

*Speaker's Ruling*

contempt of the House. Summarizing his argument the hon. member asked:

In short, does the omission to table a document legally required to be tabled impede or obstruct the House and its members in the discharge of their functions, or does it have the tendency to do so?

This is the question directed to the Chair.

[Translation]

The first point that the Chair wishes to highlight is that Speakers do not interpret or enforce matters of statutory law. There are many precedents to this effect.

• (1510)

On June 19, 1978, a question of privilege was raised respecting the late tabling of the Postmaster General's annual report. In rejecting claims that the failure to respect the law constituted a breach of privilege, Speaker Jerome warned the House that the authority of the Chair did not extend to the determination of questions of law.

[English]

On two occasions—March 27, 1981 and February 10, 1983—Speaker Sauvé confirmed this principle in denying claims for the Chair to intervene in cases similar to the one raised by the hon. member for Scarborough—Rouge River. In each of these situations, the government had failed to live up to its statutory responsibility to table documents within a specific period of time. In response, Madam Speaker ruled that the Chair had neither the responsibility to interpret the law nor the authority to compel the government to obey it.

These precedents served to highlight the restrictive nature of the Chair's authority with respect to legal questions. However, while the matter raised on Monday may stem from a statutory requirement, the main thrust of the issue is not of a legal nature, but rather a procedural one. As the hon. member for Scarborough—Rouge River so aptly stated, "This is a question of fact rather than a question of law". In the manner of his presentation, the situation is different from earlier cases.

Another key element raised by the hon. member relates to the failure of government officials to act on demands for the tabling of this Order in Council. As he explained in his submission:

It is far too common for public servants to treat tabling requirements as a matter of little or no consequence with the result that over the years, members of this House have repeatedly had to raise the issue of non-compliance with such requirements. The failure of the minister's officials to advise him of his obligations is all the more inexcusable in this case in that the non-tabling of the order was drawn to the attention of an assistant deputy minister in the minister's department in a letter from one of the counsel to the joint committee for the scrutiny of regulations dated May 8, 1989. Officials of the same department were reminded of this on subsequent occasions prior to December 12, 1991.

That is all a quote from the hon. member but I think it very clearly puts his case.

Therefore, in light of the notices given to the department and its failure to comply with the letter of the law, the hon. member claims that a contempt of the House has occurred and that this case should be dealt with as an offence against the authority and dignity of the House.

[Translation]

The Chair wishes to address some other remarks of the hon. member for Scarborough—Rouge River. The member stated that the purpose of tabling documents in the House "is to require documents to be laid before it in circumstances where it determines that the formal transmission of a document is necessary for members of Parliament to properly discharge their responsibility of holding the executive accountable for its actions". Tabling either by the front door or the back door, whether at the discretion of a minister or because of a legal requirement, is an action of the House and as such it is recorded in the *Votes and Proceedings*, the official record of the decisions of the House.

It is through tabling that members are officially apprised of the existence of a document. Thus when we include in legislation provisions for tabling, it is not done lightly but is done for a serious purpose.

[English]

The tabling of documents, as specified in our rules, is one of the procedures on which hinges the ability of members to discharge their functions. In particular, with the reform of the rules in 1982, all reports, returns and papers to be laid before the House in accordance with the requirements of the statute are automatically referred to a standing committee pursuant to Standing Order 32(5). Thus, a failure to table any required document has the effect of impeding such committees