

Investment Canada Act

Mr. Hnatyshyn: I think this is germane to the point of order, as the Hon. Member for Simcoe North (Mr. Lewis) has alluded to the record of the House and I am now making specific reference to the "blues" which clearly state what transpired according to the official record. If you look at the "blues", Mr. Speaker, and I have a copy in my hand, you will see that at the time in question it states, "On Motion No. 24, Mr. Axworthy moved that Bill C-15, an Act respecting investment in Canada, be amended in Clause 10 by striking out lines 43 to 48 at page 6". The Deputy Speaker said, "Is it the pleasure of the House to adopt the motion?" Some Hon. Members said, "Agreed". The Deputy Speaker, according to *Hansard*, did not then deal with the motion. He did not then, as he is required to do by Beauchesne, say, "Carried".

Mr. Deans: He said, "Adopté".

Mr. Hnatyshyn: Oh, I see. So we are hearing things which are not now in the official record.

Mr. Deans: The "blues" are not the official record.

Mr. Gauthier: The "blues"? Come on.

Mr. Hnatyshyn: So it is not incumbent upon us to take the official record as being the appropriate one? I listened in silence to the Hon. House Leader of the New Democratic Party. I would hope that he would extend the same courtesy to me. I know he is on a very weak point of order in this particular situation, but I am prepared to consider this matter in a serious way.

What I am saying, Mr. Speaker, simply is that there are three steps normally taken with respect to these matters, as you will know, Mr. Speaker. First, it is asked whether it is the pleasure of the House to adopt the motion. Then the Speaker, if he is able to discern that there are yeas and nays, would then take the second step. This House operates on the basis of the discretion of the Chair and not on the basis of some lack of acoustical ability to hear whether there are both yeas and nays because there is activity on the floor of the House. At the first possible instant, Mr. Speaker, at least one Hon. Member stood in his place to indicate that he indeed had said "nay" at the appropriate time. It was not a delayed reaction. It was an instant reaction when the Deputy Speaker moved on to the next motion.

Mr. Gauthier: That's not true.

Mr. Hnatyshyn: The Hon. Member for Simcoe North (Mr. Lewis) stood in his place and said, "I said 'nay'". I know that there are other Hon. Members in this House who are prepared to say that they said "nay". That is the basis on which this House operates. If we are able to accept the words of Hon. Members, then we have the opportunity of having at least the process and procedure dealt with in a reasonable manner. I say to you, Sir, as you will know, Beauchesne's Fifth Edition does put very clearly the procedure of putting a question to the House. Appendix I, Item No. 94, indicates that the occupant of the Chair makes a declaration with respect to whether the

matter is carried or not. I was not here, I grant you that, Mr. Speaker, and I can only go on the basis of the official transcript which is *Hansard*. If one were to say to me that perhaps the occupant of the Chair did say "Carried" It would indicate to me that the acoustics in the House are not perfect because the *Hansard* reporter did not hear the Speaker, who had a microphone on. We in the House all understand that the Government was opposed to this motion. That has been indicated in debate. The Speaker is cognizant of what is going on. This is not a technical institution. It is one in which questions should be dealt with on a reasonable basis. If it is going to be said when an Hon. Member stands in his place to say that he said "nay", then I say that we should have the same right to say that the occupant of the Chair did not say "carried". I have proof here that according to the official record the occupant of the Chair did not say "carried".

● (1530)

Mr. Axworthy: Except the occupant of the Chair said he did. Are you challenging the Deputy Speaker?

Mr. Hnatyshyn: Mr. Speaker, I allowed the hon. Opposition spokespersons to deal with this matter. It is not becoming for Hon. Members to shout down a humble servant of the House who wants to make a serious point.

Mr. Axworthy: Bring the humble servant forward then.

Mr. Hnatyshyn: The Speaker is sitting in one position in the House and Hon. Members sitting at the other end of the House from time to time indicate the fact that they are in opposition to the motion. Certainly we are not going to make our decisions about votes and change the laws on the basis of whether or not a Member has to be extremely noisy. If they say "nay" and indicate they said "nay" at the first opportunity, it seems that this is a reasonable proposition. We are not asking for any favours of the Chair. It is not undermining a ruling of the Chair. I think there is a prima facie case which can be demonstrated on the official record. We can look to other sources which may indicate that something was said which was picked up on the recording. I simply reiterate my point, Mr. Speaker, that there is a question of an acoustical problem. Members say they said "nay". I believe them and I think we should take account of that and complete the process by calling for the yeas and nays in order to decide whether the yeas or the nays have it. That is only fair. That is democratic and I suggest to you, Sir, that it would be the reasonable way to go.

Mr. Gray (Windsor West): Mr. Speaker, could I make a very brief intervention?

Mr. Speaker: The Hon. Member for Windsor West (Mr. Gray).

Mr. Gray (Windsor West): Mr. Speaker, my hon. friend, the Government House Leader, has based his whole argument on what he says is the official record of the debates of the House. From what he is saying, it appears that all he is talking