

**Mr. Clark:** The Beausnesne reference which I have just cited, Section 338(4), entered into the categorization and writing of the rules of Parliament as a result of a decision of this House on April 12, 1948. At that time, an attempt was made to move a motion that a committee of the House consider a matter which was then before the courts. The ruling which I have just cited initiated this practice of the Parliament of Canada. It was introduced into our rules and forms as a result of that decision of Parliament in 1948.

The purpose of that rule is clearly spelled out in the nineteenth edition of Erskine May, page 427, in the paragraph relating to matters pending judicial decision. I think it is important to draw the attention of the Chair to the purpose for which that rule exists, which is quite concisely stated as follows:

—the Chair should not allow reference to such matters if it appears that there is a real and substantial danger of prejudice to the proceeding;—

That is to say, prejudice to the proceedings before the courts.

I want to underline the point that there is clearly a danger to the proceedings now before the Supreme Court. If this government is allowed to proceed with the resolution in the way it intends, rushing it through by closure, then the question under consideration by the Supreme Court of Canada will be removed from the jurisdiction of Canada and sent to another country. I cannot think of a more dramatic danger than to have that question taken out of a court in Canada and sent to another country by the Parliament of Canada. That is the intention of the—

**Some hon. Members:** Hear, hear!

**Mr. Clark:** I would ask Your Honour to bear the purpose of this rule in mind when you are considering your judgment later.

In his answer to me in the House, the Prime Minister indicated that the rule would only apply if there was a direct reference to the Supreme Court of Canada. I think he was trying to say that the Government of Canada had not made direct reference of the constitutionality of the resolution to the Supreme Court of Canada. The House will recall that many of us thought it would have been more appropriate, more direct and more respectful of Canadian judicial institutions if there had been that kind of reference, but there was not.

● (1700)

**Madam Speaker:** I am sorry, but I must now interrupt the hon. member to read the proceedings on the adjournment motion.

### *Business of the House*

## PROCEEDINGS ON ADJOURNMENT MOTION

[English]

SUBJECT MATTER OF QUESTIONS TO BE DEBATED

**Madam Speaker:** It is my duty, pursuant to Standing Order 40, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Algoma (Mr. Foster)—Energy—Delay in construction of tar sands plants; the hon. member for Hamilton West (Mr. Hudecki)—Nuclear energy—Safeguards respecting sales of nuclear reactors; the hon. member for Comox-Powell River (Mr. Skelly)—Corporate Affairs—Delay in introduction of legislation.

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### BUSINESS OF THE HOUSE

**Mr. Knowles:** Madam Speaker, I rise on a point of order. Since there seem to be so many points to raise today and since the one which the Leader of the Opposition has raised just now is of great importance, I wonder if there would be unanimous consent to dispensing with private members' hour today so that we can carry on with the matters in which my friends are so deeply interested.

**Mr. Baker (Nepean-Carleton):** Madam Speaker, normally I would agree to that, except for the fact that there are a couple of matters which, I gather from speaking to one of my colleagues, are of some urgency and on which the government intends to move. One of the matters is in the hands of the hon. member for Ottawa-Vanier, which I think we can dispose of quite quickly.

**Mr. Knowles:** That will take only two minutes.

**Mr. Baker (Nepean-Carleton):** I have to say this because normally my friend is the defender of private members' business. There is also another member who feels he may have a point which he wants to raise. He might be able to withdraw it, but I do not believe I could ask the hon. member on the other side to withdraw his motion if he wishes to proceed. In any event, I think it is important that, notwithstanding these things, the rights of private members be respected. That is why I wanted to rise and explain the circumstances.

**Mr. Collette:** Madam Speaker, I should say that we are in perfect agreement with the suggestion made by the hon. member for Winnipeg North Centre to continue the point of order. On the other hand, I do ascribe to the point of view outlined by the hon. member for Nepean-Carleton because Bill S-16 in the name of the hon. member for Lethbridge-Foothills, a private member's private bill, is somewhat urgent. So I suggest, with all due respect, Madam Speaker, that perhaps we could, by unanimous consent, deal with that private bill and then dispense with the balance of private members' hour and continue with the point of order.