

No. 17

# JOURNALS

OF THE

## HOUSE OF COMMONS

OF CANADA

OTTAWA, FRIDAY, MARCH 10, 1972

11.00 o'clock a.m.

## PRAYERS

## RULING BY MR. SPEAKER

Mr. SPEAKER: Yesterday the Chair received five notices of questions of privilege under Standing Order 17. All five were related to one or another aspect of the Tabling of the Auditor General's report, and to references that had been made in debate to the delay in filing last year's report. In his reply, the President of the Privy Council agreed to sponsor one of the motions and it was unanimously agreed that the matter in dispute would be referred to the Public Accounts Committee. At the suggestion of the Leader of the Opposition, the Chair agreed to give further consideration to the other motions although it was pointed out that it would be difficult not to take into account that one of the several methods for proceeding proposed by honourable Members had been agreed to by the whole House. To some extent, at least, consideration of the alternative proposals has to be somewhat theoretical; traditionally, the Chair is reluctant to make procedural rulings in such circumstances. I will therefore be very brief which I hope will not be a reflection on the importance of the matter raised by the honourable Members who presented motions to the Chair under the terms of Standing Order 17.

One of the suggestions made yesterday is that a charge against a senior public servant gives rise to a question of privilege. Honourable Members know that there have been many instances over the years where accusations

or charges have been made in relation to senior public servants. The Chair has never condoned such actions. Indeed, just a few weeks ago, I suggested that a motion under Standing Order 43 was irregular to the extent that it contained charges against the Chairman of the Public Service Commission. It was not my view, however, that the question was one of privilege, but rather one of procedural order. In the matter before us now, I would agree again that it is irregular for any honourable Member to make a charge, directly or indirectly, against a senior public official in the service of the government or of Parliament. I refer honourable Members to citation 152(4) of Beauchesne's Fourth edition, as follows: "All references to judges and courts of justice and to personages of high official station, of the nature of personal attack and censure, have always been considered unparliamentary, and the Speakers of the British and Canadian Houses have always treated them as breaches of order."

The Chair is in full agreement with the citation and I would hope that honourable Members would remember that the practice is based on simple common sense and fair play. Honourable Members will note however that there is no suggestion either in the Beauchesne citation, or anywhere in our precedents, that such breaches of order are tantamount to breaches of privilege.