

*Air Canada*

When a Minister of the Crown, from his or her place in the House, states that there is agreement among the representatives of all Parties to allot a specified number of days or hours . . . the Minister may propose a motion, without notice . . . and every such motion shall be decided forthwith, without debate or amendment.

Standing Order 116 provides that 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, then there is a provision in the Standing Order for putting that agreement into effect.

● (1130)

It is clear, on reading these three Standing Orders together, that in order to find a motion for time allocation under Standing Order 117 properly, the representative of the Government must have specifically consulted with representatives of the other Parties as to, first, whether or not there could be unanimous agreement on a motion to allocate time to complete the stage of debate of a Bill then under consideration, and, second, whether it has been possible for an agreement to be reached among a majority of the Parties for a motion to allocate time for the same purpose, and that there has been an agreement for that purpose.

The rules in effect say that there has to be consultation between representatives of the Government and representatives of the other Parties, specifically for the purpose of seeing whether the kinds of agreements made possible by Standing Orders 115 and 116 could be reached before the representative of the Government can rise in the House to give notice of an intention to move a motion for time allocation under Standing Order 117.

The rules do not say that it is enough for the Government House Leader or his or her representative to go to members of the Official Opposition and members of any other Parties in the House and say: "How many more speakers do you have," or, "Is the debate going to go on for a while," or, "Do you think we can finish this today". That is not what the rules say. The rules are very clear.

The representative of the Government has to come to representatives of the other Parties and say specifically, "Can we reach unanimous agreement to allocate time," and if that is not possible, he then has to say, "Can a majority of the Parties reach agreement on the allocation of time". I submit that if that has not been done, any attempt to move a motion under Standing Order 117 is not based on the foundation required by Standing Order 117, and therefore, in this particular case, this notice of motion that was given on Friday and the motion itself on the Order Paper are both defective. Under the rules, you cannot, Mr. Speaker, I say with all due respect, allow the Government to present its motion.

I further point out that the Standing Order speaks of an effort to reach agreement, when it comes to Standing Order 115, involving representatives of all Parties, and when it comes to seeking agreement with respect to the provisions of Standing

Order 116, there must be a consultation between and an agreement among a majority of the representatives of the several Parties. I submit that this must mean, in the case of the Official Opposition and any other Parties in the House, people who have been formally designated by the Leaders of their respective Parties to engage in consultations for such purposes, the purposes of these three Standing Orders, or at the very least, people designated by such representatives to act on their behalf.

It is not enough for the Government House Leader or the Government Whip to come back to the opposition lobby or to go out into the hall or into the restaurant and, coming upon a member of the Official Opposition or a member of any other Party, engage in some conversation, and then return to the House and purport—and I am not saying that it would not be done with complete good faith—to offer to the Chair the view or the belief that the consultations required by these three Standing Orders have been duly carried out with representatives of the other Parties.

There will be others speaking to this point of order on behalf of the Official Opposition, but I want to say that the facts of the matter do not support the requirements of Standing Order 115 and 116 that before there can be a motion properly offered to this House under Standing Order 117, there must be an effort by way of meaningful, open and obvious consultation to seek either an agreement among all Parties to allocate time to complete debate on the stage of a Bill then before the House or at least agreement between the majority of the Parties for that purpose.

If you look in any recognized dictionary, I think you will find, Mr. Speaker, that it is very clear, and I am sure the courts have ruled upon this on many occasions, that agreement must mean a clear and obvious meeting of the minds on the point at issue. The people on both sides of any such supposed agreement must realize and understand what they are entering into on the basis of what is being sought from them. This is what is a meeting of the minds or an understanding in a formal sense, as the term "agreement" has been defined not only in recognized dictionaries but, very often, in our courts of law.

If, as I think the facts will confirm, there may have been some conversation between the Government House Leader or the Government Whip and members of the Opposition, or the Official Opposition at least, with respect to the number of speakers yet to be heard on the Official Opposition's side on Bill C-129, this is not what is required by our Standing Orders. There must be a clear statement, first by the Government House Leader or the Government Whip, that he is approaching the recognized and accepted representatives of the other Parties for the purpose of seeking an agreement specifically on whether there can be a unanimous order to allocate time, and if that is not possible, to see if there can be an order supported by the majority of Parties in the House.

I submit that that has not taken place with the motion now before the House, so the motion is defective. It has not been