

*Point of Order—Mr. Nielsen*

[English]

### POINT OF ORDER

MR. NIELSEN—POINT OF ORDER RAISED PRIOR TO  
ADJOURNMENT OF HOUSE—ANNOUNCEMENT OF VOTE TALLY  
BY CLERK ASSISTANT—RULING BY MADAM SPEAKER

**Madam Speaker:** At this time I would like to rule on the two points of order which were raised by the Hon. Member for Yukon (Mr. Nielsen) yesterday concerning events which occurred in the House on Tuesday evening last. In order to proceed in a logical manner, I propose to review and reply to the events in a chronological sequence.

On Tuesday, December 14, 1982, after the motion concerning Standing Order 75C was moved, the Hon. Member for Yukon moved. "That the Hon. Member for Calgary Centre be now heard". Following the taking of the yeas and nays on the recorded division, the Clerk rose, bowed to the Speaker and declared the votes in both official languages, as is the custom, after which I declared that the motion was lost.

Many Members have argued that, because they did not hear the announcement of the tally, they were confused as to whether or not the division was properly concluded. The important aspect here is the declaration by the Speaker concerning the fate of a motion and not really whether or not the announcement of the tally by the Clerk is heard by all Hon. Members. It might be that for technical reasons the announcement is not audible to all.

In the case before us, I can state to the House that the Clerk did announce the result, that I did hear the announcement and that I acted accordingly by declaring that the motion was lost. It was at that time that an Hon. Member could have risen to challenge the procedure. However, no one did so.

As a consequence of the decision of the House I stated, as found at page 21587 of *Hansard*, that:

The Hon. Minister of Agriculture (Mr. Whelan) has the floor—

As I do on other occasions, such as when a Bill is referred to a Committee of the Whole, I then say "Pursuant to Standing Order 54, I do now leave the Chair for the House to go into Committee of the Whole", announcing the consequences of a motion that had just been put to the House. I was not, at that time, recognizing the Minister for the purpose of making a speech. In any event, I continued my statement by declaring:

—and it now being ten o'clock, the House is adjourned until tomorrow at 2 p.m.

I refer Hon. Members to a very similar incident which occurred on March 24, 1981, as reported at page 8568 of *Hansard*.

After I had announced the adjournment of the House, the Hon. Member for Yukon brought to my attention that he had been attempting to rise on a point of order. As I indicated yesterday, I had not seen him rise. I accept the procedural argument that a point of order should be raised at the earliest possible opportunity. However, the fact remains that the House was adjourned before I became aware of the Hon. Member's attempt to raise a point of order. Nevertheless, I asked the House to allow me to recognize the Hon. Member

but it refused, and therefore there was nothing more that the Chair could do.

In summary, after a careful review of the events, I am satisfied that all procedures were followed according to our established rules and practices. The question of the validity of a division is of fundamental essence in our proceedings. By bringing this point forward, the Hon. Member has given me the opportunity to elaborate upon it. This, I appreciate. Therefore, I must rule that the Hon. Member has no point of order.

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### BUSINESS OF THE HOUSE

#### WEEKLY STATEMENT

**Mr. Nielsen:** Madam Speaker, I rise on the usual Thursday point of order which concerns House business. May I ask the Government House Leader what we will be doing this afternoon and this evening, and what the business will be for Friday and the remaining three days of next week. May I ask him at the same time to inform us whether he intends to bring forward a motion for the purpose of changing the composition of the striking committee of the House so that it might commence discussions before Christmas as to the committee numbers and composition prior to our departure on December 22, and in anticipation of those committees commencing work under the new experimental rules immediately upon our return in January.

I would also like to say to the Minister that should we divide on the Standing Order 75C process that is now before the House this afternoon in sufficient time, we would be prepared to deal with Bill C-98, the Agricultural Products Standards legislation, and to pass it before the hour of adjournment this evening.

**Mr. Pinard:** Madam Speaker, with respect to the striking committee, I will take the suggestion made by the Hon. Member for Yukon under serious consideration. As a matter of fact, he knows that we have begun discussions. I intend to continue these discussions during the remainder of the day, if possible, and if not, as soon as possible.

Concerning the Business of the House for today, we will call the motion under Standing Order 75C in the name of the Minister of Agriculture. That will be followed by the third reading stage of Bill C-98. I understand that we were supposed to deal with Bill C-136 but an agreement could not be reached between the Minister and his critics. Therefore, we might call Bill C-136, which is to rebate interest for small business, later this week. Therefore, we will deal with Standing Order 75C on Bill C-85 today, followed by Bill C-98, and I understand that this Bill will go through before the end of the day. I have the same commitment from the NDP as well. Tomorrow we will deal with Bill C-132, which is the capping bill relating to Family Allowances.