

PRIVILEGE

MR. NIELSEN—RIGHT OF COMMITTEE CHAIRMEN TO ANSWER
QUESTIONS IN HOUSE—RULING BY MADAM SPEAKER

Madam Speaker: I would like to rule today on a matter raised as a question of privilege by the hon. member for Yukon (Mr. Nielsen). On October 28 last the hon. member for Wellington-Dufferin-Simcoe (Mr. Beatty) raised a point of order, and subsequently the hon. member for Yukon raised a question related to that as a question of privilege, and I intend to deal with both at the same time.

For the benefit of hon. members, I think I should review the circumstances as recorded in *Hansard* for Wednesday, October 28 at pages 12267 to 12269. In the first instance hon. members will recall that the hon. member for Annapolis Valley-Hants (Mr. Nowlan) asked the hon. member for Northumberland-Miramichi (Mr. Dionne), in his capacity as chairman of the Standing Committee on Transport, the following question, and I quote:

—can the chairman inform this House on the status of earlier discussions to convene the committee? Does the hon. member not think it would be a positive step to widen the terms of reference of the committee to include the Atlantic coast and British Columbia, rather than having only Ontario and Quebec?

The President of the Privy Council (Mr. Pinard) rose and gave an answer to the question. Following that the hon. member for Annapolis Valley-Hants was given the floor for a supplementary question which he directed either to the President of the Privy Council or the chairman of the standing committee, and a reply was given by the President of the Privy Council.

Shortly thereafter the Right Hon. Leader of the Opposition (Mr. Clark) asked the following question:

Will the chairman of that committee tell us whether he has asked for a reference of the VIA Rail question to the standing committee—

That question was a bit different from the question I quoted a moment ago, and I think hon. members will want to note that. As noted in *Hansard*, both the chairman of the committee and the President of the Privy Council rose, and the latter replied.

On a supplementary question the Right Hon. Leader of the Opposition repeated his question, at which time the President of the Privy Council, followed by the chairman of the committee, responded.

Upon reviewing the circumstances I feel that there are several points of procedure which must be clarified. There can be no doubt, as numerous precedents indicate, that questions to chairmen of committees are in order when such questions relate to procedural matters. Hon. members will appreciate, however, that the scope of questions permitted is quite narrow; for example, dealing with whether a meeting is to be held, a committee will be convened, the time of meetings and other questions of a similar nature. I refer hon. members to Beauchesne's fifth edition, Citation 366, and to *Hansard* for January 15, 1971, page 2442; March 16, 1973, page 2293; and May 20, 1970, page 7126. Those precedents are quite similar to the matter we are discussing today.

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It therefore follows that if chairmen of committees may be asked questions, then they have the right to answer questions—as well as the discretion; that goes without saying.

On this point Erskine May, in his nineteenth edition at page 327, states:

—a member may not seek by means of a question to the chairman to interfere in the proceedings of a select committee by suggesting a particular subject for inquiry (although such subject fell within its order of reference).

If we were to apply this reference to the situation last week, it appears that the questions were asked in such a manner that they could have been construed as dealing with House business in general and, as I indicated on that day, if the President of the Privy Council wants to interpret the question as being related to the business of the House, it is not for the Chair—that was confirmed by some hon. members—to say that it is not related to the business of the House. As it happened, however, two members stood to reply, and I indicated last Wednesday that I did not choose between them, but in each case one member seemed to defer to the other. At any rate, both hon. members responded which, from what we can read into the questions asked, seemed to be the desire.

Therefore, I must rule that the proceedings of last week's question period relating to the questioning of a committee chairman on the business of the committee he chairs did not infringe upon our accepted parliamentary practice and, consequently, I find there is neither a point of order nor a question of privilege but a reason to clarify the status of that particular question.

Hon. Erik Nielsen (Yukon): Madam Speaker, there is an ancillary point which you might wish to consider with respect to that whole situation. The practice has been for the Chair to recognize members on this side of the House by their ridings when they rise. Indeed, the backbenchers on the government side of the House are recognized in the same fashion by the Chair. However, my recollection is that when ministers rise, the Chair does not specifically recognize the minister by name.

● (1510)

I submit there may be a dangerous practice arise where instead of the Chair recognizing the minister by his office, the operators of the sound system are invading—and I say that with no derogation intended—the prerogative of the Chair. When a minister rises, the operators of the sound system are going to activate the microphone. Because a minister is standing in the House, the operators of the sound system are going to activate that microphone before activating the microphone of a private member.

I strongly suggest to the Chair that consideration be given to adopting the practice of recognizing ministers by their office. If that practice would have been followed, the choice would have had to be made by the Chair in recognizing the question directed toward the chairman.

I also have a brief point of order to direct to the President of the Privy Council, who last Thursday—