

Points of Order

Should you, Mr. Speaker, review the minutes of the committee meeting you will further note that I raised the matter as a point of order and it was dismissed by the chair. Even though the chair, the hon. member for Prince Albert—Churchill River, was made aware of this irregularity he continued to allow the member for Yukon to vote and participate as a member of the committee in good standing.

We are not questioning the presence of the hon. member for Yukon as the elected representative of Yukon. What we are questioning is the chair's primary responsibility to ensure that the committee operates under the rules established by the House of Commons.

I realize, Mr. Speaker, you rarely rule on proceedings in committee. However this is a clear breach of the standing orders. It is not a matter which can or should be left in the committee where it originated. The rules have been broken throughout the entire clause by clause consideration of Bill C-33 and Bill C-34. The report of the committee should be ruled out of order and the committee should be directed to go back and reconsider clause by clause Bills C-33 and Bill C-34.

The chairman of the aboriginal affairs committee whose role it is to uphold the rules of the committee knowingly allowed the rules to be broken. I suggest the chairman of the aboriginal affairs committee resign and allow another member to preside over clause by clause reconsideration of Bill C-33 and Bill C-34.

Mr. Don Boudria (Glengarry—Prescott—Russell): Mr. Speaker, I also was a substitute member on that committee for a portion of last evening and starting at roughly 4.45 a.m. today.

It is well known by you, Mr. Speaker, that committees are masters of their own business. That is a principle that has long been accepted by Parliament and in previous rulings. Need I remind the Chair of the ruling on the Lachance case in the early 1980s as well as the ruling on what is known commonly as the Blenkarn report on the goods and services tax.

Furthermore, in the unlikely event, Mr. Speaker, that you were to review the proceedings of the committee you would find that in no case was any vote in a position whereby one person would have changed the vote. In fact for virtually all votes we had scores of 6:2 that were registered; in other words six people carrying each clause versus two against. The only exceptions I remember during the whole night were the odd votes on which one member of the Reform Party voted with the government making the score 7:1 instead of 6:2.

To review what I said previously, whether or not the vote deems that it is appropriate for him to review the business of the committee would not change the outcome of the vote. In any case, Mr. Speaker, sustaining the precedents I have brought to

your attention I think you would rule that in cases such as these the Speaker has not interfered with the reports of committees in the past.

• (1210)

Mr. Nelson Riis (Kamloops): Mr. Speaker, I would like to use this opportunity to point out what I believe is a serious fault in our system. While you review the committee events of last evening perhaps a point to keep in mind is the people of Yukon chose the hon. member for Yukon to represent them as their member of Parliament, knowing full well she was also a member of the New Democratic Party.

The issue before the aboriginal affairs committee last night was dealing exclusively with that territory, Indian land claims and Indian self-government in the Yukon territory. Being the only member from that territory it seems not unreasonable that she would want to play an advisory role, a serious role, in an issue that dealt explicitly and exclusively with her constituents.

Technically my hon. friend may be correct that it reveals some of the inappropriateness of some of our standing orders, particularly as they refer to committee and the role of so-called independent members. For my friend—and I respect the technical case that he is making—to suggest for a moment that the sole representative for the Yukon territory not be allowed to participate in critical legislation regarding her constituents surely must point out a major flaw in our system.

Mr. Harris: Mr. Speaker, I have listened to hon. members and the point is not that the hon. member was allowed to be present and participate in the committee. The point is that this was a clear breach of the rules, of the standing orders. The chairman was in complete breach of his responsibility as chairman by not recognizing the point of order I raised, which was a very clear point of order.

As I mentioned, we have no difficulty with the hon. member for Yukon being present. The difficulty we have which we raised in the committee meeting last night with the chairman was that by allowing her to vote the chair was in clear breach of the standing orders that govern the committee proceedings.

We ask, Mr. Speaker, that you rule on that point.

Mr. Paul Szabo (Mississauga South): Mr. Speaker, I rise on the same point of order. I would simply like to advise the House that I was in attendance at the committee meeting between midnight and 5 a.m. during the point at which the question was raised by the hon. member.

The clerk presented the appropriate documents to the Reform Party for examination and advised the chair of the committee that the member for Yukon was eligible to vote. The chair proceeded on the basis of the advice of the clerk appointed by the House.