

AFTER RECESS

The House resumed at 8 p.m.

BUSINESS OF THE HOUSE

POSITION ON ORDER PAPER OF MOTION OF
MEMBER FOR ST. JOHN'S EAST—RULING
BY MR. SPEAKER

Mr. Speaker: Order. Earlier today the hon. member for St. John's East (Mr. McGrath) raised a point of order with regard to the position on the notice paper of a proposed notice of motion which he had filed on Wednesday last.

I have carefully perused the remarks made by the hon. gentleman from St. John's East and also those contributed by the hon. member for Peace River (Mr. Baldwin). If I understand the question at issue, it would seem to me that the hon. member for St. John's East contends that his proposed motion raises a question of privilege and, as such, that it should have been listed under Motions so that it could be considered tomorrow.

Today in his comments the hon. member for St. John's East suggested there should not be two procedures followed in the consideration of questions of privilege, that is, a procedure which could be used by members of the government and another for other members of the House.

It is obvious, of course, that most of the time of this House is set aside for the consideration of government business, but it should be pointed out that the rules or Standing Orders which are enacted by the House provide for that division of time as between the government and private members. It is not within the competence of the Chair, I suggest, to endeavour to reallocate time to private members by means of decisions of the Chair.

It was suggested, also, that a member of the government could avail himself of a priority in having a question of privilege considered as government business. In the limited time at my disposal no precedent could be found in that regard except such motions as were proposed by private members, debated, transferred to and subsequently considered under Government Orders by virtue of the operation of Standing Order 45(2).

At any rate, it seems to me that the position on the notice paper of the proposed motion is not of the essence at this time. If

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the question raised by the hon. member for St. John's East is a prima facie question of privilege, I suggest it could have been transferred to and considered under Motions yesterday or it could have been proceeded with today notwithstanding its position on the notice paper. At page 304 of Bourinot's fourth edition it is stated:

Questions of privilege have precedence over other matters when they appear among the notices of motion.

What the Chair must decide is whether certain propositions set forth in the proposed motion constitute a prima facie question of privilege in the light of our practice. The Chair must, of course, make a decision on the evidence at hand, which in the present instance is a notice of motion filed by the hon. member for St. John's East.

May I for a moment examine with hon. members the proposals set forth in that motion. To begin with, it proposes the referral of one general and two specific propositions to the Standing Committee on Privileges and Elections. It would ask the standing committee to determine the general proposition as to whether it is the privilege of a member of a standing committee of the House to call a meeting of members of a committee for the purpose of electing a chairman and a vice-chairman.

Hon. members will agree that this is by no means a new question. It has been generally understood for many years that such power does not rest in every individual member of a standing committee. It is particularly so, it seems to me, when the committee has received no order of reference from the House. In that regard I should like to refer hon. members to *Hansard* of October 28, 1963, pages 4071 and 4072, where the very same question was dealt with by the then Speaker, who said:

The government leader in the House, who followed the hon. member for Medicine Hat and who was careful to state that he had not made any study of the question, declared that he had "no doubt it has been the custom that these committees be set up at the suggestion of the government whip as a convenience", but he added other comments which are not in accord with the conclusions of this memorandum.

Perhaps we can leave it at that, with the further suggestion that as the procedure is not clearly defined in our standing orders, this might be a matter that could very well be studied in the committee on procedure.

Obviously, the practice today would appear to be the same as that of 1963. If there was no prima facie question of breach of privilege in