

the House of Commons. That committee then went to the media before it consulted on its decision, and before it tabled it in the House.

Not only was this reported in *The Ottawa Citizen*, the *Toronto Star* phoned and asked me to respond to the committee chairman who said: "Domm's Bill was rejected because the committee did not have the power to empower the justice committee to study the Bill." This means that New Democratic Members, Liberal Members and Conservative Members should check their motions and Bills on the Order Paper, because by virtue of an *in camera* decision made in committee and discussed with the press without consulting Members of Parliament they have been ruled out of order. No longer do we have the power to refer these matters to Standing Committees.

This is without a doubt a breach of Parliamentary privilege. Parliament has always had the right to refer items to committee and empower it to study and report back.

I repeat that the committee has exceeded its own terms of reference by doing this. It has detrimentally affected the role of all back-benchers in the House. A basic and elementary right of all Members of Parliament is their right to refer pressing and urgent matters to an appropriate committee for extensive review and analysis. This inalienable right exceeds all Party lines and goes to the root of what an individual Hon. Member can do for his or her constituents.

● (1550)

It follows that the Standing Committees of this House remain a fundamental method of allowing not just Members of Parliament but all Canadians a degree of access to the decision-making process. I have personally been denied even the possibility of having a subject of extreme importance to my constituents referred to a committee, drawn out of a drum and brought to a votable item. The objective of having the subject voted on has been denied.

Beauchesne's Fifth Edition is quite clear with respect to the rules governing Standing Committees. I refer to Citation 621(2):

A committee is bound by, and is not at liberty to depart from, the Order of Reference.

Nowhere in the order of reference for the Committee on Private Members' Business does it state that this particular committee cannot refer a subject such as that contained in my motion to an appropriate Standing Committee for investigation.

The inspirational reforms of the House of Commons arrived at by the McGrath report are adamant in their concerns over the eroding role of back-bench Members of Parliament.

It was the committee's belief, and one which I am sure is shared by all Hon. Members of the House, that the committee system could provide a means of enhancing the position of Members of Parliament and also represented a viable method of democratizing the decision-making process.

#### *Privilege—Mr. Domm*

Pages 21 and 22 of the report state in part:

More use could also be made of existing Standing Order 72(1) which allows, as an alternative procedure for introducing Bills, a motion to appoint a committee to prepare and bring in a Bill. Such an Order of Reference could be given by the House upon adoption of a motion presented by a private Member, during Private Members' Business, to have a committee bring in a Bill on a particular subject.

The report concluded by adopting Recommendation 4.12 which states:

We recommend wider use of parliamentary committees to review draft legislation, to conduct general inquiries when policy choices have not yet been made, and to bring in draft Bills.

The objective of the McGrath committee and its attempts at reform were based on the need to enhance the role of Members of Parliament. It is obvious from its conclusions that one of the most appropriate ways to accomplish this task is through a renewed and more effective parliamentary committee system. The decision as reported by the Chairman of the Committee on Private Members' Business undermines the spirit of these reforms and consequently impairs my ability as a Member of Parliament.

Therefore, with all due respect, I urge that this matter be referred to the Standing Committee on Elections, Privileges and Procedure for a full parliamentary investigation into the right of Parliament to empower Standing Committees to study and report to Parliament on items arising under Private Members' Business.

**Mr. Bill Kempling (Burlington):** Mr. Speaker, I will not take too much time on this matter. The committee, when it was formed, received a mandate, we might call it, from the McGrath committee, with its acceptance by the Government, to deal with private Members' bills and motions. There were no instructions, not even a guideline given as to how we select these bills or motions. Consequently, the committee on its own developed a rule or guideline of nine items by which we would help private Members draft their bills and motions. Each Hon. Member was sent a copy, and I might say the motion presented by the Hon. Member for Peterborough (Mr. Domm) met the nine conditions set forth.

The difficulty we had at committee at the time is that we unanimously agreed we were not empowered to instruct another committee to take a certain course of action, particularly when that committee could take that course of action on its own. That was the position we held to. Further, the advice we received from our procedural people reinforced that position. I understand there is a division of opinion with the procedural experts as to whether we do or do not have the power to empower another committee to look into matters such as this, but that was the unanimous decision of our committee. We believe the matter really should go back to the Committee on Elections, Privileges and Procedure for review.

It is difficult to deal with this matter because we meet in camera. I cannot really reveal in the House of Commons what we discussed in camera, otherwise, why have an in-camera meetings? That is a difficulty we have.