

HOUSE OF COMMONS

Thursday, October 27, 1983

The House met at 11 a.m.

● (1105)

[English]

POINT OF ORDER

MR. NIELSEN—CONSIDERATION OF ORDERS OF THE DAY

Hon. Erik Nielsen (Yukon): I rise on a point of order, Mr. Speaker.

Mr. Deputy Speaker: The Hon. Member for Yukon is rising on a point of order.

Mr. Nielsen: Yes, Mr. Speaker. I have to rise at this time in order to present to the Chair a submission with respect to what should be the Orders of the Day today. I believe it is important in raising this matter prior to the calling of the Orders that I should cite from *Beauchesne's Fifth Edition Citation 237*, which states at page 79:

A point of order against procedure must be raised promptly and before the question has passed to a stage at which the objection would be out of place.

● (1110)

Standing Order 62 provides, Mr. Speaker, that 25 days are to be allotted for the consideration of the business of supply in any given year. On those days Opposition motions shall take precedence over all Government supply motions. Standing Order 62(5) outlines the semesters of supply and establishes that in the period ending not later than December 10 each year, five days are to be allotted to supply. To date in this semester the House has considered the business of supply on one day only.

Yesterday, the Government House Leader stood in his place and announced that today would be an allotted day for the consideration of the business of supply. His words may be found at page 28349 of *Hansard*, and I read those words under the heading "Business of the House":

MR. PINARD: Madam Speaker, I should like to designate tomorrow as an Opposition day, this being subject to change.

The form of the Government House Leader's notice that he would be allotting today for supply is fully consistent with the established practices of this House. I emphasize the word "practices". Following upon the notice given by the Government House Leader, the Opposition was required by Standing Order 62(4) to give written notice of the motion to be considered on the allotted day. Standing Order 62(4)(a) and (b) outline the notice periods for Opposition day motions. Standing Order 62(4)(a) says:

Forty-eight hours' written notice shall be given of motions to concur in interim supply, main estimates, supplementary or final estimates, to restore or reinstate any item in the estimates. Twenty-four hours' written notice shall be given of an

opposition motion on an allotted day or of a notice to oppose any item in the estimates.

Standing Order 62(4)(b) says:

If an opposition motion pursuant to section (9) of this Standing Order is to be proposed on a Friday, forty-eight hours' written notice shall be given that the recorded division on the motion, if demanded, is not to be deferred.

Those are the two applicable Standing Orders to my submission. Today being Thursday, only 24 hours' written notice was required for an Opposition motion. Although the notice requirements are expressed as a period of 24 or 48 hours, the long established practice of this House has been to understand these requirements such that the 24 hours' notice requirement is fulfilled if notice is submitted during the sitting day prior to the consideration of a motion, and such that Citation 400(1) of *Beauchesne's Fifth Edition* states:

The publication of a proposed motion, once in the *Notice Paper* and the next day on the *Order Paper*, is sufficient to cover two days' notice under S.O. 42.

I emphasize, too, the submission that the practice requirements have been met so long as that notice is submitted during the sitting day.

If the notice requirement for today's Opposition day motion were to be strictly interpreted as amounting to 24 hours, Mr. Speaker, there would have been insufficient time between the time the Government House Leader rose in the House to allot today as an Opposition day and the time of 11 a.m. this morning when the House was scheduled to enter into consideration of Orders of the Day. That is the reason for the long established practice of notice being sufficiently filed if done within a sitting day.

● (1115)

Yesterday the House did not sit until 2 p.m. Thus, if a full 24 hours were required to elapse between the filing of a written notice and the time that a motion could be taken up in the House, an Opposition day motion could not be considered prior to 2 p.m. today. Because the Government House Leader could not rise for the purpose of giving notice of his intention to allot today for the consideration of the business of supply before Routine Proceedings had been reached, the 24-hour period, strictly interpreted, could not begin to run until at least 3 p.m. yesterday.

However, Mr. Speaker, Citation 399 of *Beauchesne's Fifth Edition* notes as follows under the heading "Publication of Notices":

The exact time at which notices should be handed to the Clerk at the Table is of minor importance.

As authority for that, there appears the reference to *Journals*, April 14, 1913, at page 461.