

Point of Order—Mr. Nielsen

Why “technically?” It is because supply is government business. Why “technically?” Because technically the government can deal with the item under supply. It is my submission that this is the very reason for the existence of Standing Order 58(2), which reads:

For the purposes of this order, the business of supply shall consist of motions to concur in interim supply, main estimates and supplementary or final estimates; motions to restore or reinstate any item in the estimates; motions to introduce or pass at all stages any bill or bills based thereon; and opposition motions that under this order may be considered on allotted days.

The only reason that sentence is there is to permit the opposition to test the government on its supply, to the extent there is a distinction between the business of supply, which is government business, and Standing Order 18. That is the distinction, as I see it. It is not limited, it is not there for the purposes of saying that government members cannot move motions on allotted days; that is not its purpose. The purpose is to distinguish it from the government business of supply, in my submission.

Mr. David Smith (Parliamentary Secretary to President of the Privy Council): Madam Speaker, I should like to make a couple of brief observations to the point raised by the hon. member for Yukon (Mr. Nielsen). First, I point out that in opening his argument he made repeated references to the fact that on the notice paper for the last few days reference had been made to today as being an allotted day. It is important to remember that while the notice paper is appended to the Order Paper for the sake of convenience, we are still talking about notice. Something which is notice is not an order, it is not a motion, and because of this it can be removed without a motion or does not require consent since the House is not yet seized of it. There is no obligation to proceed with a notice.

I thank the hon. member for his frequent references to Citation 478 of Beauchesne's on page 167, which reads:

Although technically the business under discussion is government business—

It is government business. Once it is government business, it falls under the purview of Standing Order 18(2), which reads:

Government orders shall be called and considered in such sequence as the government determines.

As to the sequence of events which led up to the events of yesterday, it is interesting to read *Hansard* and the version given by the hon. member for Yukon. Also it is interesting to read the version of the hon. member for Oshawa (Mr. Broadbent). Members are free to make their choice as to whichever version they prefer. But I do not think anything that has been said about the sequence of events gets away from the fact that we are still talking about a day of government business and that it is up to the government to call it, when it sees fit, pursuant to Standing Order 18(2).

There were also some references to the professionalism of the Table with regard to that. I am sure the hon. member for Yukon was not implying that there was a leak of the subject matter prior to the hour. If there was, certainly I am not aware of it. I do not think he was implying that, but if he was not I am not quite sure why there were so many frequent references to it.

The only other point I should like to make is in regard to whether or not the wording of the motion should have been placed on the notice paper. On that point I have some sympathy with the hon. member for Yukon. I would not agree with him if the notice had been dated, but he advised the House, if I understood him correctly, that it was not dated. I do not know whether or not the notice filed by the New Democratic Party was dated. If it was not dated then I, for one, think he has a valid point and I do not dispute anything he said with regard to that item.

Mr. Ian Deans (Hamilton Mountain): Madam Speaker, I will be very brief because I think much of the ground which can be covered has been covered. I begin by saying that I see the issue as two distinctly different matters. In the first instance we are dealing with whether or not the motions as filed should have appeared on the notice paper. If it were to be Madam Speaker's decision that the key question was the matter of dating or not dating, then it is my recollection with regard to the motion we put down for debate today that in fact we dated it. If that were to be key to Your Honour's decision, then of course we dated it for today's discussion and I would submit that by dating it we, therefore, prioritized it. In so doing, had the question of the opposition allotted day not arisen yesterday, by virtue of the fact that we dated our motion for today, and by virtue of the fact that the official opposition motion was undated, our motion would have, could have and should have taken precedence.

However, given that that may not be a factor, I want to say—and I think the hon. member for Yukon (Mr. Nielsen) put it well—that it is entirely appropriate to have on the notice paper more than one motion for debate on a particular allotted day, and that it is entirely appropriate to have the motion filed immediately after the allotted day has been designated. Thus we could have quite easily filed our motion, as could the official opposition have filed its motion, some four or five days prior to yesterday. Therefore, that would have necessitated those motions appearing on the notice paper. If one were to look at it from a purely technical point of view, which I think is important and imperative in making a decision such as this, I think it is true that the motions filed should have appeared on today's notice paper, albeit today, as it turned out, is not to be an allotted day. That is really not a factor to be taken into consideration.

Now I want to turn to my second point concerning the argument that once the opposition has been given notice of the decision to allot a day for consideration of an opposition motion, the allotted day cannot be altered without a motion. While I would like to support the argument, I find great difficulty in doing so since the practice, as I understand it, and having had an opportunity to review it during the discourse of the hon. member for Yukon, has always been that allotted days are not put down by motion but simply announced. Therefore, the announcement of the government House leader that there would be an allotted day was acceptable, and the announcement of the government House leader that there would not be an allotted day must also be acceptable.