

Speaker's Ruling

As a result of his intervention, Natalia Stonov is meeting now with a senior official of the Department of External Affairs. We will see what action we can take. We will naturally pursue this case vigorously, as we have pursued other cases vigorously and with success.

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PRIVILEGE

FINANCE COMMITTEE—SPEAKER'S RULING

Mr. Speaker: On March 21, 1990 the Chair received several notices of questions of privilege relating to an action of the chairman of the Standing Committee on Finance on March 20, 1990.

The hon. members complained that the chairman of the committee, the hon. member for Mississauga South, had exceeded his authority by putting an end to a debate on a motion declaring the said motion withdrawn and introducing a new order for allocation of time for the consideration in committee of the goods and services tax bill. The chairman also declared that this action on his part was in essence a ruling that there was to be no debate or points of order. The action of the chairman was formally challenged by a member and the chairman was subsequently sustained on a recorded vote of 7 yeas and 4 nays. The chairman then declared the meeting adjourned without question put until March 26, 1990 at 3.30 p.m.

The Speaker has often informed the House that matters and procedural issues that arise in committee ought to be settled in committee unless the committee reports them first to the House. I have, however, said to the House that this practice was not an absolute one and that in very serious and special circumstances the Speaker may have to pronounce on a committee matter without the committee having reported to the House.

[Translation]

The matter that has been raised with the Chair is a serious one. Evidence of that is that eight hon. members filed notices of questions of privilege and the Chair heard submissions for almost two hours on Wednesday last.

[English]

Because the matter is serious the Chair will respond in some detail. For clarity's sake, I will begin by listing the points that I will cover.

First, there are the points raised by the hon. member for Burin—St. George's who was supported in argument by the hon. member for Ottawa—Vanier, the hon. member for Yorkton—Melville, and the hon. member for Edmonton East:

Did the chairman exceed his authority in (a) declaring a motion withdrawn, (b) disallowing points of order, or (c) adjourning the committee arbitrarily?

Second, there is the point raised by the hon. member for Yorkton—Melville which relates to a similar case that occurred on June 6, 1984 in the Standing Committee on Justice and Legal Affairs. Is that a valid precedent which should be followed?

Third, the hon. member for Nickel Belt invoked the principle of English parliamentary law that the minority must be protected from the tyranny of the majority. He asked that I review Standing Order 1 and seek guidance and other jurisdictions. The question is therefore: should the Speaker overrule a majority decision made in committee?

Fourth, finally the hon. member for Burnaby—Kingsway referred the Chair to Standing Order 78(3) relating to time allocation. The question is: Does this Standing Order apply in committees?

Let me now address each point.

First, did the chairman of the finance committee exceed his authority? A committee chairman is elected by the committee. Like the Speaker, he is the servant of the body that elected him or her. The chairman is accountable to the committee, and that committee should be the usual venue where his or her conduct is pronounced upon, unless and until the committee chooses to report to the House, which this committee has not yet opted to do.

That is the tradition of the Canadian House of Commons. If I am to respect that tradition, I should therefore avoid comment on the conduct of the hon. member for Mississauga South and let the committee deal further with the matter if it so desires. There are also other means by which the members may bring such an issue forward for debate on the floor of the House. In this case, as Speaker, I have decided to resist both the urgings of members and my own temptation to comment at this time on the conduct of the chairman.