

*Division Bells Procedure*

commenced on March 28. He went on to say that he could find no text or precedent which supported the authority of the Chair to suspend a sitting "at whim". I agree with him. I assure him that the action I took on March 19 was not taken lightly. I looked at precedents. I engaged in consultations. I waited until almost the very last minute in the hope that the representatives of the Parties would notify me of their intentions.

The Hon. Member for Yukon referred to the power of the British Speaker to adjourn or suspend a sitting in circumstances of grave disorder. Let me assure him that the thought of justifying my action in terms of this procedure never entered my head. There was no grave disorder. This practice has no bearing on the situation which faced us. There is nothing in the British practice and precedents which could assist us in resolving any problem related to the bells. This problem is uniquely Canadian. I know of no parliamentary jurisdiction outside Canada where the bells can ring for an unlimited period prior to a recorded vote.

The position taken by the Hon. Member for Yukon was that the timing of a vote rests entirely with the Whips because a division is an expression of the will of the House, not of the Chair. Thus, in his view, even the suspension of the bells overnight is beyond the authority of the Chair, without the consent of the Whips, even though such action cannot affect the length of time the bells may ring nor the outcome of the vote. That is his view and I respect it.

*[Translation]*

The Hon. President of the Privy Council, while supporting the action of the Chair in suspending the bells, agreed with the Hon. Member for the Yukon that the decision as to the timing of a vote was a matter for the Whips. He pointed out that there are no standing orders to provide any direction as to the Speaker's role where the bells are concerned. Neither is there any jurisprudence except in relation to the lapsing of dilatory motions and the suspension of the bells overnight when a substantive motion is before the House.

The question which arises, therefore, is: how is the Speaker to assist the House without a standing order or a resolution of the House to guide him? How is he to fulfil his duties when he finds himself trapped in a situation whereby, whatever he does, his action will appear to be partisan? With nothing but common sense to guide him, he can only do what appears to be sensible in the circumstances.

*[English]*

The Hon. Member for Hamilton Mountain (Mr. Deans) made a number of significant comments. He said that at some point the House has to come to grips with the problem that threatens to be a potential disaster for the parliamentary system. He pointed out that the rules of the House are intended to protect each and every Member. And he underlined the embarrassment for the Chair when it finds itself in a situation such as occurred on March 19.

He has my full sympathy in the expression of these views. Let me assure him that the Chair is ever mindful of its duty to protect minorities. However, where voting is concerned, there is little the Chair can do as long as the timing of a recorded vote remains exclusively in the joint control of the Whips of the Government and the Official Opposition. In practice, total control can be exercised by only one of the two, acting on his own, because under our present practice the vote cannot take place unless both Whips approach the Table together. Perhaps, in taking account of the problem, the House or the House Leaders might give some thought to the position and rights of a third party.

Let us consider the implications of allowing the bells to ring indefinitely. When taken to an extreme, the practice can paralyse Parliament completely. We have seen in Manitoba how the Government was forced into proroguing the legislature because an indefinite bell was used by the opposition to prevent a vote on an important government measure. We can imagine a government in a minority situation using the indefinite bell to avoid facing defeat on an issue of confidence. We have also seen how the bells can disrupt the arrangements for signifying the Royal Assent to bills. While the House is fully within its rights in ordering its affairs as it sees fit, I suggest that the other place and the representative of His Excellency the Governor General were subjected to a grave discourtesy as a result of what happened on March 28. Do we in this House of Commons really want to enshrine this device permanently in our practice?

It seems to me that the House has three options. The bells can be controlled by the Whips, by the Speaker or by Standing Order. I think the House should consider the pros and cons of all three options. If the Whips have unrestricted control over the bells, we all know what the possibilities are. It means that either the Government Whip or the Official Opposition Whip can exercise an absolute veto over the taking of a vote. Perhaps this suits the purposes of the Government and of the Official Opposition. Is it satisfactory to the House as a whole? Is it acceptable to back-benchers? Is it fair to a third party?

● (1210)

If the Speaker were to control the bells, it could place a very grave responsibility upon him. The advantage to the House would be that the control of the bells would be in the hands of an impartial arbiter. He would, to repeat the words of Mr. Redlich, have regard to the "protection of the majority against obstruction and protection of a minority against oppression". Thus he could be expected to intervene if the bells were used to obstruct a government measure indefinitely. He could also be expected to intervene if the Government were trying to prevent a vote it expected to lose.

The third solution would be to adopt a Standing Order which would place a limit on the length of time the bells may ring and possibly also provide for the scheduling of votes at pre-determined times during the week. In this way, all Hon. Members would know in advance the amount of time available to them to reach the House in order to vote. I believe this