

*Northern Ontario Pipe Line Corporation*

It is of course impossible, in my submission, to argue that you can divorce any one of those words from the others because the rule must be looked at as a whole. Therefore, in order to comply with the provisions of this rule it must be interpreted with the utmost strictness because it has a limitation on debate, a limitation on the ordinary rights of members. In order to comply, therefore, with the strict provisions of the rules you must have regard for the question of whether or not the clause or clauses, title or titles have already been postponed because the motion is that they shall not be further postponed.

The argument I have to submit to you, sir, is in three main parts. First, I wish to call to the attention of the committee and deal with the situation arising by virtue of the fact that there have been three clauses only postponed, clauses 1, 2 and 3, and that those clauses were not, in fact, considered although they were postponed and therefore it is not possible to move that further consideration be not further postponed. Second, I wish to deal with the situation arising from the fact that there are three clauses, numbers 5, 6 and 7 which have not been called and upon which, therefore, it is impossible to hold that the committee has embarked upon their consideration. Third, having made what I might call an argument based on a strict interpretation of the rules I wish to make an argument, and I appeal to you that since this is an institution in which progress cannot be made in the interests of the nation unless we proceed by common sense, I wish to appeal to you on the basis of an argument on common sense as to what we are being asked to do here today.

I would then remind you, Mr. Chairman, of something I have already brought to your attention, and that is that if Your Honour finds himself in doubt as to the ruling he should make, then it is in accordance with the precedents and propriety of our proceedings that you should refer the matter to His Honour the Speaker for advice and direction. On that point, however, I will leave the argument to be developed by others of my colleagues.

As to the first of the three branches of my argument, namely that because the three clauses, 1, 2 and 3 which have already been postponed have not been considered no matter what form or words may have been used in the motion by the Minister of Trade and Commerce, I submit that we are up against the strict interpretation of the closure rule and it must be interpreted strictly. Therefore, I suggest to you that we should rule that the postponement of clauses which have not been in fact considered in an

ordinary and sensible interpretation of those words cannot be made subject of a motion that their consideration be not further postponed. I say to you at the outset with respect to this particular branch of the argument, it was developed previously, quite extensively and ably by my colleague the hon. member for Winnipeg North Centre and I shall leave the further development of that argument to him and others of my colleagues in the house. This branch of my argument does come in later. I shall submit to you: On the basis of common sense, how can anyone say, you included, sir, that clauses 1, 2 and 3 have been considered in such a sense that their further consideration can be made the subject of a motion at this time? In other words, clauses which have not been considered so that the judgment of this committee might have been expressed upon it, and there has been no opportunity to express the judgment of this committee on those three clauses, cannot, in that situation, be made the subject of a motion that their further consideration be postponed. Having said that, I shall leave the details of this argument to be developed in the main by others.

May I proceed at once to the second and perhaps the main branch of my argument dealing with the situation confronting us by virtue of the fact that clauses 5, 6 and 7 of the bill have not yet been called for consideration of the committee, and therefore cannot be included within the ambit either of the notice given by the Prime Minister yesterday or of the motion made by him today that their further consideration be not further postponed. They have not been called and they have not been considered. I am satisfied, therefore, that you would not expect me, and it is not necessary for me, to elaborate further any argument that they have not yet been called or considered.

We are left with the situation that what the Prime Minister is asking the committee to do today is to apply the closure rule to clauses which have not yet been before the committee. I say to the Prime Minister and to you, the Prime Minister particularly as a lawyer and you as chairman of this committee, the one charged with the interpretation and applications of the rules, that on the basis of the clear precedents established by this house the Prime Minister's motion falls to the ground. Let us consider the precedents which are applicable under the circumstances in which we now find ourselves, and we will find that they are against the Prime Minister by three to one. The only