

HOUSE OF COMMONS

Friday, June 10, 1988

The House met at 10 a.m.

Prayers

GOVERNMENT ORDERS

[*Translation*]

HOUSE OF COMMONS

MOTION TO EXTEND HOURS OF SITTING

On the Order: Resumption of debate on motion of Mr. Lewis

The House resumed from Thursday, June 9, consideration of Order No. 26 for the motion of Mr. Lewis:

That, notwithstanding any Standing Order or practice of the House, from the day of adoption of this motion and until no later than Friday, September 9, 1988, the House will meet on the days and at the times specified in Standing Order 3, but not on August 1;

That, during such period, the Speaker shall adjourn the House on Mondays, Tuesdays and Thursdays at 10.00 o'clock p.m., and on Wednesdays at 6.00 o'clock p.m., and on Fridays at 3.00 o'clock p.m., and that the provisions of Standing Order 66 relating to the adjournment proceedings shall be suspended;

That, during such period, the Standing Order respecting the daily mid-day interruption of business on Mondays, Tuesdays and Thursdays shall not be suspended;

That, at 6.00 o'clock p.m. on Mondays, Tuesdays and Thursdays, or at the conclusion of Private Members' Business, the House shall proceed to "Government Orders" pursuant to Standing Order 22;

That, following the adoption of this motion, no motion under Standing Order 10(1) shall be receivable; and

That, this special order shall not apply on any allotted days designated in the supply period ending June 30, 1988.

Mr. Jacques Guilbault (Saint-Jacques): Mr. Speaker, with your permission, I would like to give you, with respect, my views on the procedural problem Your Honour will have to deal with in ruling whether the motion presented by the Government is in order.

First of all, I would like to answer the question put to Hon. Members yesterday when you asked us, Mr. Speaker, for our thoughts on section 49 of the British North American Act and how that section might affect the ruling the Chair will have to make very shortly on whether the Government's motion aimed at speeding up the passage of the free trade bill and dealing with the rest of the Government's agenda is in order.

Mr. Speaker, I will not repeat what was said by the Hon. Member for Oatwa—Vanier (Mr. Gauthier), who submitted our view that section 49 of the British North America Act referred exclusively to substantive matters that must be decided on, and which only can be decided on, according to our Constitution, by the elected Members of this House. My hon. colleague submitted that, in procedural matters, only the Speaker of the House is competent to decide.

[*English*]

Section 49 of the BNA Act says that questions arising in the House of Commons shall be decided by a majority of voices other than that of the Speaker, and when the voices are equal but not otherwise, the Speaker shall have a vote. The interpretation of my Party on this is a twofold one. First, all questions are decided by a vote of whatever kind. Sometimes it is a voice vote, Sometimes it is a recorded vote, sometimes a few voices say *d'accord* or agreed. However, there is only one way to dispose of an item before the House, and that is by a vote. Second, we say that this means the Speaker is not involved in the voting process unless there is a tie. When there is a tie, the Speaker casts a vote.

• (1010)

That being said, let me place this in context. On the question before us, if one wants to look at the effect of Section 49 of the BNA on the Speaker when he has to make a decision, I would like to say we would have to wait until a later stage to see the effect of Section 49. That section is obviously applicable at a certain stage, the voting stage, when a subject has to be finally decided upon by the House. We are not yet there. I submit that before we come to a vote on the motion submitted by the Government, there has to be a debate. However, before there is a debate something else has to take place, that is, the Speaker and only the Speaker, has to determine whether or not the motion on the Order Paper is in order. I humbly submit to Your Honour that we can come back to Section 49 once we have gone through the stage of having the Chair determine whether this can be discussed.

Third, after a debate has taken place and we get to a vote, I think the question Your Honour has asked us to react to would be better entertained at that stage. In other words, I am saying that there is no way that the question as to whether or not the motion is allowable can be decided by anyone but the Speaker.

Standing Order 1 reads as follows:

In all cases not provided for hereinafter, or by other Order of the House, procedural questions shall be decided by the Speaker or Chairman whose decisions shall be based on the usages, forms, customs and precedents of the