

National Defence Act Amendment

point and I think we might have the advantage of your ruling at the same time on another matter that is equally difficult.

• (5:20 p.m.)

The Chairman: I recognize the validity of the argument that the hon. member presents. I am sure that he too will recognize the difficult position in which the Chair happens to find itself. Standing order 16 applies to the general operations of the house and standing order 15A applies to a special case. My problem is to give the proper weight either to the provisions of standing order 16 or to the provisions of paragraph 7 of standing order 15A.

There is a conflict here; I do not think there is any doubt about that. I have recognized this conflict for three or four days now, but I have to make up my mind where I should place the weight. I place the weight on standing order 15A, paragraph 7, and it is my opinion that at this time I would have to decide that this standing order does suspend private members hour. I believe the debate on the committee stage of Bill No. C-243 should continue at this time.

Mr. Churchill: Under the circumstances, Mr. Chairman, because of the seriousness of this question and the apparent infringement, to my mind, on private members time, it is with regret that I will have to appeal your ruling.

• (5:30 p.m.)

Mr. Speaker resumed the chair, and the chairman of the committee made the following report:

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 hon. member for Parry Sound-Muskoka raised a point of order to the effect that the hour for the consideration of private members' business must be proceeded with at 5 o'clock.

Using section 7 of standing order 15A, 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 should continue, whereupon the hon. member for Winnipeg South Centre pursuant to standing order 59 (4) appealed to Mr. Speaker from the decision of the Chairman.

Mr. G. H. Aiken (Parry Sound-Muskoka): Mr. Speaker, I make no apology for raising the point of order, despite the comment I hear from hon. members on the other side and to my left. We operate under rules, and when there is a conflict between rules we are entitled to raise the matter. I thought we

[Mr. Aiken.]

were wrong yesterday; I was doubtful when debating the allocation of time motion, in view of the provisions of standing order 16, whether our procedure in going on with the private members hour yesterday was correct.

Today a similar question arose, but today it was felt that we should not go on with private members hour.

Briefly, it seems that there is a conflict between provisional standing order 15A and provisional standing order 16. In considering the point, the Chairman acknowledged that really there are two conflicts one being within provisional standing order 15A(7).

To clarify the matter perhaps I ought to say this. Sections 7, 8 and 9 of standing order 15A refer specifically to the third day of debate after an allocation of time has been made. That is, they refer to the day of the third reading. I emphasize that third reading is particularly dealt with in those three sections.

Section 7 makes specific statements. First, that the order for third reading shall only be called on a Monday, Tuesday, Thursday or Friday; second, that the order must be the first item of business; third, that the debate shall continue until the normal time of adjournment, and fourth, that such an order shall have precedence over all other items of business. The point at issue within section 7 arises from the words beginning at the seventh line from the bottom, which are:

Such an order having been called on any Monday, Tuesday, Thursday or Friday—

I submit it is clear that those words refer to an order for third reading, because third reading is dealt with after the first sentence of the standing order. I submit that everything appearing after the first seven lines, which constitute the first sentence, refers only to third reading. This contention is strengthened because closer to the beginning of the section we find that the language says that third reading shall be called as the first item of business on a Monday, Tuesday, Thursday or Friday, and farther on in that section the words are, "Such an order having been called on any Monday, Tuesday, Thursday or Friday," and so on.

Section 9 of the standing order says that Mr. Speaker shall have the authority to extend the sitting of the final day of debate for four hours. I presume that that is to make certain that the last day is as full and as complete as possible. There is no argument about any reference to the third day. Also it is clear that we are now in the committee