

Privilege

1919, Speaker Rhodes states at page 4313 of *Hansard*, and I quote:

The point of order as to the proceedings in the committee should be raised in the committee. The House is only seized of the proceedings of the committee from the report that it gets from the committee. There is no reference in the report whatever to any question having been raised in committee. Therefore, my ruling is that it is not competent for this House to go back to the report which is in its possession. The report of the committee is regular on its face. I therefore rule that the point of order is not well taken and that we are governed by the report of the committee as it appears before us.

I reflected at length on the Speaker's right to reach back beyond the report to the House and to the actual proceedings of the committee, and like Speaker Rhodes, I have concluded that it is not competent for the Chair to do so on a report whose regularity is not itself in question. It is important for hon. members and the viewing public to note that none of the complaints raised focus on the report of the committee per se. In the present case no one has complained that the amendments or the bill were not passed on majority votes.

Despite pressing invitations to do so by hon. members aggrieved by the events in the committee, the Chair must resist the temptation to go behind the report and ascertain whether or not other procedures were questionable. This would only invite a deterioration of the long-standing practice that committees are masters of their own proceedings. It would place the Speaker in the untenable position of standing in appeal to any decision of a chairman of standing, special and legislative committees, particularly in cases of high controversy and vigorous political debate like this one. This is not foreseen in our rules nor does our practice anywhere provide such a role for the Speaker. That being said I can only repeat the position I took on March 26.

[*Translation*]

Like the Speaker, a chairman is the servant of the body that elected him or her. The Chairman is accountable to the committee, and that committee should be the usual venue where his or her conduct is pronounced upon.

That is the tradition of the Canadian House of Commons. If I am to respect that tradition, I should therefore avoid any comment on the conduct of the hon.

member for Mississauga South and let the committee deal further with the matter if it so desires.

• (1510)

[*English*]

The majority of the committee has decided not to report its dilemma to the House and I cannot substitute my judgment for theirs.

However, on the matter of whether this case constitutes a precedent, I want to be perfectly clear. Norman Wilding and Phillip Laundry's work entitled, *An Encyclopaedia of Parliament*, defines a precedent as:

A previous decision by the Chair, or a well-established procedure or usage which serves as an authority or guide when a similar point or circumstance arises in Parliament.

In the ruling of March 26, I addressed the question of whether a 1984 incident in the justice and legal affairs committee constituted a precedent in the following manner, and I quote:

What occurred was the series of events and decisions made by a majority in a committee. Neither this House nor the Speaker gave the incidents any value whatsoever in procedural terms. One must exercise caution in attaching guiding procedural flags to such incidents and happenings.

The same reasoning applies to the present case. The majority of members in a standing committee supported a decision of the chairman. The ensuing controversy which continues to preoccupy the House and your Speaker cannot lead us to describe this incident as a "well established procedure." If the current rules do not adequately provide for the consideration of business, then of course, hon. members know that there are avenues available for reviewing those rules and recommending changes.

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QUESTION OF PRIVILEGE

BUSINESS OF SUPPLY

Mr. Jean-Robert Gauthier (Ottawa—Vanier): Mr. Speaker, I gave you notice this morning that I wanted to rise at the earliest opportunity to bring to the attention of the House what I consider to be a very important precedent set here last Friday.

An historical event occurred in the House late in the afternoon on Friday which, in my view, had a serious effect on the privileges of members of the House.