

Point of Order—Mr. Gray (Windsor West)

The first point to be decided is whether the written notice should appear under Motions rather than under Government Notices of Motions. I say again, that it is a fact that motions pursuant to S.O. 82 of which oral notice has been given have been proposed during Routine Proceedings under Motions. However, in this case, the Clerk of the House received specific instruction from the President of the Privy Council (Mr. Hnatyshyn) to have the said motion appear on the Notice Paper under Government Notices of Motions. I draw to the attention of all Hon. Members Citation 268 of Beauchesne Fifth Edition which says:

The Government may, from time to time, put on the Notice Paper notices of motions concerning business of the House. When these items are called they are deemed transferred to Government Orders on the Order Paper.

The Twentieth Edition of Erskine May at page 296 defines the type of motions that are considered to be Government Motions as following:

Also classified under this heading are the motions regularly brought forward by the Government for regulating the length of the Christmas, Easter, spring and summer adjournments of the House—Another important example is that of allocation of time or “guillotine” orders which the Government moves in order to hasten progress on one or more of its bills—

Once again, review of our recent practice relating to motions dealing with the sittings of the House and with its adjournments shows that they have been appearing under Motions on the Order Paper, but a review of the Order Paper of the 1940s, 1950s and 1960s shows that such motions have most often appeared under Government Notices of Motions. There is no doubt it is this practice that inspired Beauchesne’s comment.

The Hon. Member for Windsor West has stated that such motions must be made on Routine Proceedings, pursuant to S.O. 36(1p). I must differ with him on the purpose of S.O. 36, in my opinion, its only object is to define which motions are debatable motions.

The Hon. President of the Privy Council has argued that since a motion for allocation of time can only stand in the name of a Minister of the Crown it can therefore only be a government initiative and it should quite properly appear under Government Notices of Motions.

On reviewing the precedents and the arguments, I must say on this point, that I agree with the Hon. President of the Privy Council and I must rule that the Government has the right to proceed in this manner if it so chooses.

The second point to be determined is whether the prescriptions of S.O. 82 can be made to apply to such motions if and when they are transferred to Government Orders. In fact, I am being asked in effect, to rule on a hypothetical point but I believe it to be in the House’s best interest to rule now.

On May 2, 1985, the Minister of Regional Industrial Expansion, (Mr. Stevens) pursuant to S.O. 82, did inform the House that it had not been possible to reach an agreement pursuant to S.O. 80 or pursuant to S.O. 81. He also gave notice of his intention to propose a motion pursuant to S.O. 82 to allocate one more sitting day to each of the said stages of Bill C-15.

A close reading of S.O. 82 will reveal that the Minister of Regional Industrial Expansion has complied with the prerequisite conditions of the Standing Order. The Standing Order prevents him from moving his motion during the same sitting at which he gave notice of his intention. But the Standing Order is silent as to how or when in a future sitting he may do so. The practice has been to propose the said motion without written notice under Motions.

I refer Hon. Members to an analogous Standing Order: S.O. 9(1) which specifically prescribes that a motion for the extension of the sittings of the House can be made by any member on the tenth sitting day before the summer adjournment. Unlike S.O. 82 it does prescribe that such a motion must be made on Routine Proceedings.

I must tell the House that the Chair cannot go beyond the Standing Order as it is now and that I can only rule on the Standing Order as written since there are no precedents. Perhaps the Standing Order may be rephrased and presented in another way to make it clearer. As it reads now, however, I must rule that S.O. 82 does not require that a Minister’s motion be made on Routine Proceedings. If a Minister has given notice of his intention before filing his written notice, the Minister has then complied with the prerequisite conditions of S.O. 82. In my opinion he now has two avenues: he can move his motion of allocation of time at the next sitting following his notice of intention during Routine Proceedings without written notice or he can give the House 48 hours written notice under Government Notices of Motions. Once it has been transferred, it can be called under Government Orders, at which time the debate would be limited pursuant to S.O. 82.

The Hon. Member for Hamilton Mountain (Mr. Deans) has claimed that this procedure would be a dangerous precedent which this House would live to regret. I can only tell him that in my opinion very little would be changed since such motions, if moved on Motions and interrupted, are in fact transferred to Government Orders pursuant to S.O. 49(2) which is the same point raised by the Hon. Member for Windsor West and the limits on debate provided in S.O. 82 survive the transfer and are applied when the Order is recalled, and we have ample precedent in such cases.

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BUSINESS OF THE HOUSE

WEEKLY STATEMENT

Mr. Jacques Guilbault (Saint-Jacques): Mr. Speaker, I would like to remind the House that we have reached the mid-May long weekend and it is customary at this time of the year for the Government to tell the House what business it plans to complete before the summer recess. This is my main question of the Government House Leader. While he is at that, could he let us know when he wishes to hold the Budget debate.

On the subject of Bill C-49, the Prostitution Bill, which we believe is of an urgent nature, although we do not agree with all that is in the Bill we believe it should be sent to committee