

*Old Age Security Act Amendment*

Commons *May's* Parliamentary Practice, sixteenth edition, has this to say:

In the Commons the Speaker takes the sense of the house by desiring that "As many as are of that opinion say, 'Aye,'" and "As many as are of the contrary opinion say, 'No'".

Then it goes on to say that members cannot give one voice when the yeas and nays are called and then vote contrary to that. There are many references to this in British practice and in the British rules which make it quite clear that votes which are recorded can have no other effect than to do again what has been done by the voice vote and which has been declared by the Speaker as carried or not carried as the case may be. Our practice is a frivolous waste of time of the house because it can have no effect. I am perfectly aware of the fact that this practice has gone on in this House of Commons for many years but I believe it is a practice which originated in an error and that this error has been compounded by references to errors in the past.

The situation is such, Mr. Speaker, that if the respect for this House of Commons is to be raised in this country we should start by eliminating frivolous procedures which have no effect on the passage of legislation in the house.

**Some hon. Members:** Hear, hear.

**Mr. MacLean (Queens):** There are many cases, Mr. Speaker, with which you are familiar—although this is a slightly different point or a development of the point—which establish that in the British House of Commons the Speaker has the power to declare that the recording of a vote would be frivolous if only a small number of members stand. There are many cases, for example, where the Speaker so declares.

Finally, to make this brief at this late hour I would refer you, sir, to the third edition of Bourinot's Parliamentary Procedure at page 500 where we find this statement:

In the commons the yeas and nays can be taken only in conformity with the following rule:—83. "Upon a division, the yeas and nays shall not be entered on the minutes, unless demanded by five members".

That is the old rule which is still in existence but which I think can be regarded as being deficient. The note at the bottom of the page has this to say:

● (11:50 p.m.)

It has often been suggested that it is advisable to adopt the English practice, by which a member who calls out with the noes and forces a division should vote with the noes on the obvious principle

that it is for the minority alone to appeal from the Speaker's decision to the ultimate test of a division.

This is a principle which is long overdue for adoption in this House of Commons. I do not expect you to rule on this matter at the moment, Mr. Speaker, but I would respectfully suggest that you would do a great service to Canadian parliamentary life if you made this your centennial project.

The footnote of this precedent continues as follows:

But such a practice has never obtained in the Canadian House, and whilst attention has been frequently directed to its propriety, no Speaker has ever attempted to enforce it.

I think the time has come when that should be done.

**Mr. Speaker:** Order, please. Even at this late hour I feel I should be given an opportunity to rule on the very interesting and important point raised by the hon. member for Queens. I can assure the hon. member I have taken this into serious consideration. In many ways his point is academic because he knows, as intimated by his remarks, that at least to some extent we are faced with a standing order which is part of our Canadian rules and governs the practice of this house. That standing order is to the effect that on a division the yeas and nays shall not be entered unless demanded by five members. Standing order No. 9 states that if five members rise there shall be a division.

As hon. members appreciate, it is rather difficult for the Chair to decide whether the five members rising are among those who said "Yea" or "Nay". Perhaps what the member is suggesting is that Chair at the moment should ask the five members whether they were among those who said "Yea" or "Nay".

The hon. member suggested that this should be the Chair's centennial project, which is perhaps a good idea, but I would suggest that it should be the centennial project of the House of Commons. Hon. members know that the Chair under similar circumstances is bound by precedents. Conveniently it has been brought to the attention of the Chair that in recent years there have been a number of instances on which a division has been held where not one objecting voice was heard. There was one on Thursday, July 24, 1958, one on Monday, September 14, 1958, one on March 4, 1959, one on June 4, 1959, one on June 9, 1959, one on March 7, 1960, and one on August 1, 1960. I could go on enumerating them to hon. members—