

Point of Order—Mr. Nielsen

it is the prerogative of the opposition to raise such subjects. Perhaps I should read Citation 479(2), which states:

The opposition prerogative is very broad in the use of the allotted day and ought not to be interfered with except on the clearest and most certain procedural grounds.

I draw attention to the words "on the clearest and most certain procedural grounds." I am not referring to the substance of the motion at all. If the Speaker has a right to make any decision changing the allotted day, the change cannot deal with the procedure but must really deal with the substance of that particular motion, unless the procedural grounds are extremely severe, perhaps involving the form of the motion.

I remember a case a number of years ago involving a supply motion which anticipated some other business than that which was before the House, and this raised a question. There was the prerogative of the Speaker to clarify the situation. I submit that in the case of Beauchesne Citation 479(2) the only thing the Speaker can do is perhaps to interfere on very extreme grounds. I do not think the case can be made that the Speaker has interfered with the right of the opposition to proceed with the supply motion today.

● (1430)

Mr. Nielsen: Will the hon. member permit an interjection at this point? I think I can assist him.

Mr. Collenette: Perhaps at the end, Madam Speaker, I will leave that up to Madam Speaker. I would like a minute.

Madam Speaker: Yes. We are on a point of order. We cannot have a point of order on a point of order.

Mr. Nielsen: I just thought I could assist the hon. member.

Madam Speaker: The hon. member will not permit a question at this time, will he?

Mr. Collenette: If you will permit a question after I have finished, Madam Speaker, that is your decision. I am in your hands. As hon. members know, I am very obliging. I would not want to not help the opposition.

Madam Speaker: Does the hon. member want to accept a question?

Mr. Collenette: No, Madam Speaker, I have just about finished.

It is my contention, when we talk about allotted days, that these are indeed government days. The only difference is that a motion is attached to supply days which is designated by the opposition. There is no hesitation there.

On the question of the hon. member for Calgary West, the point I really wanted to make was that he was suggesting that the government could, in some way, arbitrarily, in the middle of debate, cut off that debate. Subject to correction, the only way that could be done and the only way to change the order of the day would be with consent. I perhaps could be advised as to whether you could move Standing Order 24 to move the

orders of the day when indeed orders of the day were in the process of being debated. The fact is that any order of the day is a motion. I believe that Standing Order 24 says that a motion for reaching the orders of the day shall have preference over any motion before the House.

That is really a side point here. We should not mislead the public into thinking that, just because the government has the right to set the agenda for Parliament, it can arbitrarily play with Members of Parliament and stop and change the subjects in mid-course without taking a very extreme step. Those are the points I wanted to make. I think it is a subject that is well worth examining. It is a question that really has not been examined too often.

In summary, I would say that the reading of Beauchesne's Citation 479(2) by the hon. member for Yukon is perhaps causing misapprehension, or his reading of that citation is misleading the House.

Madam Speaker: The hon. member for Yukon on a short point.

Mr. Nielsen: If I might, Madam Speaker. I recall the incident that the hon. member for York East (Mr. Collenette) adverted to. It might be of some assistance to the Chair. I believe it was in 1973 when, standing on the notice paper section of the Order Paper, there were two motions to concur in government estimates. An allotted day was also on the same notice paper. The question arose as to whether the two items standing as motions to concur in estimates or the allotted day was to take precedence.

The example cited is a clear case in support of my submission because on that occasion the Speaker held that the allotted day took precedence under Standing Order 58(12) over the two items of government business. It also bears out my submission with respect to the distinction in Citation 478 and my interpretation of it in response to the question put by you, Madam Speaker. That precedent is indeed extremely valuable.

Hon. James A. McGrath (St. John's East): Madam Speaker, it seems that what you have to determine from the arguments you have heard is whether an allotted day is, in the strict sense of the word, government business. Up to a point I can agree with the Parliamentary Secretary to the President of the Privy Council (Mr. Smith) and the hon. member for Hamilton Mountain (Mr. Deans), but only up to a point.

Once there is agreement by the three House leaders as to when the allotted day will occur and once that is followed up by the notice required under the Standing Order on the Order Paper, from that moment it ceases to be government business. It is from that moment out of the control of the government. The opposition determines what the subject matter of the debate will be and, pursuant to the provision of the Standing Order, notice of the motion is filed on the day prior to the debate taking place at specifically 6 p.m.

It is my submission that once the agreement has been reached by the House leaders and the notice has appeared on