

Point of Order—Mr. Nielsen

have facilitated matters for the Chair and for every Hon. Member, including Hon. Members of the NDP and the Government, who would be taking part in the debate today. Surely, one of the reasons why notice is required is to enable Hon. Members to do their homework in preparation for debate.

I believe, Mr. Speaker, that we should certainly set aside the argument which was made by the House Leaders of the NDP and the Government that in some way my House Leader prejudiced our right to make this argument today by his actions yesterday, or that he was in any way conceding that we did not, as a matter of right, have the ability to put that motion down.

A second point was raised by the House Leader for the New Democratic Party. He referred at length to the attempt by his Leader, the Hon. Member for Oshawa (Mr. Broadbent), to ask for unanimous consent to extend the hours of sitting yesterday. The argument the House Leader made was that when Government Members refused that unanimous consent, it was then clear that the proceedings would lapse at six o'clock. Yet, Mr. Speaker, if you look at the final line in yesterday's *Hansard* you will see it says precisely this:

At 6.34 p.m. the House adjourned, without question put, pursuant to Standing Order.

The record of the House of Commons itself makes it very clear that the House was in session. The House was sitting until 6.34 p.m. last night. The record also makes it very clear that both at the time my House Leader submitted that motion to the Table and at the time he rose to ask for unanimous consent, the House was still proceeding. It is perhaps a reflection on Madam Speaker which is made by the House Leader of the New Democratic Party if he suggests that it was improper for my House Leader to be permitted to raise this matter at that point. However, Madam Speaker was clearly of the opinion that the House was sitting. Otherwise she could not have given the floor to my House Leader, and otherwise she could not have sought the unanimous consent of the House as requested by my House Leader. Again, the argument which is made by the House Leader of the New Democratic Party is spurious and irrelevant.

The question is this, Mr. Speaker. The first issue that has to be considered by you is whether or not Standing Order 62(4) is to be taken literally. Does it in fact require, literally, that 24 hours of notice be given before an Opposition day? On the face of it, clearly that is not the case. Clearly it would have been physically impossible yesterday, because the first that any of us in the House learned that it was the Government's intention yesterday to designate today as an Opposition day was following three o'clock. How could we conceivably have squeezed 24 hours into the period between three o'clock and eleven o'clock this morning? There has never been any dispute about that in the House. We have never had a case where the New Democratic Party and the Government House Leader have risen to argue that the 24 hours referred to in the Standing Orders must be taken literally.

Mr. Deputy Speaker: With all due respect to the Hon. Member, that point was amply made by his House Leader.

Mr. Beatty: Good. As long as you accept the point which was made by my House Leader, Mr. Speaker, I am very pleased, because it is a key argument which has to be made here. It leads to this question: What is intended by the House in terms of the requirement of six o'clock? Why is there any requirement for a specified time? My House Leader alluded to that when he referred to the citation in *Beauchesne* and quoted from the decision which was made by one of Your Honour's distinguished predecessors. It was very clear that the reason that procedure exists is to ensure that Hon. Members are aware of what the next day's business would be. If the procedure has been interpreted by the Chair throughout the course of time as meaning that notice must be given during the present sitting day about what is happening the following day, clearly there is no dispute whatsoever about it, Mr. Speaker.

The record of the House of Commons itself shows that at the time notice was given, at the time unanimous consent was requested, the House was sitting. The sitting day was continuing. It cannot be argued that because it was after six o'clock, that somehow takes away from the right of Hon. Members of Parliament to submit these motions, notwithstanding the fact the House was still sitting, and notwithstanding the fact that, according to *Hansard*, at that time some 224 Hon. Members were present in the House. If we were to accept that, Mr. Speaker, what we would find is that this would be a negation of the whole principle which was accepted by you a minute ago when you said the House Leader put the case very clearly, that that Standing Order is not to be taken literally.

Mr. Nielsen: Nor is 47.

Mr. Beatty: And, as my House Leader has just said, nor is Standing Order 47. If the Chair accepts the principle that the reason for requiring notice is to ensure that Hon. Members are given the right and the ability to know what the next day's business is during the sitting day, one has no option except to conclude that the notice was properly given during the sitting day and on time. To set an arbitrary cut-off time, which is not in the rule book, of six o'clock, I would submit to you, Mr. Speaker, would be grossly unfair and would undermine the whole principle of this question which has existed since, I believe, 1913.

There is another matter which I would like to develop and which has not been touched on by the Hon. Members who have spoken today.

Mr. Deputy Speaker: With all due respect to the Hon. Member, the Chair listened intently to the argument of his House Leader and the Hon. Member so far has repeated what his House Leader has said.

Mr. Nielsen: No, he has not.

Mr. Deputy Speaker: I invite the Hon. Member, if he has a new point to make, to make it.

Mr. Nielsen: He is doing it.