

## HOUSE OF COMMONS

Wednesday, December 21, 1988

[*Editor's Note: Continuation of proceedings from Volume A.*]

---

### SITTING RESUMED

The Committee resumed at 7.30 p.m.

**The Chairman:** I am now ready to rule on the point of order raised by a number of Members.

In the point of order raised earlier today, the Hon. Member for Kingston and the Islands argued that the Hon. Minister of State for the Treasury Board was premature in giving notice of closure in relation to Bill C-2 because debate had not begun on many of the clauses that he referred to in his notice.

This leads easily to the further argument that the Minister's motion now before the Chair should be rejected. Since this motion must flow from his notice of yesterday, it too, it is argued, is defective.

The Hon. Member for Kingston and the Islands and the Hon. Member for Kamloops quoted from the Speaker's ruling made last week on December 15, 1988 in support of their argument. I should first address that issue.

Standing Order 57, without a doubt, provides for the giving of notice of closure either in the House or in Committee of the Whole. The Speaker's ruling of December 15, 1988 clarified what appeared to be an ambiguity as to the timing of the notice, and he ruled that notice can only be given once the debate has commenced on the matter to be closed.

Consideration of Bill C-2 in Committee of the Whole has also without a doubt begun, particularly as the committee is currently on Clause 2 of the Bill. The Minister, during the course of the consideration of Clause 2, gave notice of his intention to close debate on Clause 2 and on all remaining clauses of the said Bill. The timing of the Minister's action is, in my view, in keeping with the Speaker's ruling. Unlike the situation referred to last week, the Minister has served notice after debate on the committee stage had begun.

The Hon. Member for Kingston and the Islands and the Hon. Member for Kamloops further argued that the Minister's motion is procedurally faulty because it attempts to closure in Committee of the Whole parts of the Bill that have not yet been debated or postponed.

The Hon. Member for Kamloops is right in saying that Beauchesne's Fifth Edition, page 118, Citation 334, paragraph (8), sheds little light on this matter and that the citation is not quite definitive.

[*Translation*]

And I quote:

Precedents conflict as to whether closure may be moved on a clause which has not yet been called and postponed in a Committee of the Whole. On four occasions (1913, 1917 (twice) and 1919) all clauses had been postponed before closure was moved. On two occasions (1932 and 1956) closure was used on clauses which had not been called.

[*English*]

The committee will appreciate that since notice of this point of order was given yesterday, I have, in anticipation, reviewed in detail all the precedents mentioned in that citation, and for the benefit of those who may not yet have time to do so, I believe it would be useful to take the time to summarize them.

In 1913, the order in Committee of the Whole was on the Naval Aid Bill C-21. On February 28, 1913, debate commenced in Committee of the Whole on the Bill which contained five clauses. Clause 1 was adopted; Clauses 2 to 5 were all debated and postponed. Prime Minister Borden then proposed a new Clause 6, and it was debated and postponed. On May 8, 1913, notice of closure was given by the Prime Minister. On May 9, 1913, the Prime Minister moved:

That further consideration of the second, third, fourth and fifth clauses and the proposed sixth clause of this Bill shall be the first business of the committee and shall not be further postponed.

This motion covered all remaining clauses of the Bill in a new proposed Clause 6. The motion was agreed to 71 yeas; 44 nays. No procedural objections were made on the proceedings.

It should be noted that Prime Minister Borden had a very specific purpose in postponing consideration of all