

*Point of Order—Mr. Riis*

[*Translation*]

The Chair thanks all Hon. Members for their contribution to this question.

[*English*]

The concept of divisions lies at the very heart of the work of any deliberative assembly. Here in this place, the process whereby the House decides the questions before it has, at various times, been the focus of considerable attention by Hon. Members. Our procedure is, of course, laid down in the Standing Orders, but this codification is mitigated by the practice which has grown up over time. Thus, there is the time-honoured convention whereby the entrance of the Government and Opposition Whips to the Chamber signals to the Chair they are ready for the division to be taken.

This convention is nowhere codified, but it is regularly invoked, and its judicious use provides a practical mechanism for taking into account unexpected circumstances affecting one side or another and for allowing *ad hoc* arrangements to be made by the Whips in coping with these exigencies. The sort of accommodation this tradition permits represents the best traditions of this place in extending courtesies from one Party to another. There is always, however, the danger that in so doing we stray too far beyond the parameters of the rules. This is clearly what happened on August 31 where a 15-minute bell rang for 30 minutes before the Whips entered and the division was called.

A review of the recorded divisions in the second session of this Parliament provides a revealing and, I believe, reassuring glimpse of our current practice. Of 148 designated division bells—that is, bells to be rung for no more than 15 or 30 minutes in accordance with the Standing Orders—60 per cent were rung precisely for the designated time, while the time ran over in some 40 per cent of the cases. It is important to note, however, that in the great majority of these overruns—52 out of 59 instances—the extra time taken was less than five minutes and, in the seven worst cases, the longest overrun was 11 minutes on a 30-minute bell. These figures offer compelling evidence of the good faith of Hon. Members and testify to the even-handedness that has guided the Parties and their Whips in responsibly exercising the flexibility afforded them by convention.

● (1510)

The division on August 31 represents, in the light of these figures, an egregious example. The Chair realizes that, even in this instance, the Whips' decision to delay their entrance was made in a spirit of generosity and courtesy and that there was no intention to thwart the spirit of the Standing Orders. But even if the August 31 incident is an anomaly, and the evidence suggests that it is, the Chair shares with Hon. Members profound misgivings about the direction that such an incident might eventually portend. Since the circumstances of this particular instance are devoid of controversy, it is perhaps an

opportune time to step back and examine the larger dilemma that the Chair faces with regard to division bells.

[*Translation*]

While reviewing precedents in this respect, the Chair examined a similar case which occurred on November 2, 1982 when the 15-minute bell actually lasted for 33 minutes. Responding to a point of order, the Chair referred to the agreement between Whips and stated that it felt bound by it and would act accordingly.

[*English*]

By contrast, the McGrath Committee's third report, in discussing the stringent time limitations that electronic voting would impose, took the opposite view, stating:

Some may feel that this limiting of time for voting removes flexibility from the House. Your committee is of the opinion that the House of Commons can no longer enjoy the luxury of waiting for a few Members to arrive for a vote.

These conflicting approaches neatly summarize two options: rigid adherence to the letter of the Standing Orders versus unflinching support for the Whips' convention. In the opinion of the Chair, under current circumstances and with prevailing attitudes, either option is extreme and each carries with it its own perils.

On the one hand, strict adherence to the terms of the Standing Orders constrains the Whips from exercising their judgment and accommodating circumstances on a case-by-case basis. On the other hand, the surrender of the matter entirely to the Whips' convention potentially leaves the House thrall to the political climate of the moment, and to the possibility of questions not being decided expeditiously.

The Chair accepts the responsibility for ensuring the orderly conduct of House business, but would be reluctant independently to invoke the letter of the Standing Orders when it appears that the House, in its wisdom, has chosen to give itself some leeway. At the same time, as I said on September 1, I deeply regret the incident on August 31. It does seem to me that we cannot permit ourselves to stray so far beyond the bounds of the Standing Orders without incurring grave risks. If the House should choose to direct the Chair to enforce strict adherence to the designated times for division bells, then we would proceed accordingly. But the Chair is reluctant to intervene unilaterally to set aside the Whips' convention which, on balance, has served Hon. Members well. With the continued co-operation of all Parties, and the continued vigilance of all Hon. Members, the Chair is convinced that the House can maintain the delicate balance which fully respects the spirit of the Standing Orders with regard to designated times for division bells without doing violence to the Whips' traditional role.

Having said that, I think that the intervention led by the Hon. Member for Kamloops—Shuswap was a serious one and, under the circumstances, was very much warranted. The Chair will be diligent to ensure that no Hon. Member will feel the necessity to raise the matter again. I thank all Hon. Members.