

*Privilege—Mr. Gauthier*

[English]

The Hon. Member for Ontario (Mr. Fennell) argued in support of the Hon. Member for Ottawa—Vanier stating that he felt on December 4 the Deputy Speaker's decision was premature and that the division ought to have taken place.

I should first like to deal with the question of the time. I have reviewed the record and have come to the conclusion that the Chair intervened at the proper time. Second, the lapsing of motions is not new to this House and, in fact, pre-dates the 1982 bell ringing incident referred to by the Hon. Member for Ottawa—Vanier.

On July 23, 1969, Speaker Lamoureux refused to put a motion to the House after having put an amendment to it because by the lapse of time the main motion had become a nullity. Speaker Lamoureux felt that to put and divide on a motion that would in fact be inoperable was a waste of the time of the House. I refer Hon. Members to page 11513 of the debates of that day.

● (1510)

More recently, to quote only one of many precedents, Madam Speaker Sauvé, on May 17, 1983, as reported at page 25530 of *Hansard*, ruled as follows on a motion to adjourn the House when the ordinary time of adjournment had been reached:

As the House had not seen fit to vote on this motion by 6 p.m., I have decided that Standing Order 8(1) must come into force.

Standing Order 8(1) was the Standing Order then dealing with the ordinary time of adjournment.

[Translation]

On December 3 last year, the motion before the House was: That the House do now proceed to Introduction of Bills. At 6 p.m., the usual time of adjournment, it would have been impossible for the House to proceed to Introduction of Bills, even if it had agreed to do so.

[English]

On April 9, 1987, the motion before the House at one o'clock was similar in that, if adopted, the House would have proceeded to Introduction of Bills. However, on Thursday it is not possible to proceed to Introduction of Bills after one o'clock because of Standing Order 19(4).

Previous Speakers have ruled consistently that motions such as to adjourn the House, to adjourn the debate, to proceed to the Orders of the Day, that an Hon. Member be now heard, are all inoperable beyond the ordinary hour of adjournment which is set by Standing Order 9(1). Such demanded divisions when the bells are ringing at six o'clock are therefore quite

unnecessary and the application of Standing Order 9(1) supersedes their taking place.

The motion moved on April 9, 1987, was equally inoperable at the hour of interruption for lunch.

[Translation]

The Chair does not believe this practice infringes on our constitutional rights. The relevant sections of the Standing Orders prevail and render such motions null and void. A recorded division is, therefore, entirely useless.

[English]

Prior to the new rules, my predecessors have taken, from time to time, the initiative to suspend the sitting of the House when the bells were ringing beyond the ordinary time of adjournment on a substantive motion. This was done only after consultation with the Whips.

This approach was subsequently confirmed in a Standing Order which now allows either the Opposition or Government Whip to ask the Chair for a deferral. This can only be done on motions of substance.

[Translation]

I want to thank the Hon. Members for Ottawa—Vanier (Mr. Gauthier) and Ontario (Mr. Fennell) for raising the matter and for giving me this opportunity to comment on the subject. I therefore declare that the rulings made at 6 p.m. on December 3, 1986, and at 1 p.m. on April 9, 1987, conform to the letter and the intent of the Standing Orders and also to rulings made by my predecessors. I also want to thank the Hon. Member for Ottawa—Vanier for his comments.

[English]

The Hon. Member for Ottawa—Vanier wishes to rise on a question of privilege. I think I should advise Hon. Members that the Hon. Member came to the Chair during Question Period and advised that he wished to raise this.

His difficulty, of course, was that the proceedings about which he wishes to raise the question of privilege did not conclude until approximately one-thirty this afternoon, if my facts are right. The Hon. Member will indicate if I am wrong.

However, the rule is that notice in writing must be received and I do not want to be in the position of having the Hon. Member's question of privilege interrupted on that account. Therefore, I would ask that the Hon. Member perhaps give me written notice and this will be raised immediately upon the House resuming.

I understand, having had discussion with the Hon. Member, that this is not something of vital import that would have to be settled before that day. In other words, the committee and the proceedings will not be functioning during the break.