

*Northern Ontario Pipe Line Corporation*

the house would have to be resolved at one o'clock a.m. following. The effects of such a motion cannot be postponed. Standing order 33 deals in terms only with the case where the motion is resolved affirmatively. There is a hiatus in this rule as to a situation, such as developed here last night, where the motion was not disposed of. In that unprecedented situation, sir, there being nothing in rule 33 to preserve the effect of the notice or to preserve life in that motion so that it should have some life beyond yesterday, I say to you that that motion perished at ten o'clock last night and nothing that has been done since could revive that motion. Indeed, nothing that could have been done yesterday or that might have been done yesterday could have given that motion life beyond ten o'clock last night if it had not been affirmatively decided prior to ten o'clock last night.

Let us look now, sir, at the effect of the notice because rule 33 attaches very great importance to the notice given. Indeed, the rules of this house place the highest importance upon notice of all motions requiring notice, and we have had many examples, some of them in quite recent days, where the chair has ruled on the importance of notice. Rule 33 is extremely important in its provisions with regard to the giving of notice. What was the notice under which the committee was proceeding to deal with this motion yesterday? It was the notice given by the Prime Minister the day before, May 30, and that notice is to be found at page 4465 of *Hansard* of that date in the first column. You will not find this notice in *Votes and Proceedings* or in *Routine Proceedings and Orders of the Day*. *Hansard* is the only record of the notice given by the Prime Minister of the motion. After making that bogus offer designed to bring the opposition into line, to submit to the steamroller, he proceeded with these words:

Meanwhile, I have no choice, if the deadline which the government faces is to be met, but to give notice and I hereby do give notice pursuant to standing order 33 that at the next sitting of this committee—

Note, Mr. Chairman, the words "the next sitting".

—of the whole house on Bill No. 298, an act to establish the Northern Ontario Pipe Line Crown Corporation, I will move that 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 the said committee and shall not further be postponed.

Note, sir, that the notice given by the Prime Minister was a notice that at the next sitting of the house he would submit this motion. The next sitting of the house was the sitting on May 31. It was not and is not the sitting of June 1, and there can be no doubt about

[Mr. Fleming.]

that in view of the terms of the motion itself when the Prime Minister followed up his notice by motion yesterday "at this sitting", namely, the sitting of May 31.

This was a motion, sir, for a day certain. It is not one of those general motions preceded by a general notice. It was a notice for a day certain of this particularly objectionable type of motion. If the motion was in order then the notice was correct in form for a motion to be submitted yesterday. The motion was moved in compliance with that notice so far as the notice was correct. Therefore, sir, the notice served its purpose and, indeed, its complete purpose. When the Prime Minister rose in his place yesterday and moved that motion the effect of the notice at that moment became completely spent. The notice was at that moment functus.

The requirement of the rule in regard to the notice had been satisfied at that moment if the motion was in order, and the motion having been moved nothing then remained of the notice. The notice had served its purpose. It had become spent. It became spent when the Prime Minister offered his motion. Therefore, sir, it cannot be relied upon as a basis for any other motion, so you see that if the Prime Minister had moved today a motion similar to the one he moved yesterday and had attempted to justify such a motion, so far as notice was concerned, by relying upon the notice he gave the committee of the whole on May 30 it would have been an invalid notice because that notice no longer existed. Its effect was fully spent. And, sir, a motion to apply the effect of standing order 33 now in this committee of the whole would require on the part of the Prime Minister today a new notice of motion for a motion to be put at another and later sitting, and the earliest one for which he could give notice today would be the sitting on Monday next.

Now, sir, had the Speaker been in the chair at this moment, when I hoped to raise part of this argument, I would have called to his mind, in the light of his experience at the bar, that the effect of a notice is twofold. Any notice of motion, whether in a chamber like this or in proceedings before some judicial tribunal, is twofold. It is designed to give notice that at a particular time on a particular day and usually at a particular hour a particular proceeding will be launched. The second purpose is to give knowledge of the content or purpose of that particular proceeding. The time that the notice of motion gives knowledge of is just as important as the content of the proceedings or the purpose of the proceeding that is to be launched at the time set forth in the notice of motion, and the purpose of the time