

National Defence Act Amendment

On a previous occasion I have suggested that that particular provisional standing order should be reviewed, and that an appeal or a questioning of the decision by the Chairman of the committee should come to the Speaker, not by way of appeal but perhaps by way of trial de novo, or by way of stated case; certainly not by way of appeal. This having been said, I have looked at the standing order which is the source of our difficulty and I am in full agreement with the suggestion made by the chairman of the committee, wholly supported by all members, that there is a confusion, and ambiguity and uncertainty in the interpretation of the relevant provisional standing order, No. 15A.

The question of course is to determine whether the third sentence of provisional standing order 15A (7) refers to the second sentence or refers to the first one, when we read:

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

The question is whether the order referred to there is the order on third reading. The main difficulty comes from the obvious conflict between this provisional standing order and standing order 16 which specifies the cases where private members hour may be suspended. Of course standing order 16 refers not at all to this particular circumstance. There is no reference to the case where an item of business is under consideration under a time allocation order.

Having been a member of the special committee of the house reviewing these standing orders a couple of years ago, I am willing to plead guilty, along with other members who were concerned with this review, to perhaps not having gone far enough. I cannot agree with the suggestion made by the hon. member for Winnipeg North Centre (Mr. Knowles) that perhaps this was intentional, because certainly if we accept that there would be a suspension of private members' business when we are considering the third reading stage of a bill, then if we are to follow the argument made by the hon. member for Winnipeg North Centre and by the hon. member for Parry Sound-Muskoka (Mr. Aiken), that exception would have been provided in standing order 16; but it was not.

And yet if we were considering the third reading stage of an item of business under a time allocation order, on a day when we have private members' business, I wonder if anyone should argue that we should not suspend the private members hour because it is not

specified in standing order 16. Obviously there is a mistake either in the drafting of provisional standing order 15A or in the reconsideration that should have been made of standing order 16.

I have every possible sympathy with the suggestion made by the hon. member for Winnipeg North Centre that because of this uncertainty we should leave the matter in a state of suspended animation. There are four minutes left this afternoon and I can say very honestly to hon. members that if I were to make a ruling, in view of the uncertainty of the situation I would certainly rule to support the decision of the Chairman of the committee, because there is as much logic to support his view as there is logic to support the other view; and when in doubt I think the Chair should not overrule the decision of his colleague, the chairman of the committee of the whole.

For this reason, and in view of the fact that there are only three minutes left before we adjourn at six o'clock, I would suggest to hon. members that we either go back to private members business for a little while, for the next two minutes, or that we call it six o'clock. But of course we would have to resume in any event in committee of the whole, and this exercise will take a short while, which will take us to the time of adjournment. We will suggest in a formal way to the special committee on procedure that it review at the first opportunity the provisions of provisional standing order 15A in conjunction with the provisions of standing order 16.

Some hon. Members: Hear, hear.

The house resumed consideration in committee of Bill No. C-243, to amend the National Defence Act and other acts in consequence thereof—Mr. Hellyer—Mr. Batten in the chair.

On clause 5—*Embodiment.*

Mr. Aiken: Mr. Chairman, perhaps I might call it six o'clock. I am prepared to go ahead with my remarks if necessary. I had two minutes before five o'clock, and it is now one minute before six o'clock.

The Chairman: Is the committee agreed to call it six o'clock?

Some hon. Members: Agreed.

Progress reported.