

# HOUSE OF COMMONS

Tuesday, September 10, 1985

The House met at 11 a.m.

● (1105)

[Translation]

## POINT OF ORDER

### TABLING OF NOTICE OF WAYS AND MEANS MOTION

**Mr. Jean-Robert Gauthier (Ottawa-Vanier):** Mr. Speaker, on a point of order.

**Mr. Speaker:** The Hon. Member for Ottawa-Vanier (Mr. Gauthier), on a point of order.

**Mr. Gauthier:** Mr. Speaker, I wish to raise a point of order. I notice that we do not have yesterday's *Hansard*, which is unfortunate because I wanted to refer to something that happened yesterday—

[English]

Something happened in the last hour of House business. The Government House Leader on a point of order asked that the House allow him to table a certain document, namely, a notice of Ways and Means motion.

Since yesterday was the first day under our new rules, some of us were uncertain about them, although I did voice some reservations about the Government House Leader's procedure followed at the time. I cannot see how a private Member would be allowed, for example, to adjourn the House on a bootleg by asking the House to be recognized on a point of order.

If the Minister had the floor, I agree he could table documents, but he did not have the floor. He interrupted the Hon. Member for Glengarry-Prescott-Russell who was speaking and when he had the chance during his point of order, the Minister tabled the document.

I know the rules say that a Minister can table such a document at any time but I take it that we underline "at any time when he has the floor". If I cannot move the adjournment of the House at any time in the deliberations, how can a Minister do what he did yesterday?

I just want to refer the whole question to you, Mr. Speaker, so there are no precedents set as a result of what happened yesterday. I would like to point out that motions to adjourn the House were covered under Standing Order 26 under the old rules. Beauchesne's Fifth Edition in Citation 283 reads:

A Member may not use a point of order to secure the floor in order to move the adjournment of the House.

I submit to you, Mr. Speaker, that a Minister also may not secure the floor on a point of order in order to table documents. To me, that would be contrary to the spirit of our rules.

Second, it may be impolite in terms of parliamentary procedure.

I would ask you take this question under advisement and give us a ruling if no such ruling has been made previously.

**Mr. Hnatyshyn:** Mr. Speaker, I appreciate the point raised by the Hon. Member. All I can say is that this particular tabling of documents is as much in the interests of Hon. Members sitting in the Official Opposition as it is with respect to the Government. What we are doing is simply tabling for future consideration a Ways and Means motion. I explained to the Hon. Member during the course of yesterday's deliberations, that it was near the end of the day and normally I would have discussed the matter in advance, as I have in almost every other instance, but having found myself in this position I took a quick look at the rules. It seemed to me to be quite clear that the Standing Orders do not restrict in any way the method by which these particular documents can be tabled in the House.

Second, that impression I had was confirmed by the Acting Speaker in a ruling made at the time the documents were tabled yesterday. The Speaker in the Chair indicated that the Ways and Means motion was properly before the House in the way in which I had proceeded.

**Mr. Speaker:** I appreciate the seriousness of the point and the issue. There is a minor dilemma for me. I think the Hon. Member for Ottawa-Vanier (Mr. Gauthier) knows that the only time at which a point of order about the tabling of documents can be raised is at the time of the tabling. I cannot allow the suggestion that today I would take the matter under advisement because in effect the Hon. Member for Ottawa-Vanier is appealing something that happened yesterday. I cannot now go back and re-open the question of whether it was in order to table the documents yesterday. I have no way to do that.

My understanding of what happened yesterday is not that a ruling was made but that a comment was made. I am not about to make a ruling, other than to say that there is nothing to rule on today because what happened happened yesterday.

I have some sense that we may want to consider collectively whether points of order are the way to do such things as opposed to rising to seek consent to revert to tabling of documents. This may be a procedure allowing the result that occurred without potentially—this is not a ruling—creating a situation on which the Speaker might have to rule.

I am afraid that in the existing situation I must find that there is no point of order.

**Mr. Gauthier:** Mr. Speaker, what is the sense of Members of the House raising questions with the Chair? I said yesterday