

REQUEST FOR ASSURANCE BAND FUNDING NOT CONDITIONAL
ON ACCEPTANCE OF LOCAL GOVERNMENT GUIDELINES

Mr. Doug Neil (Moose Jaw): Since the minister indicated previously that the guidelines are of an interim nature, will he assure the House that until such time as consultation has taken place there will be no interruption in band funding, and will he also assure the House that band funding during this period will not be conditional upon the acceptance of guidelines?

Hon. Judd Buchanan (Minister of Indian Affairs and Northern Development): We have indicated that the guidelines which have been proclaimed will be going into force, but we are prepared, prior to the beginning of the next fiscal year, to discuss them and alter them if that seems the prudent course. We have indicated they are in effect. As to the other ones which have not yet been put in place, we are prepared to hear representations on them before they come into effect.

ROUTINE PROCEEDINGS

[English]

PRIVILEGE

MR. STEVENS; MR. KAPLAN—PROCEDURE FOLLOWED IN
STANDING COMMITTEE—RULING BY MR. SPEAKER

Mr. Speaker: Order, please. On Friday, May 16, 1975, the hon. member for York-Simcoe (Mr. Stevens) raised a question of privilege questioning the actions of hon. members in leaving one of the standing committees, and in turn questioning the action of the chairman of the Standing Committee on Finance, Trade and Economic Affairs in allowing a minister to speak on the subject, during which time hon. members left the meeting, and thereafter refusing to put a question because of lack of quorum.

● (1500)

I indicated at the time of hearing the hon. member for York-Simcoe that my preliminary inclination was to re-emphasize that the Chair would not sit in appeal of decisions which have taken place in a standing committee. However, because of the raising of this very interesting point I undertook to re-examine the precedents. I have done so and I cannot find any ground which should cause me to change my mind or to recommend to the House a change in that practice.

I might say, secondly, that the hon. member for York Centre (Mr. Kaplan), who was at the time of the hon. member's complaint the chairman of that committee and still is, but who has declined to act for an interim period pending the resolution of these matters, on the following day raised a question of privilege which took exception to the language of the hon. member for York-Simcoe in describing the actions of the chairman as being part of an obstruction of the work of the committee.

In respect of the word "obstruction", several meanings have been ascribed to it. One does not have to examine the precedents. It is not an infrequent occurrence in this

Privilege—Mr. Stevens; Mr. Kaplan

House that one side refers to the actions of the other side as being an obstruction of one kind or another, so much so that on one occasion where precedent does provide some assistance the use of the word "obstruction" in respect of an individual and specific member was found to be not out of order—and I cite page 419 of May's eighteenth edition.

There cannot be much doubt, however, that the role of a chairman is considerably different in some respects, and because of the special connotation where the work of a chairman of a standing committee is involved, and because of the acceptable principle of refraining from commenting on the actions of the chairman, it may well be that that particular term if examined carefully could be an impropriety in respect of a description of the actions of a chairman. The traditional means, of course, for examining that conduct would be, first of all, by appealing the ruling of the chairman or his conduct to the committee as a whole, by requesting that the committee make a report on the incident, or raise a debate on a motion of censure by any member. Perhaps fortunately for the Chair, I do not feel a case has been put which causes me to decide that, because when the hon. member for York Centre raised that complaint originally, he sought at the conclusion of his alleged point of privilege a remedy when he said as follows:

That the question of my chairmanship ruling as to a quorum in the Standing Committee on Finance, Trade and Economic Affairs, as referred to by the hon. member for York-Simcoe in *Hansard* on May 20, 1975, be referred to the Standing Committee on Privileges and Elections.

In other words, the remedy sought by the hon. member for York Centre in raising his question of privilege initially was that his decision or handling of the matter be reviewed by the Standing Committee on Privileges and Elections—not the allegation of an hon. member in the committee. It may seem a technical point, but I hope it is not taken that way. The fact of the matter is that it seems to me the question of privilege raised by the hon. member for York-Simcoe is invalid from a procedural point of view because, once again, it relates to proceedings in a standing committee.

The subsequent question of privilege raised by the hon. member for York Centre is equally invalid because although the problem may have had some validity—I will not decide that at the moment—it seems to me that a different remedy ought to apply than to the question raised by the hon. member for York-Simcoe. In that case, both hon. members made subsequent representations in the House and it would appear that both recognized the inherent difficulty in his own case and endeavoured to remedy it with a subsequent representation each in his own way: the hon. member for York-Simcoe by endeavouring the following day to accomplish by consent that which in my opinion could not be accomplished by his original point; and the hon. member for York Centre, on Friday, by seeking to attach to his original complaint the remedy which might have been more appropriate to it in the first instance.

In any case, I can only reiterate—I think I ought to observe this in setting aside both alleged questions of privilege—that by permitting the hon. member for York-Simcoe to proceed, as I have on several occasions already in this session, by permitting a member to go on initially with an alleged question of privilege concerning events in