

*Point of Order—Mr. Deans*

have it. Therefore I raise it with you now at the earliest possible moment.

Two quite distinct and different events occurred and the ruling on one bears heavily on the decision of the Chair on the second event, bears heavily on what ought to have happened in the first instance.

If you, Mr. Speaker, were to hear the tape and if you were to watch the videotape, I am sure, Sir, that you could come to no other conclusion but that the Acting Speaker in all good conscience declared the motion carried at a point in time preceding that point when the question arose as to whether or not five Members stood in their places. Having done that, the Acting Speaker either is entitled to review it again in light of the circumstances of that moment and do what he did, or he is not entitled to do that. If he is entitled to do it, then I maintain he is equally entitled to have recognized the five Members that he recognized and the vote should have taken place. After having announced the motion carried, if he is not entitled to reconsider it in light of the noise that came from the Government and perhaps from other benches in the House, then he is not entitled to reconsider it in the second instance.

It is a fine point but I consider it to be of vital importance. It has set a precedent that will be very difficult for Members to live with. I will give you an example, Sir.

It is not uncommon, neither should it be, for the Speaker, having decided one thing, to look and say no, that something else must be done. I am sure that you, Sir, have found yourself in that position. The best example is just a few moments ago when, upon rising to say, in the words that you began with, "I have the honour", you then looked down because the Hon. Member for St. John's West (Mr. Crosbie) was asking for a further supplementary. It was after the hour of twelve o'clock but in your wisdom—and I do not quarrel with it—you decided not to go on with what you were going to say but, rather, to recognize the Hon. Member for St. John's West.

It is a common practice. Frequently I have seen you, Sir, recognize a Member and then on looking, discover that the Leader of the Official Opposition (Mr. Mulroney) or perhaps his predecessor had risen in his place, and even after having recognized a Member you have said "I will come to the Member after but I want to recognize this Member first". It is not an uncommon occurrence for a Speaker, having said something, to reconsider and say something quite different.

I contend that to argue that the Speaker does not have that power is to limit the Speaker considerably in the performance of his or her duty, depending on who it happens to be at the time. I would argue that the Speaker does have that power. I would argue that the Speaker in the Chair always has the power to look and to reassess what has happened, provided it is done immediately and not the next day or three days later; but to look at it immediately and reassess what has happened and then change his or her mind as to the import of what has taken place or as to the substance of what has taken place.

I contend that is exactly what happened last night. The Speaker did not sit down. He did not lean to do anything else.

He was standing throughout the entire piece. When he said "I declare the motion lost", he was still looking down the floor of the House. There were two or three Members shouting and he then said: "No, I see five Members now and I therefore call in the Members". I contend that that is an authority and a power that the Speaker must have. In the interests of being able to perform the functions of Speaker, the Speaker, whether it be the Speaker himself or one of his deputies, must have that kind of power and must have the confidence of the House that allows the Speaker to have that kind of power. Last night we took that power away—not us, but that power was taken away. I suggest to you, with the best of intentions, that that was quite wrong. It was quite wrong to do that. It will limit a Speaker's ability to do the necessary work within the House of Commons that must be done.

I would ask for three things. I would ask, first, that you view and listen to the transcripts to determine the authenticity and validity of what I have said with regard to what took place last night.

I would ask that if you find that in fact the Speaker did declare that the motion was adopted, that you first of all order that that be put into *Hansard* in its proper place.

I would then ask, in the light of having come to that conclusion, that you reconsider whether the Bill of my hon. colleague, the Hon. Member for Selkirk-Interlake (Mr. Sargeant), has been properly dealt with; that as a result of the proceedings that occurred last night the Bill has now been defeated when in fact I contend there is evidence to show it was carried. If you come to the conclusion that in fact an error did occur, I ask that you direct that the Bill be put back on the Order Paper and that the Bill be debated again, or else that you come to the conclusion that the Bill was in fact carried and that it therefore should be sent to the Standing Committee on External Affairs and National Defence. Or—there are options, and I leave you to make your own—that you declare that the debate on the matter was not concluded last night at six o'clock, that the division bells which stopped and were intended to call in the Members for a vote are as valid now as they were then, and that the division that was asked for legitimately, I put to you, within the Standing Orders, be ordered to take place so that this matter can be properly dealt with.

I want to add one final comment in order to try to put the thing into its final context so that it is complete. You will know, Sir, that there was some question about whether the Hon. Member for Winnipeg North (Mr. Orlikow) was in the House and in his place at the appropriate time. If you refer back to what I said about Formula No. 94 dealing with the procedure, the Hon. Member for Winnipeg North complied in total with what was required of him. He himself would have made the point but unfortunately he is not able to be here this morning. If you remember, he pointed out in rising during the discussion that took place that he was in fact here. I want to make that point. At page 1029 of *Hansard* the Hon. Member for Winnipeg North said:

—I was coming into the House when the motion was being put.