

Mr. Speaker: The hon. member for Grenville-Carleton (Mr. Baker) has the floor.

Mr. Baker (Grenville-Carleton): There are two matters at issue. First is the question of a committee chairman assigning to a minister the responsibility for answering detailed questions concerning a Crown corporation. That is exactly the reverse of the situation in the House of Commons, and it raises a question by itself, the right of the chairman to do that in those circumstances. The second question, which concerns me very much, is whether anything raised in committee should be settled in committee, and that members of parliament under no circumstances have recourse to the House. I hope to argue the precedents on the question of parliamentary practice. The proprieties in this case are just too shaky, to say the least.

The hon. member for St. John's East has dealt with the first question very well. Mr. Speaker has some responsibility and some authority here, moral authority and direct authority.

Committees are creatures of the House of Commons. The references which they receive are references from the House of Commons. The reference they received in this case was the estimates containing Vote 10, involving the Central Mortgage and Housing Corporation. The facilities are provided by the House, the staff is provided by the House, and they are supposed to govern themselves in accordance with the rules of the House of Commons. The hon. member for St. John's East indicated that raised at least a *prima facie* case, and I suggest he has gone further than that.

If we hold to the view that the only recourse for aggrieved members of a committee is the report of the committee to the House of Commons, then really we have embraced the undemocratic notion that the majority can find redress in the House by reporting, but the minority cannot do so. I do not think that is the intent of the rules with respect to the matter. Really, then, there is no appeal to some impartial authority.

Much has been made on the principle that the matter should be settled in committee. Often it has been cited in the House of Commons, but the foundation for it has not been examined very carefully. I respectfully suggest that the foundation for that principle is shaky, and much more has been built on that foundation than it can or ought to support. Citation 295 in Beauchesne's states in part:

● (1522)

No Standing Order provides for an appeal from the Chairman of a Standing or select committee; but it has sometimes happened in standing and select committees that appeals were taken from the chairman's decisions to the committee and even to the House itself. On July 24, 1956, an appeal was taken to the House from the Standing Committee on Banking and Commerce, and the Speaker ruled that the chairman's ruling should be settled in the Committee and not reported to the House. The House cannot be guided in a matter of this kind by precedents from the United Kingdom House of Commons where appeals are unknown. An appeal from a decision given by the Speaker or a Chairman is not a postulate of British parliamentary law, but has been established in Canada by a Standing Order which does not apply to select or standing committees. It seems therefore that a reversal by the committee, of the chairman's ruling, would be ineffective.

There is an ambiguity in this citation, Mr. Speaker, for it appears to concede the point that appeals were once accepted

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and were then halted by a ruling which said, very much after the fact, that they were not in accordance with British practice.

I am sure my hon. friend, the President of the Privy Council (Mr. MacEachen), will join with me in finding this rejection of our own procedures in favour of British ones to be most objectionable indeed. It should be realized, first, that it is incorrect to state that appeals from committee rulings were unknown in the British House, and secondly, that the allusion to British practice ignored the differences in the committee system between the parliament at Westminster and the parliament here and ignored the procedures in existence there which have the same effect as appeals in bringing neutral and informed consideration to bear on committee disputes.

I would respectfully invite you, Mr. Speaker, to examine the ruling made on July 24, 1956, cited by Beauchesne. The Speaker was about to rule on the committee appeal when the Clerk convinced him that the practice was without precedent and not in keeping with British practice. I suggest that the Clerk's advice was at best incomplete in that instance, and I would draw your attention to page 638 in the current edition of May.

A situation occurred in 1863 in which the chairman of a select committee resigned suddenly so as to be able to vote, throwing the committee into confusion. It states:

The committee decided to refer the matter to the Speaker for an opinion. The Speaker gave it as his opinion that the chairman, having been elected into the chair, and having accepted the post with a full knowledge of its duties and liabilities, ought to go through with the duties. Reasons of a personal nature, failing health, or a feeling that he was unequal to the task, might afford sufficient reasons for wishing to be released. But after having exercised all the power and influence which belonged to the chair, then to vacate it in order to have the privilege of giving a vote, and altering the balance of opinions, seemed to him (The Speaker) contrary to the spirit of parliamentary proceedings. Mr. Horsfall went back to the committee room and took the chair.

Those are important words, "contrary to the spirit of parliamentary proceedings".

This case is important in a number of ways. First, the form the appeal took is unclear, but as I said, attention should be paid to the words "contrary to the spirit of parliamentary proceedings." In some way we must allow you, Mr. Speaker, to comment on that sort of situation. The second thing is that a comparison of our committee system to the British system is difficult, since we have one type of committee where they have two. I have already shown that appeals are not entirely unknown in British select committees. In their standing or legislative committees the appeal procedure, or a workable substitute, is built in.

The standing committees there are chaired by MPs from a panel of chairmen who are experienced members and who have the same standing committees as the Speaker does in the House. Of this panel, May states at page 616:

The Chairmen's Panel, of whom three are a quorum, consider points of procedure which are not covered by the rules of the House, and are empowered to report to the House from time to time any resolutions they may come to on matters of procedure relating to standing committees. Certain resolutions relating to standing committee procedure are reported each session.