

Mr. Speaker: The Hon. Member for Windsor—Walkerville was seeking to attract the attention of the Chair. I notice that he must have had to leave the Chamber. I wonder if someone could advise him that if he has a question of privilege or a point of order, the Chair will of course see him in a moment. However, I have for the moment recognized the Hon. Member for Cape Breton—East Richmond and he has a point of order which I will hear.

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POINTS OF ORDER

COMMITTEE PROCEEDINGS—PRIVILEGE—ADJUDICATION BY MR. SPEAKER

Mr. Dave Dingwall (Cape Breton—East Richmond): Mr. Speaker, last Thursday, my colleague, the Hon. Member for Winnipeg North (Mr. Orlikow), rose on a question of privilege regarding certain activities that took place during a hearing on Bill C-22 involving amendments to the Patent Act. At that time a number of individuals made some brief interventions, and I wish to quote what you said, Sir, because I am looking for your direction.

As reported at page 2882 of *Hansard* of January 29, 1987, you said:

What members of the committee do when they reassemble is entirely their own business. However, perhaps something might take place which would make it unnecessary to carry on with this discussion.

I am going to adjourn this matter without prejudice to the Hon. Member who has raised it. If the matter is not settled, I will hear from Hon. Members later. I emphasize that you said "Hon. Members", Mr. Speaker.

When we resumed committee meetings last Thursday, I raised a question of privilege about the conduct of Members opposite. I reserved my right until I had the opportunity to review first hand the transcript of proceedings earlier in the day. Now I have had an opportunity to do so. This morning, I raised a question of privilege which was put before all Members of the committee and it was ruled by the chairman that the chairman could not rule on a question of privilege. I thereafter moved the appropriate motion so that my question of privilege would be referred to the House of Commons for adjudication by you, Sir.

My concern is that my colleague, the Hon. Member for Winnipeg North (Mr. Orlikow) originally rose on the question of privilege. Since it was voted down by the committee, I wonder if I may now raise this as a question of privilege on the floor of the House of Commons, or if there is some other route I must pursue in order to have my question of privilege at least heard and subsequently adjudicated by you, Sir.

Mr. Doug Lewis (Parliamentary Secretary to Deputy Prime Minister and President of the Privy Council): Mr. Speaker, I appreciate that this matter was raised last week by the Hon. Member and I understand his concern. In speaking to this point of order, I would refer you, Mr. Speaker, to the decision

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of Mr. Speaker Jerome of April 6, 1976. I appreciate that it was not on exactly the same point the Hon. Member has made, but in his decision, Mr. Speaker Jerome said the following:

The Speaker does not have the authority to consider appeals made on procedural decisions of a committee.

Reasons given by the Speaker for this are as follows:

"Standing committees are and must remain the masters of their own procedure".

For many years in this House the Chair has refrained from sitting in appeal on procedural decisions taken in standing committees.

I appreciate that in this particular decision, the reference is to a standing committee. I know the Chair will realize that at that time standing committees also handled legislative matters. Under parliamentary reform we now have standing committees and legislative committees. We have moved to the point at which there is a panel of Members with expertise in matters of parliamentary procedure, drawn from all Parties of the House, and one would think that, as independence is given to standing committees, and legislative committees have been given the power to sit on a particular Bill, this would reinforce even more the decision of Mr. Justice Jerome, as he now is, who said that committees are the masters of their own destiny as far as procedure is concerned.

● (1510)

I once again raise the spectre of this House intervening as the final Court of Appeal for all procedural questions raised in committee. In saying that I do not shut the door on a very important question of privilege raised by a Member where, for example, he or she was not even allowed in the committee room, where there was a complete and absolute denial of the right of that person to sit and work on the committee. However, I suggest that Mr. Speaker Jerome's decision should be given a great deal of weight when you come down with a decision as to whether or not the Hon. Member should be able to proceed with his point of order.

Hon. André Ouellet (Papineau): Mr. Speaker, I want to intervene briefly on this matter. I appreciate the remarks of the Parliamentary Secretary, but I would point out with reference to his citing the decision of Mr. Speaker Jerome that that was prior to the changes which have occurred in our committee system.

As you will recall, Sir, the McGrath committee made a series of recommendations concerning the activities of the standing committees of this House. This House then saw fit to create a new entity, the legislative committee. That is an entirely new and experimental approach. It has been recommended that you select a number of prominent and experienced parliamentarians to chair these legislative committees. I submit that these chairmen are in a sense an extension of yourself, Mr. Speaker. That is why it was suggested that you make the decision about who would act in these committees with the same impartiality that you exercise in your function in the chair.