

Point of Order—Mr. Gauthier

caucus and the New Democratic caucus with regard to the concerns of how the postal service will be changed over the years are legitimate questions for the House of Commons. They are legitimate questions that should be raised and directed to the Minister at this time. If we accept the proposal or thesis that is being put forward by government Members, then the ability of members of the opposition to raise any question at any time would be jeopardized.

The House Leader of the Official Opposition mentioned the number of committees that he believes are meeting today. Obviously, with the large government majority in the House, there can be a number of committees meeting on a constant basis. That would mean that the number of topics that could be raised in Question Period would be severely limited. I believe that the House of Commons is the body where these issues should be raised. That must be retained. I do not want to impute motives, but we must be careful and leery of any attempt by government Members to restrict the types of questions that can be raised by members of the opposition.

Mr. Speaker: The Chair has listened attentively to the representations made, and the position of the Hon. Member for Peace River (Mr. Cooper). The Chair will consider the remarks and report back to the House. I thank all Hon. Members for their contribution.

REQUEST THAT LETTER BE TABLED

Mr. Jean-Robert Gauthier (Ottawa—Vanier): Mr. Speaker, I rise on a point of order. During Question Period the Minister of Consumer and Corporate Affairs (Mr. Andre) referred to a letter, and he did quote from that letter. I would ask that the letter from the Drug Manufacturers Association, to which the Minister referred, be tabled in the House as is the custom and the rule.

Mr. Albert Cooper (Peace River): Mr. Speaker, the Minister is not in the House and therefore cannot respond. His Parliamentary Secretary is not here. The Minister will now have received notice of the Member's request, and it can be dealt with accordingly.

Mr. Speaker: I hope that the Hon. Member for Ottawa—Vanier (Mr. Gauthier) will accept that undertaking on the part of the Government and that it will be brought back to the Chamber.

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PRIVILEGE

COMMITTEE EXAMINATION OF ORDER IN COUNCIL APPOINTEES

Mr. Reginald Stackhouse (Scarborough West): Mr. Speaker, on November 18, 1986, the Hon. Member for Hamilton East (Ms. Copps) raised a matter of privilege in which she sought Mr. Speaker's guidance as to whether or not

the intent of Standing Order 104 is being subverted because of an arbitrary decision by the committee.

I was on official business and not in the House that day, and was not aware of this matter until last evening. If I had been in the House, I would have spoken in the debate as Chairman of the Standing Committee on Human Rights, the committee in question. Your Honour was generous on November 18 in permitting eight Members to speak in that debate, and I ask that the same generosity be extended to me today, which is the first opportunity I have had to contribute to the discussion.

It is clear that the committee acted within the terms of Standing Order 104, which authorizes a committee to call appointees or nominees to appear before it "if it deems it appropriate". If it deems it appropriate, the committee may call all the appointees, as it did in the case of Canadian Human Rights Commission appointments.

● (1520)

It is entitled to call only some of the appointees as it is doing in the case of the Canadian Human Rights Tribunal. Some committee members disagreed with the number being reduced from 16 to 7. My own views on that question are on record. However, no members argued that the committee was obliged to call all 28 appointees or any other number. Clearly the committee has the right to call all or some or none if it deems it appropriate.

The committee's action was taken as an amendment to a steering committee recommendation. In the manual entitled *Committees of the House of Commons of Canada, Practical Guide* it is made clear that the main committee has the authority to "send for persons" and that the steering committee has authority only to recommend "the next meeting of the main committee for its consideration and approval". Our steering committee hoped it might gain by a telephone poll a consensus supporting the steering committee's intended recommendations. When no such consensus was forthcoming, it was necessary to submit the recommendations to the next meeting of the committee. This was done in accordance with the manual on committee procedure. When the committee itself by majority vote decided on a number different from the recommendation, it was acting within its rights.

It has been a long respected practice that rulings by a committee chairman may not be appealed to the Speaker but only to the committee. In 1889, the Speaker of the British House of Commons so ruled. In 1920, that tradition was confirmed by the Speaker of that same Chamber who said:

I am not a court of appeal from the chairman of a standing committee.

In 1975, the Speaker of our House of Commons declared:

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 the Fifth Edition of Beauchesne's, the following is indicated:

The opinion of the Speaker cannot be sought in the House about any matter arising or likely to arise in a committee.