

*Point of Order—Mr. McGrath*

In other words, Mr. Speaker, the Speaker and the chairmen of standing committees regularly meet to iron out procedural difficulties arising in the committees.

We have no neutral panel in this House, and more than that, we have no appeal in this House. Yet, the committee structure is adjunct to, feeds upon, and lives as a result of the reference and the facilities of the House of Commons. Quite frankly, it is contrary to our parliamentary traditions and to "the spirit of parliamentary proceedings" when committees have new duties loaded on them every day and there has been no corresponding elevation of the committees to a position of neutrality. I feel that we ought to consider very carefully the precedents that we have relied upon to establish the principle that "what happens in committee is the committee's business and there is no appeal to the House of Commons."

I think that the principles and precedents that we have relied on over the years ought to be examined carefully to see whether or not they can support the principle which we have always held that they do. I invite you to do so, Mr. Speaker, in this particular case because, as the member for St. John's East very simply stated, in the circumstances in which he finds himself, he is virtually without recourse. He is the captive of the majority. There is no way if a chairman acts contrary to the principles that have been established—in this particular case with respect to the relationship of a Crown corporation to a minister of the Crown—unlike the majority members of the committee—in which he has any recourse whatsoever, unless that recourse is to you, Mr. Speaker.

That is the question on the point of order raised by my colleague, and that is why I invite you, Mr. Speaker, to examine those precedents and determine whether or not they support the principle to which we have given lip service over the years.

[*Translation*]

**Mr. Yvon Pinard (Parliamentary Secretary to President of Privy Council):** Mr. Speaker, I would like to say very briefly that the hon. member for St. John's East (Mr. McGrath) reported the facts to us, and the House leader of the official opposition attempted to talk about the procedure which applies in this case.

It seems to me that the evidence is obvious, Mr. Speaker: a committee controls its procedure, that is the recognized rule. And when the House leader of the opposition in the House quoted citation 295 from Beauchesne, I think he gave the answer to the false problem he is submitting to us. It is clear that there are only two standing orders concerning the decisions of the Speaker or of the chairmen of committees which may or may not be appealed, namely Standing Orders 12 and 55(4).

Standing Order 12, Mr. Speaker, is about a decision from the Speaker of the House of Commons, and Standing Order 59(4) concerns a decision from the chairman of the committee of the whole. Now, the reasoning in Beauchesne and behind the previous decisions made by the Speaker is to the effect that

if in the rules of the House there is a provision for precise cases, consequently the cases which have been omitted are not subject to appeal before the House. Now, as the Standing Orders of the House say nothing about the rulings of the chairmen of special and standing committees, it was not intended that their decisions should be subject to appeal to the House, hence the generally recognized principle that the committees are exclusive masters of their own procedure.

Mr. Speaker, I can only refer you to Beauchesne, 4th Edition, where, on pages 240 and 241, citation 295 defines very specifically the rights or procedure in such a case as resulted from the facts reported by the hon. member for St. John's East. It is obvious that the ruling of the chairman of the committee in question can absolutely not be the subject of an appeal to you. The only thing the hon. members of the opposition are seeking by bringing up this point of order is obviously to appeal the ruling and that our Standing Orders do not allow. Our tradition would not have you rule on this type of dispute. If that is so, Mr. Speaker, in the case of the decision of the chairman of a standing committee when there is quorum, when discussions have been held by the committee, well, *a fortiori* it is even more so when there is not a quorum at the time of the decision concerned. This leads me to say in closing that the purpose of the interventions of the hon. member of the opposition in this regard smacks more of politics than of a wish to see that the Standing Orders of this House are observed.

● (1532)

[*English*]

**Mr. Speaker:** Order, please. There are three specific areas that have been touched in the point of order raised by the hon. member for St. John's East (Mr. McGrath). The first which relates to the ruling of the chairman of the committee and the obvious wisdom in the precedents which indicate that the Speaker ought not to be involved in these decisions, is verified in the circumstances. The hon. member for St. John's East put forward his argument in respect to his right to put questions, and the chairman has stood in his place in this House and put forward his reasons for refusing the request of the hon. member. Any action taken by me at this time would clearly place me in the position of not only being in appeal on that decision but being in appeal on that decision in a disadvantaged circumstance, which verifies the wisdom of those precedents.

I do not have the benefit of knowing the circumstances in the committee. I do not have the benefit of all the arguments, all of the evidence put forward, and the kind of question that was there and things of that sort. It is therefore with great wisdom that the Chair has always avoided sitting in appeal directly on this kind of conflict. To attempt to resolve this particular problem formally would be to invite the proliferation of arguments that occur in committees on procedural matters, to come into this House every day for my decision, in some sort of appeal forum, which is very imperfect at the best