

*Northern Ontario Pipe Line Corporation*

In my submission the postponed consideration which was before us was the question which Your Honour said was the question before the committee, and I took down your words. You said, "The question to be decided is the following one" and you then put the question on the resolution.

**The Chairman:** May I interject at that point? Some months ago we had a discussion here one day when hon. members entered the committee while voting was taking place. I indicated at that time that with respect to future votes in committee I would preface the question by saying, "The question is the following one", and if you will read *Hansard* you will find that I said that at that point hon. members would then no longer have the right to enter the chamber and vote. It was not that I indicated that there was only one question or that I wished to indicate that there was only one question to be decided. It was following a precedent which I thought I had established some months ago.

**Mr. Fulton:** In my submission there is, of course, only one question before this committee at the time when closure was moved and that question was: Does the committee approve or disapprove the proposed resolution? The motion to report is a separate motion and it was not before the committee when closure was moved. You cannot have two questions before the committee at the same time. There was no amendment moved and in the absence of an amendment how could it possibly be argued that there were two questions before this committee?

There was one question for decision. Upon the result of that decision depended another question. If the resolution had been defeated the question you now propose to put would not have arisen. If the resolution had been defeated you would not be suggesting or inviting a motion to report because there would be nothing to report. Therefore, the whole question with regard to the report of the committee is an entirely separate question from the question on the resolution itself, and that question was not before the committee. The matter of reporting was not and could not have been before the committee when closure was moved.

It is well established and well understood that the terms of the closure motion apply only to the question for consideration, debate on which is to be resumed at the time when the closure motion itself is moved. I point out to you that the notice given by the Minister of Trade and Commerce yesterday afternoon at the beginning of the debate

[Mr. Fulton.]

certainly did not include the question of the report of the committee. It included only the resolution then before the committee.

May I point out to Your Honour, who, I see, is receiving considerable advice, that my second point follows from the first and is to this effect, that it is not open, as you yourself have ruled, to any hon. member to rise and speak after one o'clock unless that member happens to have taken the floor a few minutes before one and carries over after one. But after that member has spoken it is not open to any hon. member to take the floor.

A little earlier, before we had what I may call the misunderstanding which resulted in the Speaker resuming the chair, you put the question which you proposed to move in these terms: "Mr. Harris moves that I report the resolution". Of course, it takes a motion by an hon. member that you report the resolution. My second point therefore is that it not being in order for any member to take the floor, as you made very clear to me, it is not possible for the Minister of Finance to take the floor to speak in order to say: "I move that you report the resolution".

You may argue, sir, anybody over there may argue, and I am quite prepared to meet the argument, that in that case there is a flaw in the drafting of the closure rule. I am quite prepared to accept that. This point that I am raising has never been raised before and therefore it has never been dealt with before. It has never been disposed of before.

**Mr. Gardiner:** There is no other way of getting out of committee.

**Mr. Fulton:** I am putting it to you as a proposition which requires a decision at the present time. It is made clear in *Beauchesne* that the report of the chairman to the house cannot be based otherwise than on a motion to report. Therefore, I say that the motion to report cannot be made at this stage and the motion to report is not the question which was before the committee when closure was moved because it is a motion which depends entirely on the decision of the other question, that is, do we favour or do we oppose the resolution? Therefore, the motion to report is not one of those motions which must be decided in order to conclude such adjourned debate or postponed consideration. The only postponed consideration was the resolution itself.

Therefore, I state that you are not in a position to make any report at this time to the house even if the house were in a position to sit and receive it, which I question, but your report must be made at some later stage, probably at tomorrow's sitting.