

## HOUSE OF COMMONS

Tuesday, December 4, 1973

The House met at 2 p.m.

[English]

## PRIVILEGE

MR. McGRATH—ALLEGED REFUSAL OF CHAIRMAN OF MISCELLANEOUS ESTIMATES COMMITTEE TO HEAR POINT OF ORDER

**Mr. James A. McGrath (St. John's East):** Mr. Speaker, I rise on a question of privilege on a matter affecting my rights as a member of this House. I shall not go into the question in detail as I have already done so in the notice I have given Your Honour. Briefly, Sir, yesterday at a meeting of the Standing Committee on Miscellaneous Estimates the chairman of the committee, the hon. member for Laurier (Mr. Leblanc), refused to hear me on a point of order when I attempted to obtain agreement to have the committee sit beyond the agreed time of five o'clock as the committee was late in commencing its proceedings.

The committee had before it vote 15a of the supplementary estimates, Canadian Radio-Television Commission, which gave me the only opportunity I will have this session to examine the commission on its failure, in my view, to comply with the recommendations of the Standing Committee on Broadcasting, Films and Assistance to the Arts on children's television advertising, which were concurred in by the House on July 24. Standing Order 65(10) states:

In a standing or special committee, the Standing Orders of the House shall be observed so far as may be applicable, except the Standing Orders as to the seconding of motions, limiting the number of times of speaking and the length of speeches.

I am not going to go into the matter of the improper use of an illegal timing device. I leave that to Your Honour, although it is worth mentioning because it has to do generally with what I consider to be the unsatisfactory conduct of the chairman of the committee. This timing device was obtained, believe it or not, from a discarded coin operated laundry drying machine. I am not going to go into that, Mr. Speaker, although I cannot resist suggesting that in the case of this committee I believe we have been taken to the cleaners.

Accordingly, Mr. Speaker, I feel that as a result of the conduct of the chairman of the committee my rights were denied me because of his failure to adhere to the provisions of Standing Orders 6(5)(a), 12(1) and 34(1). If Your Honour finds that I have a prima facie case, I am prepared to move that this matter be referred to the Standing Committee on Privileges and Elections.

**Mr. Speaker:** The hon. member for St. John's East gave notice of his intention to raise this matter by way of a question of privilege and the Chair has given it very serious thought in the meantime. I am ready to make a ruling now but, in accordance with the practice, the hon.

member whose conduct is being questioned has the right, if he wishes, to reply. Apparently there is no suggestion that he wishes to do this, so I am prepared at this point to make a ruling.

**Mr. Leblanc (Laurier):** Mr. Speaker, I am prepared to reply.

**Mr. Nielsen:** Mr. Speaker, is the Chair going to invite comment from other members of the House who could also file proper notice with Your Honour if that is the way the Chair wishes it to come about?

**Mr. Speaker:** Order, please. The practice is well established that there should not be a debate when a member raises a matter by way of a question of privilege. This is a long-established practice. If a suggestion is made by an hon. member that he has a question of privilege I am willing to hear that hon. member but I suggest, as I have before, that there should not be debate on the matter unless there is a finding on the part of the Chair that there is a prima facie case of privilege. I would hope that hon. members would recognize the value of this practice and allow the Chair to proceed on that basis.

[Translation]

**Mr. Fernand-E. Leblanc (Laurier):** Mr. Speaker, I believe that the minutes of the proceedings of yesterday's session of the Committee on Miscellaneous Estimates will speak for themselves. As for the incident mentioned by the hon. member, I believe that the facts are somewhat different from what he has said, because we applied the rules as we always do in the committee, that is when the time has expired, the debate is closed, when it was called at the proper time. Obviously, there are many other things which I could say before the Committee on Privileges and Elections; if you wish me to appear before this committee, I shall be happy to do so.

[English]

**Mr. Speaker:** The hon. member for Laurier has replied to the hon. member and has put on the record his comments in regard to the motion proposed by the hon. member for St. John's East. I am prepared to make a ruling on whether there is a prima facie case of privilege, and I suggest to hon. members that the Chair should be allowed to do so at this time.

[Translation]

I thank the hon. member for St. John's East (Mr. McGrath) who, in accordance with the Standing Orders, gave notice of his intention to raise this matter by way of a question of privilege. As is usual and traditional in such a case, the Chair gave the hon. member whose conduct is being questioned the opportunity to answer briefly. I am therefore ready to make a ruling. The ruling that the Chair must make is simply to determine whether there is