

*Business of the House*

That is the part of the rule which relates to the sitting while the Speaker is in the Chair. There is a second part to Rule 33 which relates to closure while the house is in committee of the whole, which does not apply in this case. I point this out because the rule goes on to refer to:

—further consideration of any resolution or resolutions, clause or clauses, section or sections, preamble or preambles, title or titles,—

● (3:00 p.m.)

This applies only when the house is in committee. Therefore, in the first place, Standing Order 33 applies only, as I read it, to the debate when the Speaker is in the Chair. The adjourned debate which we are considering at this time is a debate on the amendment and not on the main motion. I am contending that is all that can be affected at this time by closure.

I should like to make a reference to the British practice because our rule 33 does not cover the situation where two motions are being considered. In cases where our rule does not cover a situation we are entitled to look at the British practice, which is set out in Standing Order No. 1. The British practice is that on a closure motion only the amendment can be moved for closure under one motion. I am referring to May's sixteenth edition. I refer to that because all the seventeenth editions are out, but the reference is the same in both editions. It is referred to at page 479.

In the British practice there is a special provision, subsection (2) of the closure rule, which is called closure of contingent questions. The British practice assumed there could only be closure on the amendment, but a subclause of that rule states that under certain circumstances the Speaker could permit a second closure to be moved upon the main motion. I am pointing out that there had to be a special rule to that effect under the British practice. Therefore the rule as it stands in the British practice, and as we have adopted it in this house, is that closure can apply only to the one amendment on which debate is being considered, and if further closure is required it would have to be under a second notice and second motion. I am mentioning this only because our own rule does not cover the situation. It merely says "an adjourned debate". This is what we are considering now. The adjourned debate is the debate on the amendment.

Finally I should like to refer to the flag debate because I am anticipating someone may say that the practice adopted there covers our present situation. In the flag debate we were considering a committee report and we were considering an amendment. Closure was moved on both the amendment and the main motion, and it was so put.

I want to point out two distinctions between the flag debate and this debate. The first is there was no ruling whatever made by Mr. Speaker in that instance, or requested by anyone when the procedure was followed. In other words the matter was not raised. It proceeded at that time by acquiescence of the house to a vote.

Now, Mr. Speaker, I may have been a little doubtful about my ground yesterday but Your Honour's decision in connection with the motion moved by the hon. member for Calgary North (Mr. Woolliams) has strengthened my case very much. I should like to read Your Honour's ruling of yesterday in connection with the hon. member's motion under another rule. The hon. member for Calgary North referred to an adjournment which was made on a previous occasion on which no ruling had been made by the Chair. At page 11510 of *Hansard* in the second column, Your Honour, in referring to this debate, said:

—no ruling whatsoever was made by the Chair when this matter first came up when the hon. member for Winnipeg North Centre first proposed his motion. As he knows, this is a very new type of motion; it was new to the extent of having been difficult for the Chair alone, or with the assistance of the Table officials, to accept or refuse the motion, but in view of the fact that no objection had been made to it the motion was put to the house. So I do not feel bound by anything because actually there was no ruling. A question was simply put to the house, and this is my view, one which I hold very strongly.

So I suggest that the flag debate could not be considered a precedent in this particular instance because a question was not raised at that time. It was a procedure which was followed apparently by acquiescence.

The second distinction is that Standing Order 33 has been amended since the flag debate was ended by closure. The amendments are not extensive but they do, I suggest, clarify the situation.

At the time of the flag debate Standing Order 33 included closure in committee of the whole as it related to supply and ways and means. There was a very long and complicated section. When these rules were revised last December rule 33 was altered in such a way