

• (1710)

One last citation which I should like to quote from *Beauchesne*, Fifth Edition, at page 76, Citation 223(2), reads:

A Member must be in his own seat should he wish to vote and should remain in his seat until the division is complete and the result announced.

I did not hear the result, and there are many Members on this side who did not hear the result. Citation 223(2) of *Beauchesne* refers to *Hansard* for February 16, 1976, page 10986, where the following exchange took place, and that was the occasion which I have already mentioned where the Hon. Member for Grenville-Carleton, as he was then, drew the attention of the Chair to the fact that he thought—well, I will read his words:

Mr. Speaker, I think that inadvertently I was counted twice. I do not want to overdo my welcome among my colleagues. I think that I was counted twice because I shifted from my seat. The first vote only should be counted.

I do not know why he did not want the second vote counted. In any event, that Citation is there for the reference of the Chair. Clearly, Madam Speaker, it is not only necessary for a Member to be in his seat to give the question, but he must also be in his seat to hear the result of a division announced, and I question whether a division is complete before Members have heard the results announced and have had the opportunity to question those results. Secondly, if a division is incomplete, until such time as the results have been announced to the Members, it is my submission that it is contrary to the rules and practices of this House to adjourn the House. Those are the two points of order.

I have tried to be as brief as possible, but unlike the “candy-backed” Parliamentary Secretary to the President of the Privy Council (Mr. Smith), I believe they are points of order which are of substance and deserving of very careful consideration by the Chair, particularly in view of the next order of business to which we will be moving immediately following the Chair’s decision on the first point of order which I raised.

With respect to the first point of order, the effect of that, if accepted, would be that, after your declaration that the motion had been lost, that was as far as the Chair could go. The hour of adjournment had been reached and passed. The Chair, I submit, at that point, was *functus*. It had no further power to make any further decisions such as the one which was raised last night, thus denying Members their undeniable right of access to certain actions under the Standing Orders, of which they may still wish to avail themselves today.

**Mr. Ian Deans (Hamilton Mountain):** Madam Speaker, I had absolutely no intention of rising on this point of order, but having listened to the Hon. Member for Yukon (Mr. Nielsen), I feel there are two things I want to say with regard to his comments. First, it is true, I think, that the count was not audible to the House of Commons last evening. I, in fact, noticed that myself at the time and would have perhaps raised it had it not been for the fact that there was a sufficient amount of turmoil and I felt we probably required no more at the time.

*Point of Order—Mr. Nielsen*

With regard to the question of whether the Clerk did in fact rise and read the count, although I could not hear it—and I make that point—there is no doubt in my mind as I watched that the Clerk not only rose, but he stood to the right as I am facing the Speaker, to the right of the Speaker, to speak to the Speaker.

**Mr. Nielsen:** This way?

**Mr. Deans:** No, no, below the dais, but to the right of the Speaker. The Clerk who did it is sitting at the Table at the moment. I did in fact see the Clerk rise, but I did not hear the count. Therefore, on the one part of the point of order, if it is indeed out of order for the count not to be heard, then, quite clearly, the point of order is valid. That is a question, of course, on which I cannot make judgment since I am not the Speaker.

**Mr. David Smith (Parliamentary Secretary to President of the Privy Council):** Madam Speaker, I have not entered into the debate on all of these points of order and privilege this afternoon because I did not want to lend them any credence because they are obviously a filibuster. But with regard to this point, I think it raises a question of the actions of the Table officers, and I think the Table must be supported. I had trouble hearing what the count was, but I certainly observed the Clerk turn toward you, Madam Speaker, and I could see his lips moving.

**An Hon. Member:** Did you hear the count?

**Mr. Smith:** I think it is a safe and reasonable assumption that he was giving you the count. There is an old rule of law, Madam Speaker, which says that those who seek equity must approach the court with clean hands.

**An Hon. Member:** Like the Citizenship Court.

**Mr. Smith:** If the Clerk could not be heard it was because Members opposite were raising such a fuss that he could not be heard. I would submit, Madam Speaker, that this is one of the most spurious points of order I have ever heard in my time in Parliament, and I regret it has cast reflections on the carrying out of the duties of an officer of the Table in whose ability and integrity I have the utmost confidence. I am sure I speak for all Members on this side on that point.

**Some Hon. Members:** Hear, hear!

**Mr. Arnold Malone (Crowfoot):** Madam Speaker, I would just like to take a moment or two to share with you my opinion of what happened last night. The sound system was not functioning. We did not hear the vote. In fact, what happened is that it was not really until we saw *Hansard* today that we factually knew who won or lost the vote last night.

With respect to the position taken by the Hon. Member for Yukon (Mr. Nielsen), I would like to underscore the theme of what he was making reference to, and that is that we need in this parliamentary concept the utmost concern for process, and that process, in its very definition, becomes the standard by