

HOUSE OF COMMONS

Tuesday, April 3, 1990

The House met at 11 a.m.

Prayers

[*English*]

PRIVILEGE

BUSINESS OF SUPPLY—SPEAKER'S RULING

Mr. Speaker: Yesterday the hon. House leader of the Official Opposition raised a question of privilege relating to events of Friday, March 30, 1990, a day designated as the first allotted day of the supply period ending June 30, 1990 under Standing Order 81(17).

The hon. member argued that the privileges of opposition members had been breached by the call for quorum made by the chief government Whip. Since this had resulted in a count-out, the Acting Speaker, pursuant to Standing Order 29(3), had declared the House adjourned. By count-out I mean there were not enough members in the House to provide a quorum.

The result, in the view of the hon. House leader of the Official Opposition, denied opposition members the right to debate the motion on an environmental action plan and so infringed their privileges. The hon. member seeks redress through the redesignation of a first allotted day for the current supply period.

The Chair will first deal with this key question. The provisions regarding quorum have been in existence since 1867. Standing Order 29(3), in place since 1982, provides additionally for a 15-minute bell to summon members. It reads as follows:

If, during a sitting of the House, the attention of the Speaker is drawn to the lack of a quorum, the Speaker shall, upon determining that a quorum is lacking, order the bells to ring for no longer than fifteen minutes; thereupon a count of the Members present shall be

taken, and if a quorum is still lacking, the Speaker shall adjourn the House until the next sitting day.

On Friday last, as the *Votes and Proceedings* indicate, no government members were present for the count. Faced with a count-out, the Acting Speaker declared the House adjourned.

The Chair has carefully reviewed the events of March 30, and it has noted that Orders of the Day were reached and debate duly begun on the opposition motion. Later, under the provisions of Standing Order 26(1), the House continued to sit beyond the ordinary hour of daily adjournment to consider the business before it. In other words, it was moved that the House sit beyond three o'clock that afternoon and that was sustained, so debate was continuing past the ordinary hour of adjournment which was three o'clock. That motion did not come from the government side; it came from the opposition side.

The hon. House leader of the Official Opposition argues that the quorum call by the chief government Whip truncated the debate and effectively robbed the opposition of its allotted day. However, under the circumstances, it is difficult for the Chair to conclude that the government must bear the sole responsibility for the House adjourning for want of a quorum.

It has often been argued that allotted days are a fundamental right of the opposition minorities in the House, offering a specific forum for debate on their concerns. If one accepts, as your Speaker does, that this perspective is accurate, then one is also left to conclude that the opposition must not only accept but would carefully guard the need to maintain a quorum for debate on its items of business.

The hon. member for Esquimalt—Juan de Fuca commented vigorously about the consequences of government members not responding to the quorum bells. As I said yesterday, this falls into the realm of tactics. I think I also added that what is sauce for the goose is sauce for the gander.

Arguably, if it so wished, the government could have marshalled 15 members to rise in their places and oppose