

Northern Ontario Pipe Line Corporation

we are halfway down the line on a recorded vote. I do not think any hon. member in the house would feel that he had the right to raise any question after hon. members had started to rise.

In my opinion this is the situation as I see it. I had put to this committee yesterday an undebatable motion. We had discussed at length whether or not it was in order. I heard every member who rose to speak on the question of whether or not it was in order. I ruled that it was and several members did not agree with me and my ruling was appealed. We get back today exactly where we left off.

Mr. Fleming: That is where the error was made.

The Deputy Chairman: I beg your pardon?

Mr. Knowles: This is a new day.

Mr. Fleming: I said no, that is where the fundamental error has been made, before you precipitately put the motion.

The Deputy Chairman: For the purpose of this very point, may we assume that we got back legally. I was in the process of putting the motion and the only point which could be raised before that motion was put was whether or not it was in order. That was debated to the fullest extent that every member of the house wished to participate in the debate. Therefore I was in a position where it was my duty, whether it was my desire or not to put the motion forthwith, and I did.

Mr. Fulton: As I understand it, there are at least two points of order before you, possibly three. I raised one as to your right to be in the chair and I gave notice of appeal from your ruling. Then the hon. member for Winnipeg North Centre raised two other points of order. I suggest that, to be in order—I do not know whether or not being in order matters any longer, because the government has given notice that it does not intend to care about the rules anyway—but so that we can salvage something from the wreck it has created of parliament, it might be appropriate if you would deal with these matters at least in an orderly fashion—one, two, three—instead of promoting the snarl-up the government has created.

The Deputy Chairman: Would the hon. member for Kamloops elaborate a little on his point that I am illegally in the chair? I thought that was the same point as the one raised by the hon. member for Winnipeg North Centre. If it was not, I am afraid I have not caught the difference between the two.

Mr. Fulton: I said you had no right to be in the chair because there was no order of the day read for the house again to go into committee. In the absence of that decision by the house, the house could not go into committee, because the house can only resolve itself into committee on an order read and agreed to in the house. Therefore this committee has no right to sit, because the house has not reached any decision that it should go into committee. When I use the word "decision" I do not mean that a vote has to be put from the Chair, because once that has been carried I believe we all know that it does not require another vote on another day; but it does require the submission of an order to the house, which the house then accepts and acts on. The house has had no opportunity to accept or act on the proposition. I use the word Mr. Speaker used. The "proposition" was never put to the house to go into committee.

That is a different point from the one raised by the hon. member for Winnipeg North Centre, who says that you cannot go into committee because you yourself, by your failure to report last night allowed the bill to die.

Mr. Knowles: Mr. Chairman, may I say just a word on the point. In answer to your argument against my point that the bill died at ten o'clock last night, it seems to me, if I may say so with respect, that Your Honour has built your case on inadvertence, on the fact that because of what happened after five o'clock there was no opportunity for you to seek such permission. That, Mr. Chairman, is precisely what happens if a committee rises for want of a quorum. It is not of deliberate design; it is a matter of inadvertence; but the fact that something happens inadvertently does not give the committee power to change the rules in the middle of the game.

It seems to me that what we have to abide by is the fact that yesterday's *Votes and Proceedings* or yesterday's *Journals* made no reference to the committee rising, reporting progress and asking leave to sit again. Whether that is a separate point of order from the one raised by the hon. member for Kamloops or whether it is another argument in support of his point of order, I leave to you. But at least we are both contending: (a) because there was no order of the day read by the Speaker in the chair, (b) because of your failure, though inadvertently, to get permission yesterday to sit again today, the bill has died. For these reasons I contend that the committee is improperly sitting at this time. If you rule otherwise, I appeal your ruling.