

The Deputy Chairman: I hope that the summary we prepared—when I say “we” I mean I had the assistance of the clerks—of the point raised by the hon. member for Eglinton is correct.

Mr. Fleming raised a point of order to the effect that the business before the committee was a nullity on the ground that the Prime Minister’s motion consisted of the words “at this sitting of the committee” and since those words have reference to Thursday’s sitting the motion was not valid at today’s sitting, that the validity of the notice given Wednesday expired at Thursday’s sitting. Further, it is essential that due notice be given of a motion to be made under the provisions of standing order 33.

I think that is a fair summary of the point raised by the hon. member for Eglinton. It boils down then to raising the point that the closure motion made by the minister and put—I think the hon. member said “so precipitately” by me—is of no effect for two major reasons. The hon. member who introduced the point of order admitted quite fairly that there is a hiatus in the rules in that there is no specific provision for what shall be done if a motion is not reached on the day for which it has been notified. So we have to endeavour to decide what the position is without the benefit of a rule to that effect.

There are two major attacks. One is that the Prime Minister’s motion is a nullity on the ground that it applied only to the session of May 31, the day on which the motion was moved, that it applied only to that day. That point has been argued with considerable success and a great deal of weight. However, in my opinion there are perfectly valid arguments on the other side, although I do not expect the supporters of the point of order to admit their validity.

They are two in number. One is the literal application of standing order 7, which was outlined by the Prime Minister and contested by the hon. member for Kamloops. The other one is that we have by a recorded vote in the house this morning resolved that we would be placed immediately in the same position as yesterday. In any event I am of the opinion that “this sitting” as in the motion means the sitting in which we are at the moment, the sitting at which the motion has been put and carried. I know hon. members will say, “Yes, but it was put illegally.” I respect their opinion. We have argued that and a decision has been taken; not acceptable to some I will admit, but still a decision has been taken.

The other point raised by the hon. member for Eglinton was that the Prime Minister’s

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notice, which he gave two days ago, limited its effectiveness to yesterday. What is in the standing order? It says:

—shall have given notice at a previous sitting of his intention so to do, may move that the debate shall not be further adjourned—

I think we are faced with the necessity of deciding what is meant by “this sitting”, what is meant by “previous sitting” and what is meant by “next sitting”. Every hon. member has heard time after time the business of the house set for the next sitting of the house. That means the next sitting at which it is reached. I submit to the committee that if this notice had been legally given and if on the following morning the hon. member had risen and moved the adjournment of the house under standing order 26 and we had had a day-long debate on that standing order, the motion would not have been reached. It would not have been reached because the house had passed a superseding motion such as a motion that the house do adjourn with the obvious intention of killing it. It would not have been reached because some other members, not necessarily even opposed to it, would have decided that for that particular day some other matter should be under discussion.

Therefore, if I may say so with great respect for the arguments advanced by the hon. member for Eglinton, I have ruled that the notice given under standing order 33, which is apparently informal as the minister gives notice by standing in his place and announcing it, can be and is legally effective for the motion which we have before us today, and also that the motion moved yesterday by the Prime Minister and put to this committee by the chairman yesterday, but not reached for decision by this committee until today, was and is legally before the committee.

Mr. Churchill: Mr. Chairman—

The Deputy Chairman: I assume that the hon. member for Winnipeg South Centre in the absence of the hon. member for Eglinton is rising to appeal my ruling.

Mr. Churchill: Yes, I appeal your ruling.

The Deputy Chairman: I read to the committee earlier the summary of the point of order as raised. As the hon. member himself is not here, I propose to submit it in that way.

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

In committee of the whole when it was considering clause 4 of Bill No. 298, an act to establish the Northern Ontario Pipe Line Crown Corporation, Mr. Fleming raised a point of order to the effect