

Point of Order—Mr. Nielsen

MADAM SPEAKER: I do not think I will hear much argument. I will ask whether there is unanimous consent. Is there unanimous consent?

SOME HON. MEMBERS: Agreed.

Then the Hon. Members to my left said "No".

MR. PINARD: Madam Speaker, I rise on a point of order.

At that point I know the Government House Leader wanted to rise and make the same kind of argument in his usual expert fashion that I am making right now, so that we could proceed with an allotted day today. *Hansard* continues:

MADAM SPEAKER: No, I am sorry. It being past six o'clock, I must adjourn the House until eleven o'clock tomorrow morning, pursuant to Standing Order 2(1).

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

The motion was given to the Table and it was later read into the record by myself. Both events took place before the adjournment of yesterday's sitting and in the presence of 223 Members who were present in the House for last night's vote on the time allocation motion.

Mr. Beatty: There were 224 counting Madam Speaker.

Mr. Nielsen: Yes, 224 counting the Chair; I am corrected quite properly. On the basis of the traditional understanding of the 24-hour notice requirement as referring not to a set period of hours but to the fact that motions subject to a 24-hour notice requirement must be filed, at the latest, on the sitting day prior to the day—I am in the final stretch and I would like the undivided attention of the Chair, which has been listening very conscientiously to the important point I am making—that they are taken up for consideration in the House, and on the basis of Mr. Speaker Sproule's ruling and the subsequent citations in *Beauchesne*, there can be no doubt that adequate notice was given and that the motion should be before the House today.

The House was still sitting. If we are to apply with that degree of stringency the time of six o'clock, which seemed to be in the heads of some of the officials at the Table last night, then we discard all those past practices. That motion could have been printed on the Order Paper. Without intending any disrespect to the decision made by the officials at the Table in not including it in today's Projected Order of Business or the Order Paper, I seriously question that decision. It should have been printed, and I think I raised this point on a previous occasion. While the House was sitting, the Table was seized of the motion; indeed, 224 Members were seized of it. The whole purpose of providing that kind of notice is to put all Members on the alert so that they can prepare for the following day's business.

In fairness to the government House Leader, I should say that somewhere around nine o'clock or 9.30 o'clock last night—I do not have the exact time with me—an official in his office called me on the telephone to inform me that today's order would be Bill C-155. I thanked him for the courtesy of the information, but it did not deter me in my resolve to raise this very important point today.

I believe, with great respect, the fears or doubts of the officials at the Table, with whom I spoke last night were not well-founded. Sometimes, like me, even they could be wrong. The practices of this place have long been that the notice requirements are met even though the notice may have gone slightly beyond the six o'clock requirement. If there is any doubt whatsoever in the mind of the Chair on this question, it surely, in my submission, must be resolved in favour of the Standing Order 62 process rather than the rigid application of Standing Order 47.

Therefore Mr. Speaker, on behalf of the Opposition I request that you call the motion of the Hon. Member for Wellington-Dufferin-Simcoe (Mr. Beatty) for debate this morning.

Some Hon. Members: Hear, hear!

● (1140)

[*Translation*]

Hon. Yvon Pinard (President of the Privy Council): Mr. Speaker, I shall try to be very brief. This morning, three Standing Orders are being applied, namely, S.O. 62(4)(a), S.O. 47 and S.O. 22(2), which gives the Government the power to determine the Orders of the Day. That being said, it seems to me the situation is very straightforward. First of all, this debate is purely academic, since the Government decided yesterday to put consideration of Bill C-155 on today's Orders of the Day. It could have decided to do so this morning, and we could even at this very minute decide that not Bill C-155 but Bill C-12 will be on the Orders of the Day, since it is up to the Government to determine the order of business in the House, and the Standing Orders do not require notice of such a decision, except that it must be made before the Orders of the Day are called.

What happened yesterday is very simple. At three o'clock, on a point of order, I designated today as an Opposition day, and I was under no obligation to add what I did and I do so occasionally—namely, that this was subject to change. At that point, the Opposition had all the time in the world to table a notice of motion before six o'clock. Whatever the intentions of the Opposition were, I am not going to make a mountain out of a molehill, since this would be as childish as it is useless. For some reason, they preferred not to table their notice before six o'clock, claiming that it was subject to change anyway and they wanted to find out whether I was going to change my mind.

My learned colleague refers to what happened around 5:12 p.m., when he asked me whether this was going to be an opposition day or not and whether I was going to change my mind. I merely answered that I did not think I was going to change my mind and if I did, I would let him know in due time. He could have tabled his notice before, and he could still do so at that point, until six o'clock. However, he did not. Subsequently, after six o'clock, the Member for Yukon (Mr.