

ment of rights of members in the Standing Committee on Finance last evening.

Last night in the committee around 10.30 p.m. the chairman, the member for Mississauga South, interrupted the proceedings and said in part: "It is my order as chairman that the resolution produced by Mr. Soetens is deemed withdrawn and that the committee proceed to the following order", et cetera. The chairman then proceeded to read the draft order that he had in his hand.

Further in the transcript you will find that a minute or so later the chairman said: "I am told by the clerk that there are no points of order, no debate on it any further."

I submit that those two actions, two utterances by the chairman of the finance committee last evening, first, have never happened before in that particular context. Reference has been made today to the June 1984 justice committee meeting. The House will be aware that that clearly cannot be a precedent and that the chairman of the day not only apologized for his action but offered, on two occasions at least, to resign in consequence of his actions.

I submit, Mr. Speaker, that while it is often said—and rightly so—that a committee is the master of its rules, that should never be taken as a licence for the committee to become a law unto itself. It is a creature of Parliament and as such has no mandate to abrogate or trample on rights of members which are taken as being axiomatic in this place, in the House of Commons. Were that to become the case, a manipulative government would very quickly learn that the way to circumvent a fair-minded Speaker would be simply to send everything down to committee.

• (1520)

There are three points, Mr. Speaker. First, I submit that the chairman last evening had no authority for doing what he did in deeming the resolution by the member for Ontario to be withdrawn. I refer Your Honour to Standing Order 64 which explicitly points out that once you have a motion the following applies:

A member who has made a motion may withdraw the same only by the unanimous consent of the House.

Nowhere in the authorities is there a provision for the chairman without the unanimous consent of the committee, and certainly without the initiative of the member

Privilege

who moved the resolution in the first place, to exercise the kind of initiative that the chairman did last night in deeming the motion withdrawn.

Beauchesne's fifth edition, on page 156, citation 443 reinforces this point. It states:

- (1) The Member who has proposed a motion may withdraw it only with the unanimous consent of the House.
- (2) An amendment may be withdrawn with the unanimous consent of the House, but neither a motion nor an amendment can be withdrawn in the absence of the Member who moved it.

I have submitted that the chairman had no authority within the rules or the precedents to do what he did in deeming the motion withdrawn last night.

I come now to the second quotation that I read into the record a moment ago wherein the chairman said, and I quote one more time: "I am told by the clerk there are no points of order, no debate on it any further", et cetera.

If you examine the rest of the transcript, Sir, you will find that the chairman provided for his ruling to be sustained and then proceeded immediately to adjourn the committee without allowing any points of order or any opportunity for debate.

My second submission is that the chairman had no authority to disallow points of order. The record of the committee will clearly show that a number of members made a number of attempts to raise points of order and never got beyond shouting: "Point of order, Mr. Chairman". At no time was anything said that would allow the chairman to find that there was no point of order. He heard nothing beyond the term: "Point of order, Mr. Chairman" and proceeded, as I have submitted, to inform the committee that there would be no points of order.

I submit he had no authority for doing so. My authority is in Beauchesne's fifth edition at page 78. Citation 235 states in part:

Any Member is entitled, even bound, to bring to the Speaker's immediate notice any instance of what he considers a breach of order. He may interrupt and lay the point in question concisely before the Speaker. He should do so as soon as he perceives an irregularity in the proceedings which are engaging the attention of the House.

In that citation alone is ample evidence that the gentleman from Mississauga South, the chairman of the Standing Committee on Finance, was acting without any