

question that has been raised with respect to the ruling of a chairman in a committee. As a matter of fact, Mr. Speaker, I expect that the committee dealing with procedure will soon draw to your attention that there is a deficiency in the citations dealing with this subject. That deficiency came to light, I believe, when the rules were studied a few months ago. It is provided in the provisional standing orders accepted for the session that there shall be an appeal from the chairman's ruling in committee, and that the matter shall be settled by the committee. That is the way this matter ought to be settled.

Mr. Terence Nugent (Edmonton-Strathcona): Speaking to this point of order, Mr. Speaker, I wish to clarify the picture for the hon. member for Skeena. I am surprised that he should make so free with something he knows nothing about. The incident in question occurred at eleven o'clock when the chairman made his ruling, gave his order and adjourned the meeting. There was no opportunity at all to speak to the matter, and because he adjourned the meeting summarily we had no chance to complain about the action of the Chair.

• (11:20 a.m.)

I should like to say further that it had been understood in the committee—I am not sure I can go as far as to say it had been agreed—that we would not meet Friday afternoon. I think this is borne out by the notice of meetings, on which only one meeting at 9.30 this morning appeared. These notices generally cover the meetings for the day. So I think I am supported in my contention that the understanding was that we would not meet on Friday afternoon.

The position is, then, that the chairman himself made a declaration as to what the committee would do and when it would meet, though the custom is that as a rule these matters are decided by agreement; if there is no agreement a motion is made and a vote is taken. We try to avoid votes; in my mind there is not much doubt that general agreement usually is reached.

This question of privilege is by way of an appeal from the ruling of the chairman of a committee. The new rules provide for appeals to the Speaker from rulings made by the chairman of the committee of the whole house. I do not think there has yet been an occasion under our new rules when anyone has asked Your Honour to hear an appeal against a ruling made by the chairman of a

Conduct of Chairman of Defence Committee
committee. I am not sure that our new provisional rules are clear enough in this respect to give the Chair any clear guidance; I do not believe there is any precedent either for or against my suggestion that Your Honour has authority to hear an appeal of this kind, though it is a fact that in general the rules governing the committee of the whole house apply to the proceedings of committees of the house. It is true that each committee has the right to conduct its own business, but this is subject to the general rules governing committees; and except where special provision is made the same general rules govern committees as govern the committee of the whole.

Therefore, since a ruling by the chairman of the committee of the whole house is subject to appeal to the Speaker, I submit that the same applies to a ruling made by the chairman of a committee and that we have the right to ask Your Honour to hear such an appeal. In doing so I ask Your Honour to bear in mind that this decision was taken arbitrarily, and that there was no opportunity to discuss it. The chairman adjourned the meeting immediately so that no dissenting voice should be heard.

In these circumstances I believe Your Honour should go out of your way, if necessary, to so interpret our rules that justice will be done and that the proceedings of our committees will not only be properly conducted but that the appearance that we can act as honourable gentlemen in the proper conduct of our affairs may be maintained. I submit this can best be done by Your Honour making the ruling which I have suggested.

Right Hon. L. B. Pearson (Prime Minister): It seems to me that the question raised by hon. gentlemen opposite is not in order. Our rules on this point are quite clear. Perhaps I may be allowed to quote from our standing orders, which seem to me to deal very definitely with the point referred to by the hon. member for Medicine Hat.

Standing order 68-A reads:

In any standing or special committee of the house questions of order shall be decided by the chairman, subject only to an appeal to the committee.

Hon. Michael Starr (Ontario): On this point, Mr. Speaker, in view of the fact that the Prime Minister has so forcefully pointed out the rule under which he says the subject matter which has been brought up is completely out of order, I would like to express my surprise that he has entered into this