

Privilege—Mr. Fulton

and to the ability of any Member to carry out work on behalf of his or her constituents.

Mr. Doug Lewis (Parliamentary Secretary to Deputy Prime Minister and President of the Privy Council): Mr. Speaker, I will make a very short procedural argument only. I refer the Chair, as we have on many occasions, to Beauchesne, Article 76, where we have the following:

Breaches of privileges in committee may be dealt with only by the House itself on report from the committee.

I refer you to the decision, on December 4, 1973, of Mr. Speaker Lamoureux. The issue in that particular case was, can the conduct of committee chairman be referred to the Standing Committee on Elections, Privileges and Procedure as a question of privilege? The answer was that it could not. I quote from the reasons:

It is well-established practice that committee proceedings cannot be brought into consideration or debate in the House except by way of a report from the committee... Finally, there are doubts as to the advisability of having proceedings of one committee investigated by another committee of the House.

I also refer you to the decision of Mr. Speaker Lamoureux of May 10, 1972. I am looking at the reasons given by the Speaker for finding that there was not a question of privilege in relation to the issue then raised. He said:

There is a long-established rule, and it is a tradition of the House, that matters before a committee are dealt with by that committee, and if any difficulty arises during the course of the proceedings of any hearings held by the committee, this should be indicated either in the committee's report or in the course of the debate in the House on the report submitted.

My first point, Mr. Speaker, is that there has been no report from the committee to the House which could have been concurred in by the House of Commons.

The second point upon which the Hon. Member's question of privilege fails is the matter of whether or not the Standing Committee on Elections, Privileges and Procedure should sit in judgment of what has been done, or not done, in another committee.

I refer you to the decision of Mr. Speaker Lamoureux on May 8, 1974. The issue in this case was, can the proceedings of a committee be the subject-matter of a question of privilege? Can the conduct of a witness before a committee be examined by the House as a question of privilege?

Again, it was decided in the negative. I quote from the reasons given:

—it might be very unwise for the House to decide that proceedings in one committee be investigated by another committee. It is not procedurally acceptable to raise a proceeding of a standing committee in the House under the heading of privilege except as a report.

And on May 26, 1975—and I believe this was a ruling by Mr. Speaker Jerome—we had yet another question of privilege in relation to proceedings in a committee turned down. Again, I quote from the reasons:

There is a well-established practice that the Chair ought not to sit as a court of appeal in respect to the proceedings in a standing committee... In that case the procedure would be to either appeal the chairman's ruling to the committee as a

whole, or to raise a debate on a motion of censure by a Member. The Committee on Privileges and Elections should not be allowed to become a court of appeal for the proceedings of other standing committees.

While I may sympathize with my colleague in his frustration in not being able to get the committee to act, I submit his question of privilege fails on the grounds that, number one, there has not been a report submitted by that committee to the House; and number two, even if that were to happen, we still have the issue as to whether or not the Standing Committee on Elections, Privileges and Procedure should sit in judgment of the proceedings, or non-proceedings, of another committee.

Mr. Fulton: Mr. Speaker, I know my hon. friend was trying to be helpful, but all three of the rulings he cited, the two by Mr. Speaker Lamoureux and the one by Mr. Speaker Jerome, were on matters related to the proceedings in a committee.

If the point being raised were in relation to that, I would agree. I looked at Beauchesne and at some of the previous rulings. The point I am raising is that the committee conducted two years of intensive hearings. The Parliamentary Secretary to the Minister of State for Forestry and Mines (Mr. Greenaway) is here. He knows that we investigated the matter of the tree farm licence more carefully than it has ever been investigated by this House or by a committee of this House. As well, it has been investigated by the ombudsman, by lawyers—it has been investigated to death.

What I am saying, Mr. Speaker, is that the committee, quite properly, had a Deputy Ministers' group from five different departments struck 18 months ago, which group conducted a process which was found to be incomplete by members of the committee and by the Nishga Tribal Council. We recalled the witnesses from British Columbia. They came before the committee and gave another day's evidence. At the end of the evidence, we then voted unanimously that those five Ministries instruct the Deputy Ministers to reconstitute the committee and, between January 22 and June 15, re-evaluate the Tree Farm Licence No. 1 proposal and come up with a funding proposal to allow the project to proceed.

What in fact has happened is that one Minister chose not to even respond; one on May 29, decided that he did not want to participate; and—

Mr. Speaker: I might be able to save the Hon. Member some time. I think the Hon. Member made his point extremely well in his original intervention. I have the distinction that the Hon. Member is putting forward, and I will consider it.

I am always reluctant to close off interventions on an important matter, as this obviously is, but I am mindful of the other debate that is going on in this place, and I am wondering whether Hon. Members can accept that I have the point, and I will bring it back to the Chamber before we adjourn tomorrow.

The Hon. Member for Hamilton East (Ms. Copps), on a point of order.