

*Question of Privilege*

I will tell him right now that if there is anything which I am supposed to have done or not to have done which concerns that committee or which the committee wishes to question, I shall be quite prepared to go before the committee and be questioned about it. But it is a rule of the house that the time of the house is not taken up with proceedings in a committee until the committee has made a report, and it seems to me it is altogether wrong for any member to attempt, in the guise of raising a question of privilege, to bring before the house a matter which is still before a committee.

**An hon. Member:** It is not before a committee.

**Mr. Pickersgill:** If the hon. member wishes to speak, perhaps he would wait until I have finished. I believe it is proper to appeal a decision of the chairman of a committee, just as one can appeal a decision of the chairman of the committee of the whole. There is a procedure for doing that. It is a recognized procedure. But it is not a proper procedure to bring up as a question of privilege in the house anything which happens within a committee, and if we are to make any progress in the house this practice, if seems to me, will have to be curtailed.

[*Translation*]

**Mr. Gregoire:** Mr. Speaker, I do not want to complain at all about what happened in the committee, but since the commitments made by the Secretary of State and the Minister of Northern Affairs and National Resources were violated, I move, seconded by Mr. Caouette:

That this house direct the standing committee on mines, forests and waters to undertake the study of the frontiers of Northwest Territories and neighbouring provinces, in relation to Bills C-83 and C-84, in order to comply with undertakings by the Secretary of State and the Minister of Northern Affairs and National Resources.

[*Text*]

**Mr. Speaker:** Order. I have to decide whether or not there is a question of privilege here. First of all, if this motion is in the nature of a substantive motion it requires notice, but I do not believe the question is that difficult. It is more in the nature of a grievance. I allowed the hon. member to speak at very considerable length. Although points of privilege should be stated as concisely as possible in order not to waste the time of the house, I allowed him to continue at some length in order to see whether he would move a motion.

I really do not have much trouble in resolving the point at issue. Only a few days ago I suggested to the house and I now say that a committee is bound by the order of

[**Mr. Pickersgill.**]

reference to it, and that the committee decides within its own confines questions of procedure and points of order. If there was a point of order which the hon. member wanted to raise in the committee he should have done so, and if he was not satisfied with the decision of the Chair at the time he could have appealed to the other members of that committee.

**An hon. Member:** No.

**Mr. Speaker:** But in order to help the house and the hon. member I have given some thought to this question, which fortunately I anticipated might arise. May I say that the so-called question of privilege raised today is in effect an appeal to the house from the ruling of the chairman on a proceeding in a standing committee, and I must say I question very seriously the regularity of this procedure at this time.

The first precedent in this regard arose in 1956, when the chairman of the standing committee on banking and commerce reported that his ruling had been appealed in the committee and he submitted the question to the judgment of the house. This is recorded at page 6388 of *Hansard* of July 24, 1956. Mr. Speaker Beaudoin in part dealt with the question as follows:

I have to rule now that the appeal from the chairman's ruling should be settled in the committee on banking and commerce and not reported to this house.

This matter is referred to in *Beauchesne*, fourth edition, page 241, citation 295, which reads in part as follows:

On July 24, 1956, an appeal was taken to the house from the standing committee on banking and commerce, and the Speaker ruled that the chairman's ruling should be settled in the committee and not reported to the house.

The second precedent in this regard is found on Wednesday, August 6, 1958, page 3141 of *Hansard*. Following the first precedent Mr. Speaker Michener stated among other things:

—it must be stated that there is no known precedent wherein the Speaker of the house has acted either as arbitrator or as judge in connection with the regularity of any proceedings in any committee of the house.—I find, therefore, that it would not be practicable for the Speaker, nor would it be competent for him, to review a ruling upon a regularity of a proceeding in a standing committee. This decision, of course, does not interfere with or deprive the house of its jurisdiction over its standing committees and their reports.

On the matter of the jurisdiction of the committee I could follow this up with the following quotation from May's *Parliamentary Practice*, sixteenth edition, page 655, under the heading, "Reporting of Bills to the House