

HOUSE OF COMMONS

Wednesday, May 8, 1974

The House met at 2 p.m.

[English]

PRIVILEGE

MR. BREWIN—FAILURE OF PRESIDENT OF CANADIAN INTERNATIONAL DEVELOPMENT AGENCY TO PRODUCE TO COMMITTEE REPORT ON ADMINISTRATION

Mr. Andrew Brewin (Greenwood): Mr. Speaker, I rise on a question of privilege which affects all members of the House. The Standing Committee on External Affairs and National Defence had before it a witness, Mr. Paul Gérin-Lajoie, who is the president of CIDA. During the hearings of the committee he was requested, by a motion moved by the hon. member for Saint-Hyacinthe (Mr. Wagner), to produce a report of Price Waterhouse, an accounting firm, dealing with the administration of CIDA which is a government agency supported by parliament. It was unanimously resolved by the committee on an amended motion that he should produce to the steering committee of that standing committee a copy of this report so that the steering committee could examine it to see whether it was relevant and important to the committee in advising the House about the affairs of CIDA. The president said he would comply with the wishes of the committee.

Subsequently, a letter was received by the chairman, the hon. member for Lafontaine (Mr. Lachance), from which I should like to quote just one paragraph:

I thought it advisable to bring this matter to the attention of the Honourable Mitchell Sharp, Secretary of State for External Affairs, through whom CIDA reports to Parliament. The minister informed me it would be preferable if the request for this document was made directly in the House of Commons.

Later the committee met and by a vote determined to ask that the report be produced by one o'clock today. The chairman, the hon. member for Lafontaine, has informed me that the report has not been produced.

I think this raises a very grave question of the privileges of the House.

Some hon. Members: Hear, hear!

Mr. Brewin: Mr. Speaker, you will be entirely familiar with the provisions of section 8 of Standing Order 65 which provides as follows:

Standing committees shall be severally empowered to examine and enquire into all such matters as may be referred to them by the House, and, to report from time to time and—

I ask the House to note these words:

—except when the House otherwise orders, to send for persons, papers and records—

● (1410)

This clearly gives committees of the House the right to have documents before them. The particular document does not touch on security. No question of privilege was

raised. There has simply been an edict by the Secretary of State for External Affairs that the committee is not to see this document pertaining to this important public agency.

Some hon. Members: Shame!

Mr. Brewin: The basic principle involved in my question of privilege is whether or not committees of the House are to function without a veto from a minister of the government. That is the basic principle. It is highly important to the functioning of the committees of the House that we should not have this sort of ministerial intervention.

Some hon. Members: Hear, hear!

Mr. Brewin: This intervention by the Secretary of State for External Affairs is a challenge to the privileges of the House. I ask you to rule, Mr. Speaker, that there is a prima facie case of privilege. If you do so rule, I shall move that this matter be referred to the Standing Committee on Privileges and Elections.

Mr. Speaker: The hon. member for Greenwood has raised a question of privilege in relation to the non-production of a certain document in the Standing Committee on External Affairs and National Defence. He has indicated that if the Chair were to find that there is a prima facie case of privilege he would move a motion suggesting that this matter be referred to the Standing Committee on Privileges and Elections.

The Chair has in the past, on many occasions and based on many precedents, suggested that it might be very unwise for the House to decide that proceedings in one committee be investigated by another committee. I am sure that the hon. member would want to bear that in mind. The hon. member also suggested that there is a motion which should be put. I wonder whether it would be the wish of hon. members that we spend the afternoon debating this motion which, as a debate on a motion of privilege, might go on for some days.

I have had a few moments to look into the situation, and in a preliminary way there would appear to be at least three questions involved in the matter raised by the hon. member for Greenwood. The first is whether it is procedurally acceptable to raise in the House under the heading of privilege a proceeding in a standing committee. I suggest that this can be done only when such proceeding is presented to the House by means of a report accompanied, if necessary, by the relevant evidence. In my view, it is not possible to initiate a debate in the House on the evidence alone of a committee unless there is before the House a formal report. I mean by this that the report must state the specific question and be brought to the House by means of a specific motion to concur.

Second, there is at least implied in the question of privilege the matter of the conduct of a witness before a