provide for an earlier expiry on motion of a Minister of the Crown after the First Royal Assent of the Bill.

[*English*]

The concept of studying legislation in Committee of the Whole House is certainly not foreign to our practice. Since the reform of 1968, after which most Bills were referred to standing committees, the journals abound with Bills reviewed in Committee of the Whole. Since the creation of legislative committees, the House has often waived the Standing Orders and often resorted to the Committee of the Whole for expediting business. The difference between most of those examples and today is that the House proceeded by consent rather than by motion. However, as I stated earlier, both methods for reaching such decisions are valid and stand on their own, whether achieved by unanimous consent or by a majority decision.

The Hon. Member for Kamloops did refer to and agree with my June comments that any other ruling would render the House hostage to a single Member if the House was required to proceed only by unanimous consent. He went on to claim, however, that this manoeuvre by the Government was an abuse and usurped the rights of the minority. I have some difficulty in reconciling these two positions.

• (1200)

On the one hand he concedes the danger of tyranny by a minority, but he does object at least in this case to the role of the majority. Both the minority and the majority have rights; however, primacy cannot be given to both.

Having carefully reviewed the arguments of the Hon. Member for Windsor West and the Hon. Member for Kamloops, as well as those of the Hon. Minister of State, I must advise the House that I am not persuaded that the motion on the Order Paper is fundamentally different from the June proposal. It is therefore in order.

I said last June that sometimes hard cases make bad law. This is another hard case. I am not pleased as your presiding officer to put this question to the House; but it would be bad law to do otherwise. I said just a few days ago that I am your servant. I cannot rewrite or reinterpret the rules at the behest of the majority or the minority. I have, however, a duty that the minority be protected and heard.

Let me now address on that note the question of the acceptability of the notice of closure. Standing Order 57 reads in part as follows:

> Immediately before the Order of the Day for resuming an adjourned debate is called . . . any Minister of the Crown who, standing in his or her place, shall have given notice at a previous sitting of his or her intention so to do, may move that the debate shall not be further adjourned.

[*Translation*]

From a careful reading of this Standing Order, it is clear that the closure motion may only be moved "immediately before the Order of the Day for resuming and adjourned debate is called".

[*English*]

In addition, this may only be done if notice of the intention to move closure has been given orally in the House by a Minister of the Crown at a previous sitting. While the Standing Orders specify when the motion can be moved, and how notice is to be given, it is silent on when notice may be given.

The Hon. Member for Ottawa—Vanier argued yesterday that notice could only be given after debate had begun. Standing Order 57 does not specify this. However, a search of numerous previous instances where notice of closure was given—going back to 1913 when the rule was first introduced—has failed to reveal an occurrence where notice was given prior to debate having begun.

It can be argued that merely because this has not happened previously that that does not prevent it from being allowed in this instance; that the Standing Order does not specifically prohibit this and therefore it should be allowed.

After a very careful consideration of this point, I am more persuaded by the weight of precedent and practice. Taking into consideration the gravity of the measure to be invoked and the necessity of protecting the rights of the minority, it is my feeling and decision that the intention of the Standing Order as drafted and as it has been applied is to allow a majority to impose closure only after debate on the question has begun. This is to ensure that such debate is not unfairly or prematurely curtailed. In this instance, debate on the motion had clearly not begun when the Hon. Minister served notice.

In resumé therefore I find that the motion standing on the Order Paper in the name of the Hon. Minister of State is in order and may be moved and debated. However, I cannot accept the notice of closure on that motion as proposed by the same Hon. Minister yesterday. Such notice can only be given once debate on the motion has commenced.

Again, may I close by thanking all Hon. Members who assisted the Chair with this extremely difficult decision by offering me the benefits of their collective wisdom.