

HOUSE OF COMMONS

Monday, February 22, 1971

The House met at 2 p.m.

PRIVILEGE

MR. McGRATH—SITTING OF STANDING COMMITTEES WHILE GOVERNMENT ORGANIZATION BILL UNDER CONSIDERATION IN COMMITTEE OF THE WHOLE

Mr. Speaker: On Tuesday, February 16 last, the hon. member for St. John's East raised a question concerning the regularity or the propriety of a Committee of the Whole sitting when a number of standing committees were scheduled to meet. The following day, Wednesday, February 17, the hon. member raised a similar question but that time as a point of privilege.

While not accepting the hon. member's proposition as a question of privilege, the Chair recognized that there was some difficulty and assured the House that further and continuing study would be given to the situation. In particular, it was proposed that the procedural difficulty be considered by the House Leaders. It is my hope that these hon. gentlemen will be available for such a meeting within the next few hours, perhaps, or at least the next few days.

In the comparatively brief period at my disposal I have endeavoured to review the practice of the House in respect of concurrent sittings of the House or Committees of the Whole with standing or special committees. Up to this moment I have been able to consider, in some detail, every regular session of our Parliament back to 1952, and there has been little difficulty in establishing that Committees of the Whole and standing committees have in fact sat concurrently throughout those years.

● (2:10 p.m.)

I do not suggest the House should presume that such conditions were unopposed. Senior members of the House will vouch for the fact that strong positions were taken and many hours were spent over the years in objecting to such meetings on the very same grounds as have been recently advanced particularly by the hon. member for St. John's East. It would seem that this practice, rightly or wrongly, has been confirmed by the recent revision of the Standing Orders of the House. I suggest that the condition has been accentuated by the unanimous order of the House referring the government reorganization bill to a Committee of the Whole House. While that bill is an omnibus bill the Standing Orders do not provide for the consideration of such a bill in Committee of the Whole except by order of the House.

While it is apparent that it may not have been appropriate to send that bill to a standing committee, it would not have been inappropriate to establish a special committee to which it could have been referred. It seems to me that sections 1 and 2 of Standing Order 74 contemplate such a procedure, and had that procedure been observed the present difficulty would not have arisen. It might be of interest if I were to refer to Standing Order 81 of the British House as printed at page 1084 of May's 17th edition. It reads as follows:

All committees, other than committees of the whole House, shall have leave to sit at any time on any day on which the House sits, but may not otherwise sit during any adjournment of the House, without the leave of the House, and such leave shall not be moved for without notice.

That Standing Order of the British House indicates that our own long-standing practice is not unique and not at variance with the practice in other Parliaments, in particular at Westminster. It is of interest to note, however, that in the British House proceedings in standing committees are interrupted in order to allow members to participate in divisions in the Committee of the Whole.

This brings me to consider the objection voiced by the hon. members for Edmonton West and Calgary North to the effect that when a Committee of the Whole is sitting members in attendance at standing committees receive no warning of impending votes as is the case when the Speaker is in the chair. The difficulty is solved in the British House by the practice of interrupting proceedings in a standing committee so that members can proceed to the House to participate in a division called in Committee of the Whole. Our own revised rules provide for deferred votes at the report stage of a bill, presumably to eliminate the possibility of frequent interruptions of standing committees. It may well be that our rules should be further amended to establish a similar procedure for votes which might be called in Committee of the Whole or possibly to establish a practice similar to that which exists at Westminster.

With respect to the interruption of proceedings in standing committees, these are possibilities which should be considered by hon. members and in particular by the House Leaders on behalf of their respective parties. The difficulty might well be considered also by the Committee on Procedure and Organization. While, as I have stated on two or three occasions last week, there appears to be a difficulty when there is a prolonged consideration of a bill in Committee of the Whole, it does seem to me that situation is not in conflict with our existing practice or with the provisions of our Standing Orders and that the difficulty is not one which can be considered under the heading of parliamentary privilege.

It is, I suggest respectfully to hon. members, the kind of difficulty or problem which might rather be considered