

I have two other notices of questions of privilege. The hon. member for South Shore (Mr. Crouse) has given me notice of a question of privilege which relates to proceedings in the committee. I have given him the benefit of whatever research we have developed since receiving his notice. This raises a fundamental problem in respect of proceedings in committee, or difficulties regarding procedural rulings in a committee, which are not generally within the purview of the Chair. However, I will give the hon. member an opportunity to try to persuade me otherwise.

The second notice of a question of privilege I have received relates to a grievance by the hon. member for Winnipeg South Centre (Mr. McKenzie) in respect of an inability to obtain documents, a matter which is also generally handled by way of an application for documents. I will also give him a chance to persuade me otherwise.

MR. CROUSE—CONDUCT OF CHAIRMAN OF STANDING
COMMITTEE ON FISHERIES AND FORESTRY

Mr. Lloyd R. Crouse (South Shore): Mr. Speaker, I know you will appreciate that during my 22 years in the House this is the first time I have asked for the privilege of raising a matter of this type. I do so because I feel that my privileges have been infringed upon even though, albeit, in a committee.

I rise, therefore, on this matter because of the conduct last evening of the chairman of the Standing Committee on Fisheries and Forestry. His interpretation of relevancy in respect of questioning on Bill C-35, which is a government omnibus bill on government reorganization, was so restrictive as to inhibit me and members of the committee in our understanding of the purpose and implementation of the bill.

While I appreciate that all debate must be relevant, it is possible to enforce the rule to a point where debate is throttled and there is infringement on freedom of speech. Beauchesne, and I have checked—

Mr. Speaker: Order, please. Before the hon. member goes any further into the details of the difficulties he had in the standing committee, let me say that my difficulty from a procedural viewpoint is this. Let us suppose I accept the statement he just made, that the chairman of a standing committee was so restrictive that it was an infringement almost upon freedom of speech, or however the hon. member wants to put that. My difficulty is, from a procedural point of view how do I have anything to do with that from this chair? Is it not clearly established on the precedents I have provided the hon. member that his recourse or remedy has to be exhausted first in the committee, and that when the report of the committee, one way or another, comes to this House I can then deal with it, but not until then?

Mr. Crouse: Mr. Speaker, I appreciate your difficulty and I am not trying to be obstinate. We spent an hour and a half trying to resolve the problem in the committee last evening without arriving at any conclusion. I relate my request to Beauchesne's new fifth edition which states:

Privilege—Mr. Crouse

299(1) Relevancy is not easy to define. For borderline cases, the member should be given the benefit of the doubt.

I submit, sir, that this benefit of the doubt was not granted to the five members of the opposition, or even government members, last evening by the chairman of that committee. I look to you, sir, for guidance in this matter.

We were dealing with Bill C-35, which establishes a whole new fisheries department. It sets out its powers, and alludes to jurisdictional conflicts with other departments. It provides for negotiations with the provinces. It requires an annual report, it revamps the fisheries research board, details the qualifications for members and sets out the board's purpose. It is impossible to determine the possible effects of this bill without setting it in the context of departmental policies. This is what we were trying to do last evening, and I refer to all members of the committee, not just members of the official opposition.

The second reading debate in this House was wide open. It is up to a committee chairman, I submit, to enforce strict relevance on amendments but not during the general exploratory, investigative phase of a committee's hearings. Committee members ought to be able to discuss anything which might form the basis of an amendment, and the scope for amendment of a bill defining the structure or scope of a department is fairly wide.

This bill is similar in purpose, although wider in terms, to the government reorganization bill of 1971 which originally set up the Department of the Environment. That bill was debated in committee of the whole and members had no difficulty making statements and asking questions to place the bill in its proper context. The chairman did enforce relevancy, but not in as ridiculous a manner as at present in the standing committee.

If it can be ruled that actions by persons outside this House can inhibit members from doing their duty, surely the House cannot go on forever holding the view that no degree of manipulation of the rules or the silencing of members can ever be considered improper. At some point there must be a need to rule that misuse of the rules is so grotesque that it is lifted from the context of procedural disagreement and can be fairly seen as a direct interference with the ability of members to speak freely to the question before them.

This is such a case and, therefore, I would ask that the use of the rules of relevance to throttle legitimate questioning and discussion on Bill C-35 by the chairman of the Standing Committee on Fisheries and Forestry be referred to the Standing Committee on Privileges and Elections.

Mr. Speaker: Order, please. I am sure the hon. member will realize on reflection that essentially what he is asking the Chair to do—and this, of course, is the reason it wisely has never been attempted in the past—is sit on an appeal of a decision of a chairman of a standing committee, without hearing any of the evidence or being in any way able to hear any of the testimony or examine the problem.

I can only tell the hon. member that, in conformity with the precedents I have supplied him, I really have no other choice