

Government Orders

• (1630)

In fact, Section 4 of the Parliament of Canada Act repeats the wording of Section 18 of the Constitution Act. Therefore, Mr. Speaker, I ask you to consider whether the House has the constitutional authority to adopt a closure motion at this point.

My fourth and final point picks up on the second condition which Section 18 places on the privileges, immunities and powers of the House. That condition is that any change must not go beyond the powers held by the British House. Some of us might have personal concerns about that limitation, but nevertheless it is there in our Constitution.

As I previously submitted, closure can be viewed as both an infringement of a member's privileges and an extension of the powers of the House. In Britain closure is much less an infringement on a member's privileges and much less an extension of the powers of the House. There are a variety of factors found in Westminster that are not found here in Canada, factors which make closure somewhat less abusive in England and less an infringement on a member's privileges than in Canada where such mitigating circumstances are simply not found.

For example, in the United Kingdom any member can rise and ask the Speaker to accept the motion that the question be now put. At this point the Speaker has the discretion to allow or disallow that motion. If the Speaker feels that the debate has continued for an appropriate length of time and that the rights of the minority are not being trampled on, the Speaker then allows the closure motion to be put without debate to a vote. A simple majority is not sufficient to pass the closure motion. At least 100 members have to vote in favour of it. With closure passed, the House then immediately votes on the main question.

In Canada we are aware that only a minister of the Crown may move closure. The Speaker is not in a position to disallow the motion, and a simple majority is sufficient to pass a closure motion.

In Britain, closure is used by all sides of the House. It is not the sole domain of the government. Closure is a heavy legislative stick. In Britain, all members are provided with this important artillery.

Nor does the use of closure in Britain impede a member's right and ability to debate a bill. I think this is a very critical point. At Westminster, imposing closure at second reading of a bill does not terminate debate, it simply moves the debate from the main chamber to the committee room where it can continue for some considerable period.

For example, in Britain, standing committees which study legislation operate essentially as a mini-Parliament. Members stand to speak and deliver speeches virtually identical to those given in the chamber at second reading. Thus, whereas in Canada, closure at second reading denies members the right to speak on the principle of the bill, in Britain this is not the case. We in this party oppose the principle of this bill.

Some hon. members: Hear, hear!

Mr. Riis: If more time was available I could go into other mitigating factors which make closure in Britain much less an infringement on member's rights and much less an abuse of majority power.

Mr. Speaker, I will close now by simply asking you to consider the points I have made in making your decision whether or not you want to permit the government to proceed with the motion to impose closure before these questions are in fact settled.

I would also like to take this opportunity to serve notice at this time that should the House not volunteer to examine the constitutionality of its own Standing Orders, I would be pleased to submit this entire issue to the appropriate court.

Mr. Peter Milliken (Kingston and the Islands): Mr. Speaker, in rising to comment on the point of order raised by the hon. member for Kamloops, I want to say that I am delighted that he has taken up this cause. I think the arguments he has advanced to Your Honour are most worthwhile.

It is refreshing to see a change of heart on the part of the House leader for the New Democratic Party, the hon. member for Kamloops. I know the difficulty he and his party have been labouring under since January 24, when they began to prevent us in the opposition from speaking in the debate on this matter, which we of course have been quite concerned about.

Mr. Skelly (Comox—Alberni): You support the GST.

Mr. Milliken: The hon. member says that we support the GST. I think the hon. member knows that we have