

Point of Order—Mr. Nielsen

from the practices in this place. Perhaps it was because of the absence of the Clerk or for whatever reason, nonetheless it happened. Again, I lay no chastisement or blame at any doorstep. I simply feel it is my obligation to address the point to the Chair, and for the Chair to take note of it for whatever action may be deemed necessary.

I want to refer the Chair to Citation 233 of Beauchesne's Fifth Edition:

Points of order are questions raised with the view of calling attention to any departure—

That Citation is already on the record. I have already drawn the attention of the Chair to it. In this particular instance, my point of order was related to the method in which the result of the division was announced to the House. I would like to draw your attention to Citation 217 of Beauchesne's, pages 74 and 75 of the Fifth Edition where it is set forth. I will not read it all as it is rather lengthy. It reads in part:

217. When the debate on a question is closed, and the House is ready to decide thereon, the Speaker says: "Is the House ready for the question?" If it is evident that no Member claims the right of speaking, the Speaker proceeds to put the question by reading the main motion, and then the amendment or amendments in their proper order. He then takes the sense of the Members of the last of these by saying: "Those who are in favour of the motion (or amendment) will say 'yea'. Those who are opposed to the motion will say 'nay'." When the supporters and opponents of the question have given their voices for and against, the Speaker says: "In my opinion, th yeas (or nays) have it." Should five or more Members rise to request a recorded vote, the Speaker says: "Call in the Members." The Sergeant-at-Arms ensures that the bells are rung; the Whips take steps to assemble their Members. Except under S.O. 9(2) there is no special time fixed for calling in the Members. It generally takes at least ten to fifteen minutes to get them, the Speaker remaining in the Chair, although order is not strictly maintained. The signal for taking the division is the return of the Government Whip and the Opposition Whip. The Whips march up the aisle and bow to the Speaker before returning to their seats. The Sergeant-at-Arms remains by the Bar, also bowing to the Speaker before resuming his seat. The Speaker then calls the House to order, rises and reads the question, adding: "The question is on the main motion (or amendment as the case may be). Those who are in favour of the motion (or amendment) will please rise." Led by the Party Leaders, Members starting from the front benches rise separately and a Clerk Assistant, standing, calls out their names. The Clerk records their votes on a printed list, repeating each name as he places a mark against it. The Members should sit down after they have heard their names distinctly repeated by the Clerk. Members are taken, by Party, in rows with the Party Leaders called out first as a matter of courtesy. When all the "yeas" have voted, the Speaker says: "Those who are opposed to the motion (or amendment) will please rise", and the votes are recorded as above. When the "yeas" and "nays" are taken down and counted, the Clerk rises, bows to the Speaker and declares the votes in both languages, saying: "Yeas, pour . . . ; nays, contre . . ." The Speaker then says: "I declare the motion (or amendment) carried (or lost, as the case may be)."

I would point out at this stage that we have to be concerned with our procedures last night in this specific regard. It goes on:

If a division takes place on an amendment to an amendment, the Speaker will immediately put the question on the first amendment,—

The rest of the Citation is not relevant. I draw your attention in particular to the words of that citation which read:

When the "yeas" and "nays" are taken down and counted, the Clerk rises, bows to the Speaker and declares the votes in both official languages, saying "Yeas, pour . . . ; nays, contre . . ."

It is at that point that the Speaker then declares the motion to have carried or to have been lost.

Hon. Members on this side of the House, including myself, did not hear the announcement of the tally of the vote by the Clerk and are therefore in some confusion as to whether or not the division was properly concluded and, therefore, whether the House was able to adjourn at the time it did last night.

If I might have your attention for just a moment, Madam Speaker, may I point out that in my responsibilities now I have a habit of watching the Chair, listening to everything that is said and watching very carefully. I must admit that I did not see, let alone hear, the Clerk read the results of the vote last night.

Mr. Cousineau: Horseshit.

Mr. Nielsen: Mr. Cousineau behind the curtain just used a very obscene word. I hope it did not get in *Hansard*.

Some Hon. Members: Shame.

Mr. Nielsen: I would, except for the fact that Beauchesne's clearly states that the vote is declared in both official languages, be of the opinion that the declaration of the Clerk is merely for the purpose of informing the Speaker. However, the fact that the Clerk is obliged to announce the vote tally in both official languages and the fact that ordinarily the Clerk would make his announcement into a microphone so that his announcement is audible to all Members of the House both indicate to me that the purpose of the declaration goes beyond that of merely informing the Chair.

In my submission it is important that Members of this House be aware of the tally as communicated by the Clerk in order to ensure that the vote has been properly tallied and that no error is made in announcing the results of the division. Indeed, I remember an occasion when the House Member for Nepean-Carleton (Mr. Baker) rose on a point of order to draw the attention of the Chair to the fact that he was tallied twice in a vote, a privilege that some of us would like to have on occasions from time to time in this House. Indeed, the decision rendered by the then Acting Speaker (Mr. Ethier) on the point of order raised by the Hon. Member for York East (Mr. Collenette) is another analogy. In our proceedings last night, the Hon. Member for Calgary Centre (Mr. Andre) rose to put the record straight.

The proper time for bringing such an error to the attention of the Speaker is at the time the error occurs. That is at the time that the breach of proceedings takes place. Because Members on this side did not hear the vote tally, they could not ensure that an error had not been made. Although I had risen to draw this matter to your attention, the House was adjourned and thus this is the first opportunity I have had to question the validity of the proceedings that took place last night. I submit, Madam Speaker, that I should have been given that opportunity last night. Although I do not question the accuracy of the tally conducted by the Clerk, I am led to ask whether or not the division was validly completed, given, if the Chair so finds, that this departure from custom was a fact, and whether it was possible to adjourn at all last night.