely possible for Members of the House of Commons not to be made aware that 75C had been announced by the Minister during the course of the debate last evening. That is crucial. Surely Members are not required to read every word uttered by every Minister every day in order to determine whether at some point in time some Minister rose to give notice of 75C. They have reason to expect that the notice will be given in the usual way at the usual time.

I urge you, Madam Speaker, to read page 21551 of *Hansard*. The Minister did not at the beginning of his speech, almost the entire content of which was out of order, bring to the attention of the House, either by way of a point of order or in any other obvious way, that it was his intention to notify the House that 75C was to be used.

The Minister went on for a number of pages during the course of his deliberations, starting at page 21549. It was not until page 21551, in the middle of his speech, that he was giving notice of the use of 75C. I make the point that *Hansard* need not have put a heading in the speech "Business of the House". *Hansard* need not have done that; but had *Hansard* not done that, then the notice which the Minister gave last night would have been buried in the middle of a speech on another piece of legislation and would have escaped the notice of the majority of the Members of the House of Commons. If for no other reason than that, the notice was not properly given.

I want to say further that all of the precedents given by the Hon. Member for Yukon are valid. This is not the way the Government has normally gone about giving notice to the House of Commons. This is not an acceptable way for the Members of the House of Commons to be given notice. I suspect that it probably was intended that he give notice at eight o'clock, but perhaps he was not here; or maybe it was intended that he give it during the Routine Proceedings earlier in the day, but perhaps he was not here. I do not know about that. I am surmising that may have been the case.

• (1540)

Mr. Nielsen: Any Minister could have done it.

Mr. Deans: It is true, any Minister could have done it. But I ask you in the interest of fairness, Madam Speaker, to rule that this way is unacceptable, that there is no precedent for it, and that because there is no precedent for it, it is unacceptable. But even more important than that, we must establish here and