

Privilege—Mr. Domm

fair enough. But it will not work, Mr. Speaker, if there is no opportunity for an *in camera* meeting. I think it is unfortunate that Members have not respected the judgment of the committee. The Member for Peterborough feels very strongly about this issue, but I think he has done the process of reform and private Members' business a great disservice by bringing it up in this way.

Mr. Speaker: I am sure that the Hon. Member does not wish to cast any aspersions on the Hon. Member for Peterborough.

Mr. Arnold Malone (Crowfoot): Mr. Speaker, I also want to indicate that I am a member of the selection committee for Private Members' Bills.

I will commence by saying that inherited by Canada from the British parliamentary system is the division of law. We have the politicians who write law, the police who enforce law, and the courts who interpret law. It is incumbent upon those who write law to write it precisely. It cannot be left to the police, or to the courts, to try to guess what the writer of law meant. There must be precision on how a motion or a piece of legislation is set forward.

In the setting forth of the case by the Hon. Member for Peterborough (Mr. Domm), he asserted that Members of Parliament as private Members no longer have the right to refer to or ask a committee to make a study. I submit that this is inaccurate. The fact is that the Hon. Member for Peterborough did not ask that the committee undertake a particular study. What he did do precisely, and I read it, is to ask that the Standing Committee on Justice and Solicitor General be empowered to study and report.

Sir, the fact of the matter is that the committee is empowered to do so today. In the changes that came about as a result of the McGrath Report we no longer require that there be a reference from a cabinet Minister to a committee for it to undertake a study. Within the concept of law, what the Hon. Member for Peterborough has asked the committee to do is something that it already has the power to do. In effect, his motion was redundant.

The other observation I would make is that the Hon. Member, in putting forward his case that his privilege had been denied, indicated that his Bill met the criteria. While I submit that it did not for the reason I have previously stated, namely that it was redundant, that observation in and of itself is not a criterion for its acceptance.

The committee receives 20 motions, pieces of legislation, or combinations thereof from which it will accept up to 6. Given the hypothetical situation where the committee receives 20 which are eligible in terms of criteria, by the requirements placed upon the committee, it cannot accept all 20, because it is restricted by regulations to accept only up to 6. Therefore, the other condition that the Hon. Member for Peterborough sets before us again does not bear on the argument. The

committee has to ascertain whether the motion or legislation is acceptable on other grounds and for reasons of other merit.

Having said that, I am sure that committee members are all offended by the fact that there was a breach and that this information ended up in public sources before it was tabled in the House. Mr. Speaker, that concerns us all and ought to concern us all.

Whether or not this matter should be studied, and whether or not this should or should not be done *in camera*, I submit that we are new in this practice of trying to extend our parliamentary practices to enhance the power of private Members. To that extent, openness is always encouraged, even though there are reasons in this decision-making process for there not to be a continuing and ongoing battle with those who petitioned for their legislation and motions during the decision process to have to continue that process.

Nevertheless, if in your judgment there is a benefit in this issue being studied further, I would certainly be agreeable to doing that. But I cannot accept, on the basis that I have already given, that privilege has in fact been breached.

Mr. Howard Crosby (Halifax West): Mr. Speaker, I want to support with all the power and force at my disposal the representation made by the Hon. Member for Peterborough (Mr. Domm), which in pith and substance is that his privileges as a Member of the House of Commons have been adversely affected by the process followed by the Standing Committee on Private Members' Business.

I wish to focus attention not on the membership of that standing committee or its method of operation, but on the rights of the Member for Peterborough which represent the rights of all Members of the House. At the same time, I wish to express my gratitude to you, Mr. Speaker, for hearing what I think is a vital matter to all Members of the House here present and for the future.

In this process of reform what has happened is that the system has been changed. Under the British parliamentary system, it is the ancient right of a Member of Parliament to introduce in the House of Commons specific matters of interest to the Member, his constituents, and hopefully to all Canadians. What the Member can do is to present a motion or, a Private Members' Bill, and there may be other processes which he can commence in the House of Commons. In the case of a Bill, and in the case of a motion, the Standing Orders prescribe the process and procedure that is to be followed. The House of Commons in its wisdom has added an addendum to that time honoured centuries' old system which involves a reference to a standing committee of the House of Commons. That addendum changes the nature of the whole process.

• (1620)

One can no longer proceed in the normal course with a motion or with a Private Member's Bill. In order to be successful in the new system, one must gain the support and the judgmental decision of the Standing Committee on Private