

THE ACTING SPEAKER (MR. GUILBAULT): The question is that Bill C-204, an Act to declare Canada a nuclear-weapon-free zone, be now read a second time and referred to the Standing Committee on External Affairs and National Defence.

SOME HON. MEMBERS: Agreed.

SOME HON. MEMBERS: No.

THE ACTING SPEAKER (MR. GUILBAULT): Is it the pleasure of the House to adopt the said motion?

SOME HON. MEMBERS: Agreed.

SOME HON. MEMBERS: No.

THE ACTING SPEAKER (MR. GUILBAULT): All those in favour please, say yea.

SOME HON. MEMBERS: Yea.

THE ACTING SPEAKER (MR. GUILBAULT): Those against, please say nay.

SOME HON. MEMBERS: Nay.

THE ACTING SPEAKER (MR. GUILBAULT): In my opinion, the nays have it.

SOME HON. MEMBERS: Oh, oh!

THE ACTING SPEAKER (MR. GUILBAULT): The motion is defeated, I declare the motion lost.

That is exactly what is required according to Formula No. 94, "Putting a question to the House", found in *Beauchesne's Parliamentary Rules and Forms*. Up to that point nothing has gone wrong. Let me continue from page 1028 of *Hansard*:

AN HON. MEMBER: Thank you.

And five Members having risen:

Let me repeat "*And five Members having risen*". It continues:

THE ACTING SPEAKER (MR. GUILBAULT): No, there are enough Members now.

MR. FISHER: No way.

AN HON. MEMBER: He wasn't here.

MR. KEEPER: The Hon. Member was here all the time.

MR. FISHER: You guys were not all here when it was read.

THE ACTING SPEAKER (MR. GUILBAULT): Call in the Members.

And the division bells having been rung.

What happened last night was exactly in keeping with Formula No. 94 found in *Beauchesne*. What is recorded in *Hansard* records quite clearly, with one notable exception, that there were five Members who rose in their place and the Acting Speaker called in the Members.

I put this on the record because I now want to make the following point. If it is argued, as it was, that at a particular point in time there were fewer than five Members present, and if it is subsequently argued that the decision of the Acting Speaker at the time was to ignore that, because he himself says he saw five Members and calls in the Members; if it is argued that he is not allowed by a rule, a precedent or by some practice, having looked at the House and determined there were five Members present, to do that, that somehow or other that was out of order on his part—if it was—because he had already said "the motion is defeated, I declare the motion lost", then I would argue that at that point in time which preceded those words he said "Is it the pleasure of the House to adopt the motion? *Adopté*" that no further proceedings should have carried on. The motion had been carried and the matter should have been referred to committee.

Point of Order—Mr. Deans

I raise it in that way because it is crucial, as you can see, Mr. Speaker, for me to establish that in fact the Acting Speaker did acknowledge that the motion was carried. You can understand, I am sure, that that would be absolutely essential. I put it to you, Sir, that there is absolutely no doubt in listening to the tape recordings of the verbal exchange that took place in the House of Commons that between the time the Acting Speaker said "Is it the pleasure of the House to adopt the motion?" and the time he said "*Adopté*" a period of time elapsed, a short period albeit; but there was no evidence on the tape that any Member anywhere in the House of Commons said anything. There is no evidence, absolutely none.

More important or equally important, in looking at the video tape of what took place in the House of Commons, again the Acting Speaker stood, as he is required to do, looked to the House and said: "Is it the pleasure of the House to adopt the motion". Again, there was no indication that anyone said anything at all between the time he said "motion" and the time, looking down the floor of the House, when he said "*Adopté*".

If we are to accept that the Acting Speaker could change his mind in those circumstances and could then permit the proceedings to carry on, because after the word "carried" in French had been put to the House, some Members shouted no—

Mr. Tobin: The Acting Speaker said "No, there are enough Members now."

Mr. Deans: If we are to accept that the Acting Speaker is then permitted, having subsequently declared the motion carried—

Mr. Tobin: The Speaker's words give you away.

Mr. Deans:—having declared the motion carried, that the Speaker has the right and the authority, hearing other interjections afterwards, to go back and then put the motion to the House again in one way or another, then I contend the Speaker in the second instance had the right to look down the floor of the House to see there were five Members—

Mr. Tobin: "Now".

Mr. Deans:—and to call the Members in and have the division bells ring, and we have the right to have the vote taken. If on the second point it is decided by the Chair that we did not have that right, then I suggest the motion should have been declared carried some time prior to that event occurring.

● (1220)

Unfortunately, because of the timing of this event—it had to be raised, and I do not deny it, at that precise moment—because there was no *Hansard* record to go by, and because there was no opportunity to research the events at the time, the information which I now bring to your attention is information I did not have last night, nor could I have been expected to