

## Application for Standing Order 35

I rise pursuant to Standing Order 35 to move adjournment of the House to discuss a matter of definite and urgent public importance, specifically the necessity, advisability, and consequences of referring to the Court of Appeal the question of British Columbia's ability to regulate or limit the transportation of energy products on federally approved and regulated pipelines and rail lines.

Presumably all members will agree that the importance of this issue is beyond question. B.C. is in a full-on dispute with the Governments of Canada, Alberta, and others on a matter that is central to the functioning of our federation. That dispute was triggered on January 30<sup>th</sup> 2018 when the Government of B.C. issued a press release threatening to limit inter-provincial transportation of energy products by pipeline and rail. That has led to retaliatory measures being brought by other governments against B.C.

The government of B.C.'s approach to resolving this dispute, we are told, relies almost exclusively on a judicial reference it has repeatedly referred to but thus far not initiated. There is much at stake. Proponents of moving ahead with the project that has received federal and provincial approval deny any jurisdictional ambiguity and point to the thousands of jobs that are at stake, the importance of facilitating movement of Canadian natural resources to market, and the reputational blow that will be dealt our province and country if those seeking to invest and build infrastructure can no longer rely upon properly secured approvals.

Those advocating against the project, including the Government that campaigned on a pledge to use "every tool in the tool box" to stop it, insist that a reference case is essential in order to clarify the jurisdictional uncertainty that they claim exists.

This application, under SO 35, is not about resolving that fundamental difference of opinion. Nor does this application rely upon the obvious importance of this issue for the province and country.

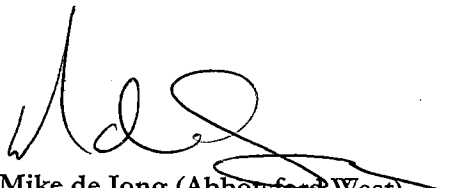
The authorities are very clear. The test upon which an application for an emergency debate pursuant to SO 35 must be determined is the urgency of debate. That urgency was highlighted yesterday when the Attorney General advised the House that the reference to the Court of Appeal would be initiated within ten working days. Thereafter, any opportunity for this House to offer meaningful input on the approach being advocated by the Government will disappear. For it will be the Government and the Attorney General who reject any attempt by members of this chamber to initiate a discussion or pose questions on the basis that the matter is now "before the courts."

In determining whether the matter I have raised qualifies under SO 35, I commend to the Speaker several previous rulings in this House:

1. The ruling of August 8<sup>th</sup> 1977 by the Speaker approving a Standing Order 35 application with respect to issues pertaining to the construction of the Alcan natural gas pipeline.
2. The ruling of April 9<sup>th</sup> 1992 by Speaker Sawicki confirming that a private members statement or reference to a matter in Question Period does not disqualify the matter for debate under Standing Order 35, pursuant to 35(10)(d).

Finally, a reminder that SO 35 contemplates a very time limited debate of one hour. This is not a question of high-jacking the House agenda for any extended period.

On a matter of this magnitude where the opportunity for debate of any sort will disappear within four sitting days, I am hopeful that the Government and Third Party will agree that it is reasonable and appropriate to take sixty minutes to canvas the views of this House. Surely the Government would want the opportunity to explain the rationale for its approach and share the nature of the question it is proposing to have the court answer. Surely the Government would want the benefit of the views of members of this chamber.



Mike de Jong (Abbotsford West)

April 19<sup>th</sup>, 2018