

HOUSE OF COMMONS

Monday, October 28, 1963

The house met at 2.30 p.m.

PRIVILEGE

MR. OLSON—STATEMENT BY MR. SPEAKER ON
CALLING OF COMMITTEE

Mr. Speaker: Last Friday a question of privilege was raised with regard to the procedure to be followed in calling the organization meeting of a standing committee. I promised last Friday to take the long and well written memorandum of the hon. member for Medicine Hat (Mr. Olson) into consideration. If I could have the indulgence of the house I should now like to give my opinion.

On Friday last the hon. member for Medicine Hat rose on a question of privilege which he summarized as follows:

The point I wish to make now is that a member of a standing committee which has been set up does in fact have the right to request a meeting of that standing committee, and the officers in this house are under obligation to call such a meeting.

Neither the standing orders of the house nor Beauchesne are very helpful in answering all the questions posed in the statement of the hon. member for Medicine Hat. Standing order 65(1) states:

At the commencement of each session, a special committee, consisting of five members, shall be appointed, whose duty it shall be to prepare and report, with all convenient speed, lists of members to compose the following standing committees of the house;

This standing order was complied with on May 16, when on motion of the right hon. Prime Minister, seconded by the Minister of Justice, it was resolved that a special committee be appointed to prepare and report with all convenient speed, lists of members to compose the standing committees of this house, the said committee to be composed of Messrs. Caron, Churchill, Knowles, Leboe, Pickersgill and Winkler, and that the provisions of standing order 65(1) be suspended in relation to the number of members thereon.

You will notice that among the members to compose the committee are the whips of the different parties and the house leaders of the government and the opposition. We will come back to this fact.

The procedure set out in standing order 65(1) was followed and on June 27, 1963 Mr. Walker, who had by this time become the

chief government whip and had replaced Mr. Caron as such on the special committee, presented the first report of the committee which was then concurred in. This report provided, inter alia, for the composition of the standing committee on agriculture, composed of 60 members, therein enumerated.

At this point I might perhaps be allowed to quote Bourinot on the organization of committees. He states at page 463:

It is usual for the leader of the government in either house to give the Clerk of the house instructions as to the time and place of meeting for the organization of the several standing committees.

In the case of standing committees of the commons, there are certain clerks whose duties are connected with them especially. For instance, the clerks of standing orders, private bills, public accounts, railways, canals and telegraph lines, and printing. It is usual for the member, on whose motion a select committee has been nominated, to take the initiative in calling it together, and having it organized; and this he will do by placing himself immediately in communication with the Clerk of the house.

You will notice that Bourinot mentions that it is usual for the member on whose motion the select committee has been nominated to take the initiative in calling it together and having it organized.

It is true that the committee on agriculture is a standing committee, but it is true also that it is on the motion of the chief whip that the standing committees have been nominated. Therefore he is in the same position as a member on whose motion a committee has been organized, and he is acting in the name or in the place of the leader of the government in the House of Commons. It is not necessary to decide whether his power is delegated or not; it is certain that this has ever been the practice in the house before and after Bourinot.

The chief whip is the instrument, the channel of operation, from constant practice. It would not be of much use to organize a committee unless some special matters were to be referred to it; and as these matters can only be referred on government motions, who is better placed to call a meeting than the chief government whip?

In other words, organization meetings of standing committees have always been called on instructions from the chief government whip the moment the house refers or is about to refer matters to the said committees. It is for this reason that instructions have invariably come from the chief government whip's office. This is why, in the absence of any