

*Point of Order—Mr. Mazankowski*

In putting a question a member must confine himself to the narrowest limits.

One of the limits has to do with subsection (*hh*) which states:

—seek information about proceedings in a Committee which has not yet made its report to the House.

In the past few weeks there have been occasions in the House on issues with respect to certain appointments to, in particular, the Human Rights Committee, when Members have raised questions about appointments and their reference to committees. As you know, Mr. Speaker, Standing Order 103 provides for a review of all Order in Council appointments made by the appropriate committee.

The point I wish to make and ask Your Honour to consider is with respect to whether questions such as this are in order when they are before or have the opportunity of being before the appropriate committee and when they are presented in the House of Commons. I can refer Your Honour to some specific examples in this regard. The first is found at page 426 of *Hansard* of October 16, a question raised by the Hon. Member for Hamilton East (Ms. Coppins). Another example appears in *Hansard* of October 29 on Page 856 where a question was raised by the Hon. Member for York Centre (Mr. Kaplan). Yesterday, a question was raised by the Hon. Member for Burnaby (Mr. Robinson), and that question appears at page 1097 of *Hansard*. In *Hansard* of October 28, a similar question appears on page 819. Similar questions appear on page 855 of *Hansard* of October 29 and page 907 of October 30.

● (1540)

I raise this matter, Mr. Speaker, only to seek your guidance for all Members of the House, since I believe this matter could establish certain precedents which may not be in keeping with the spirit of Beauchesne's Citation No. 357 which in effect is the written rule by which we guide ourselves in the House, along with Standing Order 103.

**Mr. Nelson A. Riis (Kamloops—Shuswap):** Mr. Speaker, I listened with interest to the point made by the Government House Leader. I have some concerns about his reference to Beauchesne's Citation 357 and particularly about his indication that issues that have the opportunity to be before a committee ought not to be raised in the House. I suggest that an issue that has the opportunity to be before a committee could be almost any issue. Any issue may be before a committee or may be referred to a committee some time in the future.

The House Leader's suggestion that issues that have the opportunity to be before a committee should not be raised by Hon. Members during Question Period seems to me to be totally out of order and inappropriate. We would not have any opportunity at all to raise issues in the House, particularly since the new Standing Orders adopted as a result of the reform committee suggest that any committee may take up any issue it deems appropriate whatever its terms of reference.

It concerned me to hear the House Leader suggest that we ought not ask questions about an issue that may have the opportunity to be before a committee. Perhaps I will seek clarification from him. Did he mean what I have just indicated or was that simply an elaboration which he had not intended?

**Mr. Mazankowski:** Mr. Speaker, I appreciate the Hon. Member raising the point and I might just clarify it. I was looking at the matter in the context of Standing Order 103 which deals with the review of certain Order in Council appointments. If he were to examine the examples I have given he would see that in most cases those particular issues are before their respective committees.

**Mr. Jean-Robert Gauthier (Ottawa—Vanier):** Mr. Speaker, I find this interesting but I have difficulty following the logic of the Government House Leader. Indeed, I am not familiar with all the citations from Beauchesne's quoted by the Minister but I do think the spirit of them is to prevent repetition in Parliament. I believe they apply most particularly to legislation.

If a piece of legislation is before a committee, I could see the argument being made that that same subject matter could be the object of some duplication and therefore should not be raised in the House. However, I do not understand the argument of the Hon. House Leader when he says that Orders in Council could perhaps be the object of study in committee.

Personally, I feel that an individual's capacity to comply with the requirements of a job to which he has been appointed could be before a committee but the matter at hand, which is whether or not the individual in question was the object of a criminal investigation or something of that nature, is in the public domain and can be raised. The behaviour of that individual, for example, could be the object of questions in the House. I cannot see how we could avoid asking those questions.

I would ask for clarification from the Minister as to what he means when he is talking about Order in Council appointments. The appointment itself is before a committee, not the behaviour of an individual at his job.

**Mr. Mazankowski:** Mr. Speaker, my point was to seek your guidance and clarification on this issue. I merely cited some examples to try to make the point. On reflection, I believe you will find that in many of those cases the issues raised on the floor of the House of Commons are issues that are currently under consideration in respective Standing Committees.

I agree that there must be a certain amount of latitude. I believe past practices would reveal that, notwithstanding the fact that there may be a piece of legislation before a Standing Committee, questions are not necessarily prevented from being asked in the House. That is quite normal. However, I think the practice has been increasing and if it is considered to be appropriate, that is fine. I simply raised it with you, Sir, to seek your guidance and clarification to guide us in the future.