

Privilege

Mr. Nelson A. Riis (Kamloops): Mr. Speaker, I am pleased to participate in the question of privilege raised by a number of hon. members regarding the chairman of the finance committee and the highly unusual ruling that he made last night, and the fact that the committee sustained him in that rather unique and very unusual ruling.

Mr. Speaker, I do not have to remind you or any members of the House that the traditions of this House would be breached in many ways if a motion was deemed to be withdrawn without any consent, that a resolution was deemed adopted when debate was adjourned without a motion to that effect and so on.

It is perfectly clear that anyone who has an inkling of understanding of parliamentary procedures and practices would know what the chairman of the finance committee did last night was completely unacceptable. The point is that we want to demonstrate clearly that fact.

Mr. Speaker, I want to draw to your attention and to the House's attention the fact that authority for a committee is derived from a number of sources. The House delegates some authority to each standing and legislative committee, and some of the parameters of that authority are embraced by standing orders. I refer, of course to Standing Order 108(1) and 108(2), which enumerate the powers of standing committees, and additional powers and mandates of certain standing committees.

In summary, these powers include the ability to examine and inquire into all matters referred to them by the House, to report to the House, to sit when they wish and to delegate all or any of their powers, except the power to report directly to the House.

Also, Standing Order 116 states:

In a standing, special or legislative committee, the Standing Orders shall apply so far as may be applicable, except the Standing Orders as to the election of a Speaker, seconding of motions, limiting the number of times of speaking and the length of speeches.

I think we would all agree that that does not give much guidance in terms of what is and what is not allowable to occur in a committee. But it does not give *carte blanche* for the committee or the chairman of the committee to do anything he or she wishes.

It is appropriate that we consider the very first standing order which states:

1. In all cases not provided for hereinafter, or by other Order of the House, procedural questions shall be decided by the Speaker or Chairman, whose decisions shall be based on the usages, forms, customs and precedents of the House of Commons of Canada and on parliamentary tradition in Canada and other jurisdictions, so far as they may be applicable to the House.

It is perfectly clear that, while all of the rules of procedure regarding committees have not been articulated clearly, they are to reflect the practices and the traditions of this House. The assumption that it is not in a Standing Order does not then allow the chairman of the finance committee to do anything he wishes.

For example, in terms of the traditions of this House regarding parliamentary behaviour of a Chair, the Chair acts always in a neutral way. Mr. Speaker, you would have to be awfully creative in your description of the chairman of the finance committee's work and behaviour to suggest that he ever acts in a neutral way, or I should say that he often acts in a neutral way.

The Chair does not move motions and votes only in the case of a tie. That is an obvious practice of this place. Also, the Chair of a committee examining legislation does not speak to the bill or vote on it. From my judgment, the chairman of the finance committee breaks all these rules, and has broken them regularly.

Let us go to the source, the guide that members of Parliament have regarding chairmen of legislative committees. It is very precise. The House publication entitled *Procedural Guide for Chairmen of Legislative Committees*, and of course what we are dealing with in a sense is a legislative committee because we had sent this bill to the committee, states: "The rules for time allocation, motions are given thus. Committees nevertheless may at any time by motion adopt restrictions and limits on the number of times of speaking or questioning permitted to a committee member. They may also appoint by motion a day or time at which all questions necessary to dispose of a matter before them shall be put forthwith without further debate or amendment".

The guide that directs the chairman of the finance committee clearly states that time allocation in committee is by motion, not by a chairperson's ruling.