

*Speaker's Ruling*

another be chosen to preside over the re-examination of the bills.

Having reviewed the interventions of all members on Friday as well as the minutes and transcripts of the committee proceedings, and also having consulted with the table, I am satisfied that the difficulties which arose in the committee were the product of an erroneous interpretation of Standing Order 114. The advice given to the chair of the committee concerning the procedure for substitution of members was incorrect and unfortunately the actions taken by the chair were based on this advice. May I also add that in no way was the hon. member for Yukon at fault in this matter.

[Translation]

While it is a tradition of this House that committees are masters of their own proceedings, they cannot establish procedures which go beyond the powers conferred upon them by the House. For example, a committee must seek the permission of the House to travel as they themselves are not so empowered. Likewise, committees do not have the power to establish or change their membership. This power is retained by the House and, in the present situation, is spelled out explicitly in Standing Order 104(4) which states:

(4) The Standing Committee on Procedure and House Affairs shall also prepare lists of associate members for each Standing Committee and Standing Joint Committee referred to in this Standing Order, who shall be deemed to be members of that committee for the purposes of Standing Orders 108(1)(b) and 114(2)(a) and who shall be eligible to act as substitutes on that committee pursuant to the provisions of Standing Order 114(2)(b).

[English]

Any report of the Standing Committee on Procedure and House Affairs made pursuant to this standing order must be concurred in by the House for such an associate membership change to be effective. As no report appointing the hon. member for Yukon an associate member had been presented by the Standing Committee on Procedure and House Affairs and thus no such report had been concurred in by the House, the hon. member for Prince George—Bulkley Valley was absolutely correct when he stated that the hon. member for Yukon did not meet the requirements as an associate member of the committee under the standing orders in order to function as a member of the committee.

• (1510)

[Translation]

Under the rules of the House, all members are free to participate in the proceedings of committees, within clearly stated parameters. As Standing Order 119 reads:

119. Any Member of the House who is not a member of a standing, special or legislative committee may, unless the House or the committee concerned otherwise orders, take part in the public proceedings of the committee, but may not vote or move any motion, nor be part of any quorum.

[English]

As well, citation 766(1) of Beauchesne's sixth edition notes that members of the House who are not members of a committee may participate during the committee's examination of witnesses, but they do so usually at the discretion of the chairman and the committee.

Several members noted in their remarks that it was not the presence or the participation of the hon. member for Yukon in the work of the committee that was in question. In fact several even noted that since she is the only representative in this House for Yukon her contribution was valuable. Rather, what was in question, as the hon. member for Prince George—Bulkley Valley noted was that in allowing the hon. member for Yukon to vote in the committee the standing orders of the House had been breached.

[Translation]

The problems presented by the proceedings in this committee have served to illuminate for us possible difficulties with the understanding of the new rules regarding associate memberships of committees and the methods for choosing substitutes, particularly, as in this instance, where the active participation of a certain member could be extremely beneficial to the work of both the committee and the House.

[English]

The members of the committee are to be commended for wishing to include the hon. member for Yukon in their deliberations on matters which directly affect her constituents. However, it is incumbent upon the members of all committees to ensure that proper procedures are followed. This said, I must concur with the hon. member for Prince George—Bulkley Valley that by allowing a member to vote who, under the rules of this House, did not legitimately have status as a committee member, the standing orders were indeed breached.

I must therefore rule that any vote cast by the hon. member for Yukon in the committee proceedings on Bills C-33 and C-34 is void as she did not have the right to participate in any of the votes.

The hon. member for Prince George—Bulkley Valley has also argued that because the proceedings in the committee had been irregular, the report should be irreceivable. However, as the hon. member for Glengarry—Prescott—Russell pointed out, none of the votes taken in the committee would have been altered by the vote of any single member. Having reviewed the minutes of the committee I must agree with this conclusion. Therefore, I do not find grounds on which to declare the reports out of order. Hence, the House can proceed with the report stage of these bills.