

No. 50

JOURNALS

OF THE

HOUSE OF COMMONS

OF CANADA

OTTAWA, WEDNESDAY, MAY 8, 1974

2.00 o'clock p.m.

PRAYERS

A question of privilege having been raised by the honourable Member for Greenwood (Mr. Brewin);

RULING BY MR. SPEAKER

MR. SPEAKER: The honourable Member for Greenwood (Mr. Brewin) has raised a question of privilege in relation to the non-production of a certain document in the Standing Committee on External Affairs and National Defence. He has indicated that if the Chair were to find that there is a *prima facie* case of privilege, he would move a motion suggesting that this matter be referred to the Standing Committee on Privileges and Elections. The Chair has in the past, on many occasions and based on many precedents, suggested that it might be very unwise for the House to decide that the proceedings in one committee be investigated by another committee, and I am sure that the honourable Member would want to bear that in mind. The honourable Member also suggested that there is a motion which should be put, and I wonder whether it would be the wish of honourable Members that we spend the afternoon debating this motion which, as a debate on a motion on privilege, might go on for some days.

I have had a few moments to look into this situation and in a preliminary way there would appear to be at

least three questions involved in the matter raised by the honourable Member for Greenwood. The first is whether it is procedurally acceptable to raise in the House under the heading of privilege a proceeding in a standing committee. I suggest that this can be done only when such a proceeding is presented to the House by means of a report accompanied if necessary by the relevant evidence.

In my view, it is not possible to initiate a debate in the House on the evidence alone of a committee unless there is before the House a formal report. I mean by this that the report must state the specific question and be brought to the House by means of a specific motion to concur.

Secondly, there is at least implied in the question of privilege the matter of the conduct of a witness before a committee. Again it seems to me, and I believe that precedent will support my views, that the conduct of a witness can be considered by the House only on receiving a report thereon from a committee and the consideration, as I said a moment ago, of a motion to concur in the report with the required 48 hours notice.

Finally, there is a question of the extent of the power of a committee to send for papers. Honourable Members are aware of course of the Standing Order to which the