

Pursuant to Standing Order 59 (4), Mr. Speaker took the Chair.

Whereupon the Chairman reported as follows:

"Mr. Speaker, the question is an appeal from a decision of the Chairman of the Committee of the Whole. In the Committee of the Whole, the honourable Member for Parry Sound-Muskoka (Mr. Aiken) raised a Point of Order to the effect that the hour for the consideration of Private Members' Business must be proceeded with at 5.00 o'clock p.m.

Using section 7 of Standing Order 15-A, after having given due consideration to the conflict between the provisions in this section and those in Standing Order 16, the Chairman ruled that the Committee of the Whole on Bill C-243, An Act to amend the National Defence Act and other Acts in consequence thereof, should continue.

Whereupon the honourable Member for Winnipeg South Centre (Mr. Churchill) appealed to Mr. Speaker from the decision of the Chairman."

RULING BY MR. SPEAKER

Mr. SPEAKER: I thank honourable Members for their helpful comments. I think I should repeat the comments I have made previously when similar circumstances have arisen, that is, when the Speaker has been asked to review a decision reached by the Chairman of Committees. There is a fundamental difficulty about this in that the Chairman of the Committee is not only Chairman of the Committee but is also Deputy Speaker of the House and this, I submit to honourable Members, complicates the situation when it comes before a person who occupies my position to review or reconsider a decision reached by the Chairman.

On a previous occasion I suggested that that particular provisional Standing Order should be reviewed, and that an appeal or a questioning of the decision by the Chairman of the Committee should come to the Speaker not by way of appeal but perhaps by way of trial *de nova*, or by way of stated case, and certainly not by way of appeal. This having been said, I have looked at the Standing Order which is the source of our difficulty and I am in full agreement with the suggestion made by the Chairman of the Committee, wholly supported by all Members, that there is a confusion, and ambiguity and uncertainty in the interpretation of the relevant provisional Standing Order, No. 15-A.

The question, of course, is to determine whether the third sentence of provisional Standing Order 15-A (7) refers to the second sentence or refers to the first one, when we read: "Such an order having been called on any Monday, Tuesday, Thursday or Friday—"

The question is whether the order referred to there is the order for third reading. The main difficulty comes from the obvious conflict between this provisional Standing Order and Standing Order 16 which specifies the cases where Private Members' Hour may be suspended. Of course Standing Order 16 refers not at all to this particular circumstance. There is no reference to the case where an item of business is under consideration under a time allocation order.

Having been a member of the Special Committee of the House reviewing these Standing Orders a couple of years ago, I am willing to plead guilty, along with other members who were concerned with this review, to perhaps not having gone far enough. I cannot agree with the suggestion made by the honourable Member for Winnipeg North Centre (Mr. Knowles) that perhaps this was intentional, because certainly if we accept that there would be a suspension of Private Members' Business when we are considering the third reading stage