

word, and the use of the word "technically" is designed explicitly to underline the fact that the control of allotted days rests not with the government, which controls everything else, but with the opposition, which controls little more than this ability to hold the government to account through the use of allotted days.

Your Honour will be aware of Standing Order 58(12), which reads as follows:

On any day or days appointed for the consideration of any business under the provisions of this Standing Order, that order of business shall have precedence over all other government business in such sitting or sittings.

There can be no doubt that today had been appointed. The argument has been put that not only was the day appointed, but also that by the filing of the notice it was consummated. There can be no question about that. There can be no question of the meaning of Standing Order 58(12), but the matter I wanted to address directly had to do with the question of to whom does an allotted day belong. Does it belong to the opposition, as all our practices and Beauchesne make clear, or does it belong to the government to be dismissed at the government's whim?

I will repeat myself in closing. The word "technically" makes it abundantly clear that while for some small technical reason it might be grouped under the heading of government business, the clear purport and the clear reason for having the provision here at all is to provide the opposition with an instrument to control the government, and if that were to be denied, that would be one more stripping away of the powers of the opposition and one more reduction of the ability of the people of Canada through their Parliament to control the government.

Mr. Smith: Madam Speaker—

Madam Speaker: I have already heard the parliamentary secretary. Unless his point is a short one like the one I allowed the hon. member for Yukon to make, I do not want to listen to it. It is not usual to allow hon. members to speak twice on a point of order.

Mr. Smith: Madam Speaker, my point is just a short one. I think a regrettable inference could be drawn from the remarks of the Right Hon. Leader of the Opposition (Mr. Clark)—and I think it is important to clarify it—and that is that if anyone is under the mistaken impression that the government was informed of the substance of the motion which was filed by the Conservative Party, I want to assure the House it was not. I think everyone can reasonably conclude there was a fair bit of speculation as to what it might be, but we should be fair to the Table officers. Certain conclusions might be drawn if one were to drag the argument about government censorship to its logical conclusion, but I think it is very important to clarify that the government was not informed of the substance of the Conservative motion.

Mr. McGrath: Why did you change the date?

Point of Order—Mr. Nielsen

Mr. Nielsen: Madam Speaker, after that intervention I am compelled to say on behalf of all members of the official opposition that we have the utmost confidence in the Table officers, and I assure the parliamentary secretary that we are absolutely convinced the government did not become aware of our motion through the Table officers.

Mr. Albert Cooper (Peace River): Madam Speaker, I rise on the same point of order. It is obvious that what we are entering into here and what we are concerned with is something which is considered very valuable and important not just to the opposition but to all Members of Parliament in terms of our ability to make Parliament function in a manner which would allow it to pass good legislation. We are involved in a very fine balance. That balance is made up of both government members and opposition members, and anything that would detract from that balance may well have a very serious effect on the ability of Parliament to function.

I think it is important that we look at a few of the things which relate to this particular issue and particularly the one we are talking about here, the orders of the day. I refer to Citation 275 of Beauchesne at page 89 which talks about the Order Paper and Notices. It says this:

The paper known as Order Paper and Notices is the official agenda printed on the responsibility of the Clerk of the House, containing all the proposed questions set out in accordance with the Standing Orders. All the proposed proceedings of the House are recorded in abbreviated form in that paper. To add to, or suppress from it, any proposal which the House has ordered would constitute a serious infringement on the privileges of the House of Commons.

I think that is a large part of what we are concerned about here today. Perhaps, in fact, what is happening is that the opposition is losing its ability to participate in a particular opportunity which has, by precedent and by history, been provided to it.

Our concern is that if we cannot work within this particular framework and have this type of opportunity made available to us, we will end up with a serious loss of our opportunity to serve this House and our constituents as well.

In order to look at that breach of privilege referred to in Beauchesne one must look back at the very foundation of privilege, and again I refer to Beauchesne. According to Beauchesne, the privileges of Parliament are rights which are absolutely necessary for the due execution of its powers, and they are enjoyed by individual members because the House cannot perform its functions without unimpeded use of the services of its members. We can see that the balance I referred to earlier is a fine balance based on the privileges of the House. It is based on the format the House has laid out for itself and the rules and guidelines under which it must perform. We obviously feel that balance was changed yesterday by an unusual procedure employed by the government House leader.

● (1500)

The final point that I want to make was raised earlier by my colleague, the hon. member for Calgary West (Mr. Hawkes) who talked about the principles of parliamentary law. These