

I suggest that is a very useful and fair statement to supplement what Dr. Ollivier has already given us.

What Mr. Nugent is suggesting is that the committee, of its own volition, can in effect prevent a bill from being considered by the house simply by a motion of the type made by Mr. Nugent. There was a question, putting it in another way, of whether we can disregard the clear instructions given us by the order of reference.

I would suggest that even if these citations which I have read and which Dr. Ollivier has read were not available to us, it would surely only be common sense to suggest that we cannot act in disobedience of the order given to us by the House of Commons. If this were not so, a quorum of eight or ten men on a standing or select committee could in effect nullify the will of a majority of the whole House of Commons which had approved a measure in principle.

Therefore, if there is any conflict between any citation or standing order on which Mr. Nugent's motion is based, the will of the house, as expressed in its order of reference, must prevail because in reality one order of the house, the standing order, has in effect been superseded or suspended in a particular instance by another order of the house, its order in reference in respect to the bill in question.

I suggest the conflict is more apparent than real because, as Dr. Ollivier suggested, neither the standing order nor any citation on which Mr. Nugent's motion is based refers to a standing committee at all.

If you look at the place where standing order 60 comes, and as Dr. Ollivier says if you look at the chapters in Beauchesne, you will see they clearly refer to a committee of the whole house, the ways and means committee and the supply committee.

In citation 326, which is in similar terms to 412, there is clear proof that they could not possibly apply to standing committees, and I say that because, without reading the whole, it says that the chairman in such cases, being without instruction from the committee, makes no report to the house. It further says that a bill disposed of in this manner disappears from the order paper, though it can be revived by an order of the house.

If I am not mistaken, when something is referred to the committee of the whole, it remains on the order paper of the house; whereas when something refers to a committee of this nature I do not think it is on the order paper, and in fact a standing committee has no order paper as such.

It might be argued that the order of reference is in fact the order paper. If it is, this leads to the ridiculous conclusion that this committee can change, of its own volition, an instruction given to it by the House of Commons; and I think we will have to agree that we do not have the power to do anything like that. I think my comments help to show that on that basis, the motion that was made the other day, as Dr. Ollivier said, if it had any purpose at all, would merely have been to adjourn that particular meeting.

May I make another brief comment on the wider implications, implications other than that of the application of this narrow technical rule?

There are many in this house who have been concerned about the recent development that there should be a more active and useful role for members. It has been suggested that one way of carrying out this role has been by participation in committees considering legislation. I suggest if this motion is given the interpretation Mr. Nugent suggests, the effect will be to effectively cause any member of the House of Commons itself to want not to send any bill to the committee; and this particularly refers to government business. If this motion is allowed to stand, I think it will tend to draw narrower even the limited use that is presently being made of standing or select committees, and I think that will be very unfortunate.