

Point of Order—Mr. Nielsen

The Hon. Member referred to Citation 732 in Beauchesne's Fifth Edition, giving great emphasis to the word "whenever". The Citation begins, "Whenever a Minister of the Crown has given notice". There is no doubt about that, Madam Speaker. Whenever proper notice has been given under Standing Order 75C, it is the obligation of the Chair to accept that notice. The arguments presented by the House Leader of this Party and the House Leader of the New Democratic Party show that notice was improperly given.

I should like to offer another reason why the attempt by the Minister of Agriculture (Mr. Whelan) to give notice last night was out of order. I refer to the question or relevance of speeches and relevance of subject matter raised on motions before the House. There are generally accepted rules of relevance, albeit not rigidly enforced as a certain amount of latitude is allowed. Certainly in the middle of debate on an income tax Bill one cannot speak of capital punishment or in the middle of discussion of an energy Bill speak about fisheries, and so on. There has to be some sort of relationship between speeches and the motion before the House.

I should like to quote briefly from Bourinot's Parliamentary Procedure and Practice, Fourth Edition. At page 340 there appears the following statement:

But it is nevertheless the duty of the speaker of the house (or chairman of committee), to interfere when he finds that the member's remarks are not relevant to the question before the house. On such occasions, he may very properly suppose "that the member will bring his observations to bear upon the motion before the house" (*m*); or "that he will conclude with something that will bring him within order" (*n*). And he may find it necessary to caution a member that "he is approaching the limits of propriety which confine hon. members in speaking to that which is relevant to the subject in hand", and to express the hope "that he will be careful to confine himself to that which is relevant" (*o*). In other words, he must direct his speech to the question before the house or committee, or to the motion or amendment he intends to move, or to the point of order raised.

On that basis, it is perfectly in order, during Routine Proceedings or discussion of the subject bill, for a Minister to give notice under Standing Order 75C. At any other time it is irrelevant to the motion under discussion. It is certainly irrelevant to the income tax Bill for the Minister to bootleg in what he assumed was proper notice under 75C. It most certainly was not proper notice under 75C. Perhaps he should have been called to order immediately and instructed to confine himself to the motion before the House, which was second reading of an income tax Bill.

The Minister's whole statement last night was irrelevant to the motion being discussed. It was irrelevant to the income tax Bill. It was irrelevant to the motion that Bill C-139 be now given second reading, and therefore it was improperly placed in the debate and should have been ruled out of order on the spot by the Speaker. It is a nullity now and we cannot accept it.

If the Minister wants to rise on Routine Proceedings and give notice, or if the House Leader wants to declare that Bill C-85 will be the subject of debate this afternoon and during the course of that debate give notice, such actions would certainly be relevant to the subject matter under debate. Otherwise it is irrelevant and a nullity.

I humbly submit that that argument, coupled with the argument of my House Leader and that of the House Leader of the New Democratic Party, must bring you, Madam Speaker, to the conclusion that the Minister of Agriculture will have to start over again.

Mr. Nielsen: Madam Speaker, I have one brief suggestion to make. My hon. friend from Calgary Centre (Mr. Andre) mentioned the solution. We are still on Routine Proceedings. I have made a very strong case in support of the right of any Minister of the Crown to give notice on Routine Proceedings. That is where it should be done and that option is open to the Minister now if he wants to rectify the matter.

Madam Speaker: I thank the Hon. Member for Yukon (Mr. Nielsen) for having given me sufficient notice of his point of order and a good idea of what his arguments would be in this case. I was able to look into the precedents in order to enlighten my decision.

The Hon. Member for Yukon has given us a very long list of precedents in favour of his argument that this notice of motion is out of order. Those precedents are real. I have found a number of precedents which go exactly another way, however. That is to say, they indicate that notices of motion to limit debate have been given at another time than those that the Hon. Member feels are indispensable. They were given at another time than under consideration of a certain bill.

I will not read the precedents at length but the first is a notice of motion to limit debate on Bill C-68 which was given in the House immediately after the dinner break, although not necessarily during the course of consideration of the Bill on which a limit was to be proposed. The Bill then before the House was Bill C-83 and the notice was given for limiting debate on Bill C-68.

In another instance, on Bill C-59 the notice of intention to limit debate on the measure was given at the end of a speech in a supply debate.

• (1600)

There is another precedent concerning Bill C-57, where notice was given immediately after the dinner break on a point of order, as the Hon. Member himself has pointed out.

A further precedent is Bill C-124 on which notice was given immediately after the dinner break. The business before the House then was Bill C-109 and notice of the intention to limit debate was on Bill C-124.

We rely quite heavily on precedents. I guess the Hon. Member was right in pointing out to me the numerous precedents which could be invoked in favour of his argument that notice to limit debate on a Bill must be given in the course of consideration of the very Bill. But these other precedents go the other way and indicate that notice of such motion can be given at other times. In fact, as we have seen from the precedents, the notice can be given during Routine Proceedings, during consideration of the Bill on which it is intended to limit debate, during debate on another Bill than the one on which