

HOUSE OF COMMONS

Monday, October 23, 1995

The House met at 11 a.m.

Prayers

[English]

POINTS OF ORDER

BILL C-106

Mr. Bob Ringma (Nanaimo—Cowichan, Ref.): Mr. Speaker, the *Journals* of Thursday, October 19 show the vote on Bill C-106 was deferred by the chief government whip to today at 5.30 p.m. pursuant to Standing Order 45. However, according to Standing Order 45(6)(a):

A division deferred on Thursday is not held on Friday, but is instead deferred to the next sitting day, at the ordinary hour of daily adjournment.

The next sitting day is today and the ordinary hour of daily adjournment is 6.30 p.m., not 5.30 p.m.

The chief government whip cannot unilaterally defer a vote from Thursday to Friday to Monday to any other time but the ordinary hour of daily adjournment, to wit 6.30 p.m. He could do it pursuant to Standing Order 45(7) but as as you know, Mr. Speaker, he would need consent from the three whips for that.

He did not ask me so that leaves him with only one option which is unanimous consent. If it was done by unanimous consent the records would indicate that. The records show the vote was deferred pursuant to Standing Order 45.

Mr. Speaker, if you would also check *Hansard* and the video for that day you would find that unanimous consent was not sought. In fact the government whip was not in his seat to be in a position to ask for unanimous consent; he was in front of the Speaker's chair. As you know, Mr. Speaker, it is from there that he asks that votes be deferred according to the authority granted him under the standing order. The standing orders in this case do not give him the authority to defer a vote from Thursday to 5.30 p.m. today.

It may not even be necessary for you to rule, Mr. Speaker. The problem can be solved if the House gives its consent to have the vote at 5.30 p.m., which consent I and the Reform Party are prepared to give.

My concern is not really with the time of the vote. The point is we should be careful about following the rules. Our distinguished table officer, Stanley Knowles, once said that the opposition has only the rules for its protection, hence the authorities on parliamentary procedure emphasize the great importance to the opposition of the only protection it has, the protection of the rules.

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the hon. member is quite right in his vigilance in seeing that the rules are correctly applied and interpreted. I commend his efforts in this regard.

I note that he is not objecting to the fact that the vote is scheduled for 5.30 p.m. this afternoon. I submit that the decision which the Speaker made at the time of the request last week was correct.

I refer the hon. member to Standing Order 45(5)(a)(ii):

During the sounding of the bells, either the Chief Government Whip or the Chief Opposition Whip may ask the Speaker to defer the division. The Speaker then defers it to a specific time, which must be no later than the ordinary hour of daily adjournment on the next sitting day that is not a Friday. At that time, the bells sound for not more than fifteen minutes.

When the request was made on Thursday it was deferred in accordance with this standing order to the next sitting day that was not a Friday, which was Monday, at a time not later than the ordinary hour of daily adjournment. In other words, the chief government whip, who I believe made the request last Thursday, made it in accordance with Standing Order 45(5)(a)(ii) in requesting that it be deferred until Monday at 5.30 p.m. I believe he had that right under that standing order.

I know that Standing Order 45(6)(a) deals with Friday divisions. It was intended as a rule to deal with divisions which might otherwise take place on Fridays, in saying that it went to the ordinary hour of daily adjournment on Monday. In respect of Thursday votes, that was intended as an explanation. However, the rule which allows the time to be fixed was set in Standing Order 45(5), not in Standing Order 45(6).

No doubt the hon. member makes a very neat point. However he has missed the other part of the rule, which in my submission applies in this case. That is the rule to allow the chief government whip or the chief opposition whip to set a time earlier than the ordinary hour of daily adjournment on any day when a vote is deferred.