

It is very clear from a letter read into the record yesterday by the Deputy Government House Leader that an agreement was reached and continues to be in place among and on the part of representatives of a majority of the Parties of the House. Therefore, the requirements for Standing Order 117 have not been met, and that Standing Order cannot be used as long as the agreement to which I have referred is in place.

What the Minister on behalf of the Government can and should do is to make a motion to give effect to the agreement between the representatives of a majority of Parties in the House. The Minister, as a Minister of the Crown, has already met the basic requirement for the application of Standing Order 116 because yesterday he rose in the House and stated that a majority of representatives of the several Parties had come to an agreement with respect to the allocation of time. The Minister may not have intended to do this, he may not have realized that he was doing it, but in fact he did so when he rose and read into the record the letter signed by myself and the House Leader for the NDP. I say to Members of the House that it could well be argued that it is the obligation of the Deputy Government House Leader to rise and move a motion to give effect to that agreement reached by the representatives of a majority of the Parties in the House.

● (1200)

He may say that Standing Order 116 states only that the Minister may propose a motion without notice, but I submit that this is one of those occasions well recognized in the parliamentary and the general law when "may" can only mean "shall". Otherwise, the Standing Order would have little sense or purpose or effect because it starts out by saying, and I think I have already made this point:

"116. When a Minister of the Crown, from his or her place in the House, states that a majority of the representatives of the several parties have come to an agreement in respect of a proposed allotment of days or hours for the proceedings at any stage of the passing of a public bill, the Minister may propose a motion, without notice, during proceedings under Government Orders, setting forth the terms of the said proposed allocation;"

And so on. I have already said, and the record is clear, that the Minister from his place in the House did state yesterday that a majority of the representatives of the several Parties had come to an agreement with respect to the allocation of time for the Bill in question. Therefore, the subsequent words of the Standing Order can only have meaning if the word "may" in this case is interpreted to mean "shall". There is therefore an obligation on the part of the Deputy Government House Leader to move a motion, to give effect to the agreement which was reached between the representatives or a majority of the representatives of the several Parties in this House.

The Deputy Government House Leader may say that the real meaning of Standing Order 116 is that a representative of the government Party has to be part of this majority. I say that this should not be the interpretation—and it is clearly not the

Canada-U.S. Free Trade Agreement

interpretation—because Standing Order 116 provides that once the motion is put there has to be a debate for up to two hours in which anybody who wants to can speak for up to 10 minutes, and then there is a vote. It would seem to me that this was clearly intended to provide a safety valve so that representatives of the Government—even if a Minister on the government side moved a motion—could get up and argue against it, and there could then be a vote. If there is this safety valve, the fact that a representative of the government Party is not one of the majority of representatives should not preclude the motion from being properly put.

In any event, even if Your Honour should find that the motion cannot be put unless the Minister of the Crown wishes to do so, I submit that the motion the Deputy Government House Leader wants to put under Standing Order 117 cannot be put, because his opportunity to do so has been pre-empted by the agreement reached by a majority of representatives of the several Parties in this House, pursuant to Standing Order 116.

Therefore, on the basis of what I have just put to you, Mr. Speaker, I submit that the Minister's motion is completely out of order. I think we also mentioned yesterday that the notice of that motion was defective because it did not state the number of days the Government proposed to allocate for the report stage and third reading of the Bill. However, quite apart from that, on the basis of the arguments I have just given, I submit that it is completely out of order for the Deputy Government House Leader to move the motion under Standing Order 117. He is precluded from doing so, so long as the agreement reached between the majority of the representatives of the several Parties in this House remains in place. Therefore, I submit, Mr. Speaker, that you cannot accept the motion, the motion cannot be put, in an effort by the Government to obtain the order that it wants with respect to the allocation of time for the remaining stages of Bill C-130. The motion, for the reason I have given, is out of order and I hope, in the interest of parliamentary democracy, Your Honour will accept my arguments and in fact formally rule that the motion is in fact out of order.

Some Hon. Members: Hear, hear!

Mr. Riis: Mr. Speaker, I, too, want to lend support to the points made by my hon. colleague, the House Leader for the Official Opposition by suggesting that the motion put forward by the Deputy Government House Leader under Standing Order 117 is out of order. Standing Order 117 reads:

"117. A Minister of the Crown who from his or her place in the House, at a previous sitting, has stated that an agreement could not be reached under the provisions of Standing Orders 115 or 116 in respect of proceedings at the stage at which a public bill was then under consideration either in the House or in any committee,"