

Privilege—Mr. Rodriguez

PRIVILEGE

ALLEGED RESTRICTION OF RIGHTS OF MEMBERS OF STANDING COMMITTEE—MR. SPEAKER'S RULING

Mr. Speaker: I have another ruling with respect to a matter raised on October 13 by the Hon. Member for Nickel Belt (Mr. Rodriguez), who raised a question of privilege alleging improper restrictions on the rights of the members of the Standing Committee on Labour, Employment and Immigration. Supported by several other Members, the Hon. Member objected specifically to the adoption by the committee of the following motion:

That during the course of the evaluation of the Committee's researchers and research needs, no Member of the Committee engage any of the researchers without the consent of the Chairman.

[*Translation*]

Just before the motion at issue, it had been agreed to proceed to an evaluation of the committee's research needs.

[*English*]

On October 13, I told the House that I did not think that the Hon. Member for Nickel Belt had a question of privilege. I said that perhaps he had a complaint. After studying the precedents and the authorities I can now confirm that my first view of the matter was indeed correct. There is no *prima facie* question of privilege to be found in the issue raised by the Hon. Member.

[*Translation*]

Previous rulings and parliamentary custom are quite clear. Committees are definitely in control of their own procedures. In this respect, I may refer Hon. Members to Beauchesne's, Fifth Edition, Citation 569(3), which reads as follows:

[*English*]

The Speaker has ruled on many occasions that it is not competent for him to exercise procedural control over the committees. Committees are and must remain masters of their own procedure.

On May 3, 1972, Mr. Speaker Lamoureux had the following to say about a problem in a committee that was raised in the House:

I think it is long-established practice that difficulties in discussions and debates in a committee should be settled by the committee itself, and that if there are difficulties which are to be considered by the House this should be done at the time the report of the committee is before the House for debate and consideration by the members of the House.

In addition to these points there is in my mind a question of the propriety and practicality of having the proceedings of one committee investigated by another committee of the House. I can foresee all sorts of difficulties if this were allowed and became a practice of the House.

That is a quote from the judgment of Mr. Speaker Lamoureux on May 3, 1972.

[*Translation*]

According to established custom, the proceedings of committees may not be considered or debated in the House except in the form of a committee report. If a point of order or question of privilege is raised in a committee, the matter should be dealt with in committee rather than being raised in the House.

Traditionally, the conduct of a Member may not be submitted for scrutiny to the House by way of a question of privilege.

[*English*]

The Speaker went on in the same ruling to say that he had:

—always had serious doubts of the advisability of having proceedings of a committee investigated by another committee of the House.

I would also cite Mr. Speaker Jerome on May 26, 1975, when he stated:

First, both Members at one time or another suggested that the Standing Committee on Privileges and Elections ought to have these questions referred to it, which to me would seem to establish a precedent and initiate or encourage a practice wherein the Standing Committee on Privileges and Elections would become some kind of court of appeal on the proceedings of other standing committees. It seems to me that nothing could be more unacceptable as a practice which ought to be more directly discouraged.

I can refer Hon. Members to many rulings that are similar and make the same point.

I thus feel that our precedents are clear and repeat, with regret, that I cannot find that the Hon. Member for Nickel Belt has made out a *prima facie* question of privilege.

I should also add that, perhaps appropriately, the Chair has been lenient in hearing complaints that may have come forward as a question of privilege or point of order from committees. I have done so because the committees have new powers and are finding their way. Perhaps by hearing some of those matters, it has assisted all Hon. Members to make the committee system work more satisfactorily.

I would ask Hon. Members to keep in mind that the leniency of the Chair for a while ought not to be pressed too far, and especially because of that I have taken a few minutes to put some of the procedural law, which is our tradition, before the House. I would ask Hon. Members to strive mightily to resolve their problems in committee before they feel it necessary to come to the Chair on those matters.

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POINTS OF ORDER

TRANSLATION OF REPORT OF STANDING COMMITTEE ON TRANSPORT

Mr. Speaker: The Hon. Member for Regina West (Mr. Benjamin) has given me notice of perhaps a point of order or question of privilege. Perhaps the Hon. Member could advise the Chair.

Mr. Les Benjamin (Regina West): Mr. Speaker, I am not certain which it is, and I will leave that to you to judge, Sir.

I have two points. The first one concerns the welfare and good order of the operations of this House, and most particularly the operations of the standing committees.

Almost three weeks ago a report of the Standing Committee on Transport was sent over to the translation division. There