

Point of Order—Mr. Deans

Acting Speaker was as follows: "Is it the pleasure of the House to adopt the motion"? There was then a pause, followed by the Acting Speaker saying "*Adopté*". In other words, what he said was "Carried", "*Adopté*".

I raise this matter initially because it is clear that the record of *Hansard* that has been issued for the proceedings of yesterday is wrong. It is incomplete. There is an important, in fact a vital, omission from the record of *Hansard*. That omission in itself contributed significantly to the events that subsequently occurred last night.

As you will recall, Mr. Speaker, towards the end of the afternoon there was a division bell that was rung. After the division bell had stopped ringing, there was a point of order raised by the House Leader of the Official Opposition. That exchange which took place between the House Leader for the Official Opposition, the House Leader for the Government, the Minister of Fisheries (Mr. De Bané), the Hon. Member for Winnipeg North (Mr. Orlikow) and myself resulted in the Speaker making the following decision, and I quote only the final sentence:

The Acting Speaker is quoted as saying that the motion is defeated, "I declare the motion lost". In the circumstances, the motion is lost. This House is now adjourned.

I put to you that previous to that ever having occurred, the Acting Speaker had declared the motion carried, had clearly declared the motion carried. If on the second instance, and I will put on the record the exact words, it was inappropriate for the Acting Speaker to proceed, beyond having declared the motion lost, to do anything other than to go on to the next order of business, it was equally inappropriate for the Acting Speaker, having declared the motion carried some time earlier, to proceed with that particular order of business. He should have gone to another order of business.

I want to put the following forward for your consideration. You will remember the events of last evening, I am sure. They were unusual, to say the least. They were unusual in a number of different ways. It was unusual, as I am sure you will admit, that a point of order would be raised at that precise moment. It is not something that happens frequently in the House of Commons. Therefore it took everyone somewhat by surprise.

The point of order that was raised by the Hon. Member for Yukon (Mr. Nielsen), the House Leader for the Official Opposition, was a simple point of order. He rose and said he had a submission to make. He made note of the fact that it was a rare occasion in the House of Commons when we were confronted with an unnecessary division. I paraphrase him. I use his own words, but I am not reading verbatim. He went on to say:

As I understand it, and I believe when the "blues" are published they will bear me out—I cannot quote from the official "blues" but I have the "whites" before me—the Acting Speaker who was in the Chair, Mr. Guilbeault, when the question put on the motion that was before the House, asked for the yeas and nays:

He then quoted as follows:

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!

That is normally the fact.

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

He then goes on to say other things and I will return to those in a moment.

● (1210)

Mr. Speaker, you are as aware as I am of the requirement for the putting of a motion. The requirements for the putting of a motion are contained in Beauchesne's Fifth Edition at page 294. Under formula No. 94, "Putting a question to the House", the following format is to be followed:

"Is the House ready for the question?"

"The question is as follows:

N.B. Speaker reads motion

"Is it the pleasure of the House to adopt the motion?"
"Carried."

N.B. If several Members call 'No', the Speaker says:

"All those in favour of the motion will please say 'Yea'.

"All those opposed will please say 'Nay'.

"In my opinion, the 'Yeas' (or 'Nays') have it.

"I declare the motion 'carried' (or 'lost')."

N.B. If five or more Members rise, the Speaker says:

"Call in the Members"

I want now to draw to your attention the sequence of events last night. Relating directly to that, I will return in a moment to the question of whether or not the motion was adopted previously. Returning to the sequence of events last night, and keeping in mind what I have just read, Mr. Speaker, let me read what is found at page 1028 of *Hansard*:

PRIVATE MEMBERS' BUSINESS—PUBLIC BILLS

[English]

THE ACTING SPEAKER (MR. GUILBAULT): Shall all orders and items listed under Private Members' Business preceding Order No. 7 be allowed to stand by unanimous consent?

SOME HON. MEMBERS: Agreed.

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NUCLEAR-WEAPON-FREE ZONE ACT
MEASURE TO ESTABLISH

MR. TERRY SARGEANT (SELKIRK-INTERLAKE) moved that Bill C-204, an Act to declare Canada a Nuclear-Weapon-Free Zone, be read the second time and referred to the Standing Committee on External Affairs and National Defence.

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

I pause at that point because, as I said earlier, there is a word missing, an important word missing. However, I will come back to that. The proceedings continue as follows:

MRS. BEAUCHAMP-NIQUET: No.

THE ACTING SPEAKER (MR. GUILBAULT): Is it agreed or not? I am in the hands of the House.

Further on—I will not read it all—we find:

AN HON. MEMBER: Put the question.