

Canada-U.S. Free Trade Agreement

● (1610)

I want to refer my friend to the pipeline debate and the decision. I think it is important to note that in this particular case it was a decision of the Chairman of the Committee of the Whole House, which was appealed to the Speaker, and then the Speaker's ruling was challenged. What we had here was something that does not happen anymore, that is, a challenge of the Speaker's ruling. Not only do we have the ruling but we have the force and effect of a House decision backing up a Speaker's ruling.

I want to read what the Speaker said on June 1, 1956. He said this:

The question is the following one:

In committee of the whole, Mr. St. Laurent (Quebec East) moved that at this sitting of the committee of the whole house on Bill No. 298, an act to establish the Northern Ontario Pipe Line Crown Corporation, the further consideration of clauses 1, 2, 3, 4, 5, 6, 7, the title of the said bill, and any amendments proposed thereto, shall be the first business of this committee and shall not be further postponed.

Mr. Fulton raised a point of order that the motion was not in order on the ground that certain clauses of the bill have not been before the committee and also that other clauses were postponed before being considered by the committee, and therefore, in accordance with standing order 33, the said clauses could not come within the ambit of the proposed motion. The chairman ruled that in accordance with the rules and the practice of the house the motion is in order. Whereupon Mr. Knowles appealed to the House from the ruling of the Chair. The House divided on the question: Shall the ruling of the chairman be confirmed? And the ruling was confirmed on the following division:

I want to repeat that. That ruling of the Chair has the authority of a decision of the whole House.

Mr. Fulton argued that certain clauses of the Bill had not been before the committee, and I quote— "therefore, the said clauses could not come within the ambit of the proposed motion". That was his argument. What did the Chairman rule in response?

At pages 4516 and 4517 he ruled that the whole question seems to revolve around the interpretation to be put on the words "further consideration found in Standing Order 33". That was the number of the former closure rule.

He said Clauses 2 and 3 had not been called, but it seems to be generally agreed that their subject matter was discussed during the debate on an earlier clause. I would suggest to the House that yesterday through until 12 o'clock in the evening there was a wide-ranging discussion on all clauses of the Bill, and a wide-ranging debate, very ably participated in by Members from all

sides. I cite that ruling to back up my argument that the notice that we gave is in order and that the motion is in order.

I suggest that in this day and age one cannot argue that a closure rule must work in such a way that you have to close and go through this exercise on every clause. That just would not go down well in terms of today's society, in terms of delay rather than debate. I suggest that this is not the intent of the operation of closure. That would be a recipe for the complete disempowering of this House. I do not think the people would stand for it. I would like to quote, if I could, from a great parliamentarian, Mr. Clement Attlee who said this:

I have sat too long on the opposition benches not to be sensitive of the rights of the opposition and of the rights of private members. It is the right and duty of the opposition to criticize the administration and to oppose and seek to amend the legislation of the government but it is nonetheless the right and duty of the government to govern and to pass into law the program which it has been elected to carry out. The successful working of our parliamentary institutions depends on harmonizing these conflicting rights and duties. It will be the object of the Government to preserve the rights of minorities as an essential feature of democracy, while at the same time ensuring that democratic institutions are not wrecked by the failure to carry out and implement the will of the majority.

I suggest that the ultimate test of the acceptability of closure is not procedural. The ultimate test of closure is in the public. How does the public react to closure? Is there a hue and cry? Is there editorial outrage? Are your phones ringing and are my phones ringing?

Some Hon. Members: Yes.

Mr. Lewis: I bet they are. I will bet they are; and they are saying: "What the devil are you doing? The people decided". That is what they are saying on your phone calls.

Some Hon. Members: Hear, hear!

Mr. Lewis: Mr. Speaker, I close not with a procedural argument, I admit, but I suggest to you that the public was asked to decide a fundamental question, that is, the free trade Bill. They decided. We are here to take action on that debate. I submit that the action we are taking by way of notice of closure and the closure motion is fully in order.

Mr. John Nunziata: Mr. Speaker, I appreciate the opportunity to make some very brief submissions on the point of order. I would submit that the motion moved by the Minister is out of order. I concur with the comments