

Point of Order—Mr. Riis

Mr. Speaker: Perhaps I could hear a few points, as perhaps a caveat, on behalf of the Hon. Member so that I am somewhat prepared for what may or may not come. In any event, I will hear the Hon. Member briefly.

Mr. Riis: Mr. Speaker, I simply want to repeat once again that my point that I wish to raise at this stage deals with the proper notice of procedure and not the substance of the motion itself. Therefore I believe that it is appropriate that I put my point at this stage.

It is my position that Government Notices of Motions are those that deal exclusively with government business or government orders. I would submit that the motion standing in the name of the Government Deputy House Leader falls beyond these limits.

I would like to begin by drawing to your attention, Mr. Speaker, Citation 270(1) of Beauchesne's Fifth Edition which reads as follows:

Motions respecting changes in the time of meetings or adjournments deal with the business of the House rather than government affairs and are moved by the Government House Leader who is responsible for the arrangements of the business of the session and the order in which ministerial measures are introduced and debated.

This citation is listed in Beauchesne's under the rubric "Motions". Of course, there will be those who insist that Citation 268 of Beauchesne's Fifth Edition clearly permits what the Government has done. It states:

The Government may, from time to time, put on the *Notice Paper* notices of motions concerning the business of the House.

First, I would like to point out that Citation 270(1), which I have cited to support my case, is corroborated by a series of precedents whereas Citation 268 appears as a statement only. I want to emphasize that it appears as a statement only. The point that I wish to argue is not that Citation 268 and Citation 270(1) are in conflict but that the language of Citation 268 is insufficiently clear as to reveal its true meaning.

Both citations use the same phrase "the business of the House". Yet Citation 270(1) specifically states: "Motions respecting changes in the time of meetings or adjournments deal with the business of the House rather than government affairs. . . ." Here we have an explicit recognition that the phrase "the business of the House" should be seen as comprising two elements. The first is those matters that affect the entire scope of the proceedings of the House, such as the time of meetings or adjournments. The second is those matters that deal exclusively with government affairs or government orders.

Citation 268 does not make this distinction but Citation 270(1) does. This is why I believe that the language of Citation 268 is imprecise. I am sure that Your Honour is aware that it has not always been the case that motions regulating the time of meetings or adjournments of the House have been moved under "Motions".

Prior to 1955 the Government regularly gave notice of such motions under Government Notices of Motions. However, in

many rulings on the procedural acceptability of this type of notice the Speaker implicitly recognized that these motions were not government motions in the sense of dealing exclusively with what Citation 270(1) of Beauchesne's refers to as "government affairs".

I draw to your attention, Mr. Speaker, *Journals* for December 10, 1951. On that day the Right Hon. Louis St. Laurent moved a motion to change the sitting hours of the House. At page 290 of *Journals* for that day the following entry is made:

A point of order was raised by Mr. Drew as to whether the said proposed motion was in order under 'Routine Proceedings' as it appeared on the Order Paper under 'Government Notices of Motions'.

On the same page, *Journals* records the decision of the Speaker on this point of order. It states:

The Speaker ruled that as the proposed Motion dealt with the Business of the House and was not a Government Notice of Motion in the usual sense, it was in order at this time . . .

Here we have a Speaker's ruling that implicitly recognizes the distinctions between regular Government Notices of Motions and those motions dealing with the business of the House. Again, to emphasize, the ruling states:

—the proposed motion dealt with the Business of the House and was not a Government Notice of Motion in the usual sense . . .

Speaker Lamoureux in a ruling on June 18, 1970, provides further support for my argument that motions to regulate the time of meetings and adjournments of the House are not government business in the strict sense. On this day the Government House Leader at the time, the Hon. Donald Macdonald, moved a motion to change the hours of sitting and daily adjournment of the House. I might add parenthetically that this motion was moved during Routine Proceedings under Motions and not Government Notices of Motions.

June 18, 1970, also happened to be an Opposition Day. When the Government House Leader moved this motion, the then Leader of the Official Opposition, the Hon. Robert Stanfield, objected stating that such a motion could not be moved on an allotted day. In his ruling Speaker Lamoureux stated in part, and I quote from page 1030 of *Journals* for that day:

It seems to me that the motion should be put and honourable Members have brought argument against it to the effect that in their view this motion should not be put and that they would like to vote against it.

Speaker Lamoureux then continued on to make a point that is relevant to my argument today. He said:

Honourable Members suggest that this is Government Business. Obviously it is not government business.

That is my point. It is obviously not government business.

Here again we have a ruling suggesting that there is indeed a significant difference between a motion that deals with the business of the whole House, such as the times of its sittings, and a motion that deals simply with a government order.