

Privilege—Mr. Knowles

An hon. member from New Brunswick said that if we were to report back to the House with a request that the committee's proceedings be televised, that would terminate the committee; it would be the end of that committee. He quoted to that effect from some books on procedure. It was a double whammy, Madam Speaker—not only were we perhaps doing the wrong thing, but if we came back to the House with a request for permission to televise the committee hearings, that would be the end of the constitutional committee. At that I noticed some members who were sitting opposite me wilt like flowers on a hot July day—except for the hon. member for Lincoln (Mr. Mackasey).

I think it is very important, Madam Speaker, that you understand that the impression left with that committee was that this was a ruling. The interpretation given by the Prime Minister today may be valid in his own mind and in the minds of some others who were not there, but it was not the impression of those of us who were at the committee.

Some hon. Members: Hear, hear!

Hon. Jake Epp (Provencher): Madam Speaker, you will note that I submitted to you in writing a notice of motion on the same question prior to the calling of orders of the day this afternoon.

I intend to raise one or two matters, possibly for clarification, regarding what I believe has resulted in the violation of the rights of individuals and members of Parliament.

I support the position taken by the hon. member for Winnipeg North Centre (Mr. Knowles). I could wish that he had been a little more vigilant about the protection of the rights of members when the motion was passed, however.

Mr. Clark: Hear, hear!

Mr. Epp: I suggest to you, Madam Speaker, that the government House leader has said on a number of occasions that the committee is master of its own proceedings. For instance, at page 4162 of *Hansard* he is reported as follows:

I am of the opinion that the joint committee which will be established will have the power to determine whether or not it wishes its deliberations or proceedings to be broadcast.

That is quite clear. On October 24, as reported at page 4074 of *Hansard*, he said:

It will be up to the committee to decide whether the debates should be televised. As to the material organization that would be involved that aspect would come under the responsibility of Madam Speaker.

So it has been very clearly stated in this House by the government House leader that the committee had the right and the power to establish whether television and radio broadcasting should be used by the joint committee studying the constitution.

During the debate on that motion that I placed before the committee, the co-chairman of the committee, the hon. member for Hochelaga-Maisonneuve (Mr. Joyal), made committee members aware of a letter that he had received regarding your ruling, set out in the letter dated August 13, 1980, to

the hon. member for Don Valley East (Mr. Smith). I want to say to the hon. member for Hochelaga-Maisonneuve, through you, Madam Speaker, that members on this side who sit on that committee, fully accept his assurance when he said he had not had knowledge of this letter prior to raising the matter in committee. There is no doubt in my mind that such is the case. I think the hon. member for Hochelaga-Maisonneuve, if he were asked, would accept the proposition that your letter of August 13 had a considerable effect on the determination and on the discussion that ensued after the information was made known to the committee.

I should just like to read one additional sentence from your letter, Madam Speaker, that has not been read as yet. In the third paragraph there appears the following:

Failing such a decision of the House—

Namely, on television broadcasting.

—the committees are without authority to broadcast their proceedings.

I suggest to you, Madam Speaker, that your letter was interpreted by the co-chairman as a ruling that even if the committees had passed a motion to permit television and/or radio broadcasting of the proceedings of the joint committee, in fact the committee was not empowered to do so on the basis of your ruling as expressed in the letter of August 13, 1980, to the hon. member for Don Valley East. Possibly the entire work of the committee, in terms of moving motions for the right to have the proceedings broadcast on television and radio, was futile as the decision had been taken some months earlier by yourself, Madam Speaker, that such was not possible.

I think we find ourselves in a "Catch 22" situation now, Madam Speaker, regarding our privileges. On the one hand we have your ruling, while on the other hand we have the assurances of the government House leader and the assurances of the Prime Minister today. On October 29, however, as reported at page 4214 of *Hansard*, when reaffirming that the committee was master of its own procedure, the government House leader said:

Madam Speaker, as Liberals we respect the freedom of our members and I must say to the hon. member that the committee is master of its own procedure, that it is not parliamentary tradition for the House of Commons to get involved in organizing the work of the committee—

● (1540)

Here are the pertinent words:

—and that in this House we cannot decide any procedural question concerning the committee, unless we get a report from committees.

That question as to whether or not television and radio broadcasting should be allowed in the committee was raised by a Liberal hon. member from New Brunswick. The reference was to page 193 of the current edition of *Beauchesne*, section 591, which reads:

A special committee ceases to exist at the moment its final report is presented to the House.

It was the interpretation of our members, and I believe it was also the general interpretation, that we had to refer back to the House for permission in order to have broadcasting. Yet the interpretation given was that if the interim report was