

HOUSE OF COMMONS

Wednesday, February 17, 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. James A. McGrath (St. John's East): Mr. Speaker, I rise on a question of privilege, notice of which I have given to Your Honour. My question of privilege arises out of the point of order that I raised yesterday concerning the business of the House wherein I found myself being denied my right and, indeed, my obligation as a member of the House to examine every bill that is placed before the House by the government. I also find that what would appear to me to be a prima facie case of privilege in the denial of these rights is in direct conflict with the Standing Orders of the House. It is this aspect of my point of order on which I am basing my question of privilege.

The duties and responsibilities placed upon members under the Standing Orders of the House, and in particular the unnecessary conflict caused yesterday in those duties and responsibilities by the government calling an order that put the House into committee of the whole on a bill, resulted in my being deprived of my right and obligation to examine bills. Standing Order 5 reads:

Every member is bound to attend the service of the House, unless leave of absence has been given him by the House.

Standing Order 65(8) reads:

Standing committees shall be severally empowered to examine and inquire into all such matters as may be referred to them by the House and,—to sit while the House is sitting.

• (2:10 p.m.)

Further, Standing Order 65(10) provides as follows:

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.

Still further, Mr. Speaker, Standing Order 55(1) provides as follows:

The Standing Orders of the House shall be observed in committees of the whole House 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.

It follows then, Sir, that every member of the House is under an obligation to attend the House in committee of the whole. If he is a member of a standing committee or of a select committee which is empowered to sit while the House is sitting, he is also under a duty to attend that committee meeting.

Obviously, Mr. Speaker, the day to day business of the House known as Government Orders should be so arranged as to reduce the incidence of such conflicts of duty which weigh upon a member, and that is the position in which I as a member of the House found myself yesterday. Obviously, when the House is in committee of the whole to consider a bill, no committee should meet. No standing committee of the House should meet while the House is in committee of the whole because the committee of the whole House, as the name implies, means just that, the committee of the whole House, and it would preclude and pre-empt any other meetings of standing committees notwithstanding any other orders made by the House.

My rights, Mr. Speaker, have been transgressed. I found myself in the position yesterday of having to be in three places at the same time to attend to my responsibilities with respect to the examination of three important bills, on two of which I had amendments. I look to you, Mr. Speaker, as the custodian of our rights and privileges to protect my rights as a member of the House notwithstanding what the rules may be. Accordingly, I would like to move a motion, with leave of the House, seconded by the hon. member for Peace River (Mr. Baldwin):

That Standing Order 65 be amended by adding thereto next after sub-order 12 thereof the following:

(13) A standing, special or joint committee shall not sit while the House is in committee of the whole to consider a bill.

Mr. Speaker: The hon. member for St. John's East gave notice of the question of privilege which he proposed to raise today. The hon. member had indicated yesterday, when he brought the same problem to the attention of the House on a point of order, that he might in due course give thought to the possibility of submitting the problem to the House by way of a question of privilege. The notice was given within the required time but barely so in the sense that there was not all that much time for the Chair to consider all the implications of the important point raised by the hon. member. At the same time, because of the fact that he had brought up the situation yesterday I have been giving consideration to it. I have been wondering and discussing with my officials whether the point is well taken and whether we are in difficulty and contravening in some way not only the rules of the House but the privileges of our Parliament by allowing standing committees to sit at the same time as the committee of the whole House.

I suggested to hon. members yesterday, in commenting on the point of order raised by the hon. member for St. John's East, that there was nothing new in the House sitting in committee of the whole at the same time as standing committees were sitting, and there were some muffled comments from some hon. members suggesting