



ProceduralInfo





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Chapter 3 Privileges and Immunities

Procedure for Dealing with Matters of Privilege

Any claim that privilege has been infringed or a contempt committed is raised in the House by means of a "question of privilege". *Maingot* explains:

*The purpose of raising matters of "privilege" in either House of Parliament is to maintain the respect and credibility due to and required of each House in respect of these privileges, to uphold its powers, and to enforce the enjoyment of the privileges of its Members. A genuine question of privilege is therefore a serious matter not to be reckoned with lightly and accordingly ought to be rare, and thus rarely raised in the House of Commons.*³⁵⁶

The procedure with respect to raising a question of privilege is governed by both the *Standing Orders* and practice. A question of privilege is a matter for the House to determine. The decision of the House on a question of privilege, like every other matter which the House has to decide, can be elicited only by a question put by the Speaker and resolved either in the affirmative or in the negative, and this question is necessarily founded on a motion made by a Member.



This section will describe the manner in which such matters are dealt with by the House (see Figure 3.1, "The Path of a Question of Privilege").

Manner of Raising Matters of Privilege

Great importance is attached to matters involving privilege. A Member wishing to raise a question of privilege in the House must first convince the Speaker that his or her concern is *prima facie* (on the first impression or at first glance) a question of privilege. The function of the Speaker is limited to deciding whether the matter is of such a character as to entitle the Member who has raised the question to move a motion which will have priority over Orders of the Day; that is, in the Speaker's opinion, there is a *prima facie* question of privilege. If there is, the House must take the matter into immediate consideration.³⁵⁷ Ultimately, it is the House which decides whether a breach of privilege or a contempt has been committed.

Matters relating to privilege may also arise in standing, special, legislative and joint committees, and in a Committee of the Whole House. However, the procedures for dealing with such situations in committee differ from the general procedure followed in the House.

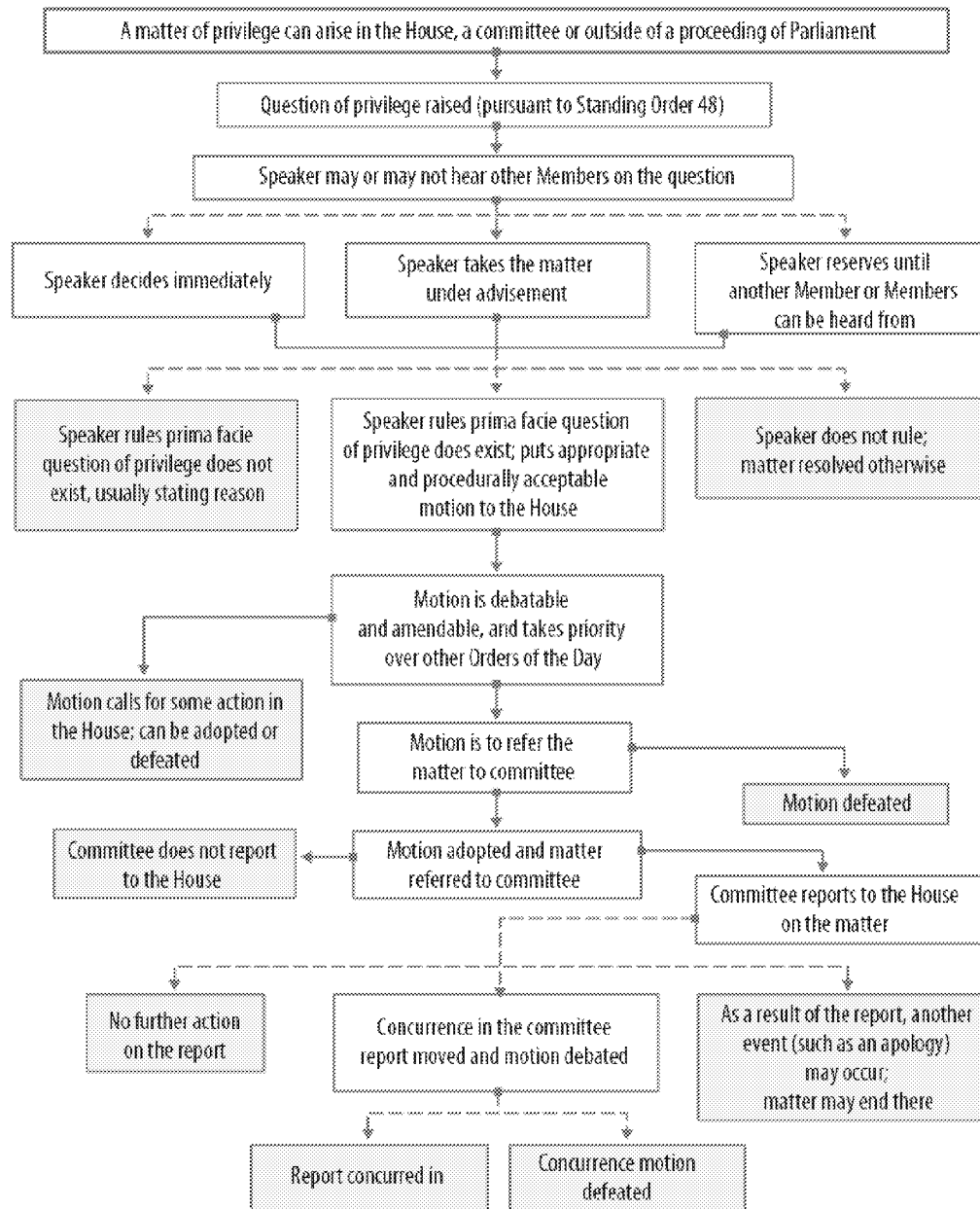
If a Member believes that a breach of privilege or a contempt has occurred, but does not feel that the matter should have priority in debate, the Member may follow an alternate route for bringing the matter before the House. He or she may place a written notice of a motion on the *Notice Paper*.

In the House

A complaint on a matter of privilege must satisfy two conditions before it can be accorded precedence over the Orders of the Day. First, the Speaker must be convinced that a *prima facie* case of breach of privilege has been made and, second, the matter must be raised at the earliest opportunity. If the Speaker feels that these two conditions have been met, the Speaker informs the House that, in his or her opinion, the matter is entitled to take precedence over the notices of motions and Orders of the Day standing on the *Order Paper*. The Speaker's ruling does not extend to deciding whether a breach of privilege has in fact been committed. This is a matter which can be decided only by the House itself.

FIGURE 3.1 The Path of a Question of Privilege





Time of Raising and Notice Requirements

A question of privilege arising out of the proceedings during the course of a sitting may be raised immediately without notice. However, Speakers have disallowed questions of privilege during Statements by Members, Question Period,³⁵⁸ the process of Royal Assent,³⁵⁹ the Adjournment Proceedings,³⁶⁰ and the taking of recorded divisions.³⁶¹ In such circumstances, with the exception of the Adjournment Proceedings, the question of privilege may be raised at the end of the time provided for such business on that day.³⁶² A matter of privilege related to the Adjournment Proceedings may be raised at the next sitting, following the proper notification to the Speaker.

A Member wishing to raise a question of privilege which does not arise out of the proceedings during the course of a sitting must give notice before bringing the question to the attention of the House. The Member must provide a written statement to the Speaker at least one hour before raising the question of privilege

in the House.³⁶³ If such notice is not given, the Speaker will not allow the Member to proceed.³⁶⁴ Speakers have also ruled that oral notice is neither necessary nor sufficient.³⁶⁵ Questions of privilege for which written notice has been given are raised at specific times, namely on the opening of the sitting, following Routine Proceedings but before Orders of the Day, and immediately after Question Period. They are occasionally raised during a debate.

The notice submitted to the Speaker should contain four elements:

1. It should indicate that the Member is writing to give notice of his or her intention to raise a question of privilege.
2. It should state that the matter is being raised at the earliest opportunity.
3. It should indicate the substance of the matter that the Member proposes to raise by way of a question of privilege.³⁶⁶
4. It should include the text of the motion which the Member must be ready to propose to the House should the Speaker rule that the matter is a prima facie case of privilege.

By providing the Chair with a context for the question of privilege and a proposed remedy for the problem, the Member assists the Speaker in dealing with the issue in an informed and expeditious manner.³⁶⁷ The inclusion of the text of the proposed motion allows the Speaker the opportunity to suggest changes to avoid any procedural difficulties in the wording; otherwise, the Member might be prevented or delayed from moving the motion should the Speaker rule the matter a prima facie question of privilege.³⁶⁸

Raising at the First Opportunity

The matter of privilege to be raised in the House must have recently occurred and must call for the immediate action of the House. Therefore, the Member must satisfy the Speaker that he or she is bringing the matter to the attention of the House as soon as practicable after becoming aware of the situation.³⁶⁹ When a Member has not fulfilled this important requirement, the Speaker has ruled that the matter is not a prima facie question of privilege.³⁷⁰

Multiple Notices

Should the Speaker receive more than one notice of a question of privilege, or should more than one Member seek the floor on a specific question of privilege, the Speaker will determine the order in which the Members will be recognized.³⁷¹ Generally, the Speaker will recognize Members in the order in which the notices were received, or recognize the first Member who catches the Speaker's eye. If more than one matter is being raised, the Speaker will hear Members on one question of privilege at a time.

Initial Discussion of Matter Raised

A Member recognized on a question of privilege is expected to be brief and concise in explaining the event which has given rise to the question of privilege and the reasons that consideration of the event complained of should be given precedence over other House business.³⁷² If the question of privilege casts doubts on a Member's conduct, election or right to sit, the Member raising the matter must make a specific complaint against that Member.³⁷³ Generally, the Member tries to provide the Chair with relevant references to the *Standing Orders*, precedents and citations from procedural authorities and may seek the consent of the House to table related documents.³⁷⁴ In addition, the Member should demonstrate that the matter is being brought to the House's attention at the first opportunity. Finally, the Member should state what corrective House action is being sought by way of remedy and indicate that, should the Speaker rule the matter a prima facie question of privilege, he or she would be prepared to move the appropriate motion.

The Speaker will hear the Member and may permit others who are directly implicated in the matter to intervene. In instances where more than one Member is involved in a question of privilege, the Speaker may postpone discussion until all concerned Members can be present in the House.³⁷⁵ The Speaker also has the discretion to seek the advice of other Members to help him or her in determining whether there is prima facie a matter of privilege involved which would warrant giving the matter priority of consideration over other House business. When satisfied, the Speaker will terminate the discussion.³⁷⁶

Decision of the Speaker

The decision as to the existence of a prima facie question of privilege belongs exclusively to the Speaker, who may take the matter under advisement to permit a considered judgement in all but the clearest of cases. In his appearance before the Standing Committee on Procedure and House Affairs in 2002, the Clerk of the House described the role of the Speaker in the consideration of a question of privilege as follows:

*The Speaker's role ought to be explained, and it is that the issue put before the Speaker is not a finding of fact, it is simply whether on first impression the issue that is before the House warrants priority consideration over all other matters, all other orders of the day that are before the House.*³⁷⁷

When a question of privilege has required an immediate decision of the Chair, the Speaker has, without objection, suspended the sitting for a short time to deliberate on the matter, and has then returned to the House with a ruling.³⁷⁸

In deliberating upon a question of privilege, the Chair will take into account the extent to which the matter complained of infringed upon any Member's ability to perform his or her parliamentary functions or appears to be a contempt against the dignity of Parliament. If the question of privilege involves a disagreement between two (or more) Members as to facts, the Speaker typically rules that such a dispute does not prevent Members from fulfilling their parliamentary functions, nor does such a disagreement breach the collective privileges of the House.³⁷⁹ If the Speaker is satisfied that the necessary conditions have been met and finds a prima facie breach of privilege or contempt, the decision is announced to the House. As soon as the Chair has apprised the House that a prima facie case of privilege has been found, the Member raising the matter is immediately allowed to move a motion.

In the vast majority of cases, the Chair decides that a prima facie case of privilege has not been made. In informing the House of such a decision, the Chair customarily explains (often in some detail) the factors which resulted in this finding. However, in such cases, the Chair will often acknowledge the existence of a genuine grievance and may recommend avenues of redress.³⁸⁰ If the Speaker rules that there is not a prima facie question of privilege, the matter ends there. However, if in the future additional information comes to light, the Member who raised the question of privilege or any other Member may raise the matter again.³⁸¹

Debate on a Privilege Motion

After the Speaker has decided that a matter is a prima facie question of privilege, it is left to the Member raising the matter to move the appropriate motion,³⁸² like all motions, it must be seconded. Occasionally, the Member will propose a motion at the end of his or her arguments when initially raising the question of privilege. Under these circumstances, the Speaker may advise the Member on the proper form of the motion.³⁸³ In cases where the motion is not known in advance, the Speaker may provide assistance to the Member if the terms of the proposed motion are substantially different from the matter originally raised.³⁸⁴ The Speaker would be reluctant to allow a matter as important as a privilege motion to fail on the ground of improper form.³⁸⁵ The terms of the motion have generally provided that the matter be referred to committee for study or have been amended to that effect.³⁸⁶

Once the motion is properly moved, seconded, and proposed to the House, it is subject to all the procedures and practices relating to debate on a substantive motion. The speeches are limited to 20 minutes, followed by a 10-minute questions and comments period.³⁸⁷ Only the Prime Minister and the Leader of the Opposition are permitted unlimited speaking time (followed by a 10-minute questions and comments period). Members are subject to the rules of relevance and repetition and the Speaker must ensure that the debate is focused on the terms of the motion.

When the motion being considered touches on the conduct of a Member, he or she may make a statement in explanation and then should withdraw from the Chamber.³⁸⁸ The Chair has interpreted “conduct” to refer to actions which, if proven, could result in the expulsion of a Member from the House on the grounds that he or she is unfit for membership, as opposed to actions which could lead to a Member being “named” by the Speaker.³⁸⁹ However, it is not always clear that Members whose conduct was under consideration actually withdrew from the Chamber.³⁹⁰ In some circumstances, a Member may be allowed to return to the Chamber in order to clarify or explain particular matters.

A privilege motion once under debate has priority over all Orders of the Day including Government Orders and Private Members’ Business. However, the debate does not interfere with Routine Proceedings, Statements by Members, Question Period, Royal Assent, deferred recorded divisions or the adjournment of the House.³⁹¹ If a privilege motion is still before the House when the House is scheduled to consider Private Members’ Business, Private Members’ Hour is cancelled.³⁹² Should debate on a privilege motion not be completed by the ordinary hour of daily adjournment, this item will take priority over all other Orders of the Day at the next sitting. It will appear on the *Order Paper* under Orders of the Day before all other orders.³⁹³

Once seized of the privilege motion, the House may amend it, even if the amendment results in the text of the motion differing from the one originally accepted by the Speaker and proposed to the House.³⁹⁴

During the proceedings on a privilege motion, motions to adjourn the debate,³⁹⁵ to adjourn the House, or to proceed to Orders of the Day are in order, as are motions for the previous question (“that this question be now put”), for the extension of the sitting, or “that a Member be now heard”. If a motion to adjourn the debate or the House is adopted, debate on the privilege motion resumes the following sitting day.³⁹⁶ However, should the previous question be negatived, or a motion to proceed to Orders of the Day be adopted, then the privilege motion is superseded and dropped from the *Order Paper*.³⁹⁷ If a motion to proceed to the Orders of the Day is adopted, the initial question of privilege may be raised again. The Speaker ruled that the initial question could again be found a prima facie question of privilege.³⁹⁸ Closure may also be moved by a Minister on the privilege motion.³⁹⁹

When debate has concluded on the motion, the Speaker will put the question to the House.⁴⁰⁰ If the motion is adopted, then the terms of the motion are implemented. If the motion is defeated, the proceedings are ended.⁴⁰¹

In Standing, Special, Legislative and Joint Committees

Since the House has not given its committees the power to punish any misconduct, breach of privilege, or contempt directly, committees cannot decide such matters; they can only report them to the House. Only the House can decide if an offence has been committed.⁴⁰² Speakers have consistently ruled that,

except in the most extreme situations, they will hear questions of privilege arising from committee proceedings only upon presentation of a report from the committee which deals directly with the matter and not as a question of privilege raised by an individual Member.⁴⁰³ As Speaker Milliken indicated in response to a question of privilege raised in 2003 concerning the disclosure of a confidential draft committee report: "In the absence of a report from the committee on such an issue, it is virtually impossible for the Chair to make any judgement as to the prima facie occurrence of a breach of privilege with regard to such charges".⁴⁰⁴

Most matters which have been reported by committees have concerned the behaviour of Members, witnesses or the public, or the disregard of a committee order. Committees have reported to the House on the refusal of witnesses to appear when summoned;⁴⁰⁵ the refusal of witnesses to answer questions;⁴⁰⁶ the refusal of witnesses to provide papers or records;⁴⁰⁷ the refusal of individuals to obey orders of a committee;⁴⁰⁸ the divulging of events during an in camera meeting;⁴⁰⁹ the disclosure of draft reports;⁴¹⁰ and witnesses lying to a committee.⁴¹¹ Committees could report on instances of contempt, such as behaviour showing disrespect for the authority or activities of a committee, the intimidation of members or witnesses, or witnesses refusing to be sworn in.

Unlike the Speaker, the Chair of a committee does not have the power to censure disorder or decide questions of privilege. Should a Member wish to raise a question of privilege in committee, or should some event occur in committee which appears to be a breach of privilege or contempt, the Chair of the committee will recognize the Member and hear the question of privilege, or, in the case of some incident, suggest that the committee deal with the matter. The Chair, however, has no authority to rule that a breach of privilege or contempt has occurred.⁴¹² The role of the Chair in such instances is to determine whether the matter raised does in fact touch on privilege and is not a point of order, a grievance or a matter of debate. If the Chair is of the opinion that the Member's interjection deals with a point of order, a grievance or a matter of debate, or that the incident is within the powers of the committee to deal with, the Chair will rule accordingly giving reasons. The committee cannot then consider the matter further as a question of privilege. Should a Member disagree with the Chair's decision, the Member can appeal the decision to the committee (i.e., move a motion "Shall the decision of the Chair be sustained?"). The committee may sustain or overturn the Chair's decision.

If, in the opinion of the Chair, the issue raised relates to privilege (or if an appeal should overturn a Chair's decision that it does not touch on privilege), the committee can proceed to the consideration of a report on the matter to the House. The Chair will entertain a motion which will form the text of the report. It should clearly describe the situation, summarize the events, name any individuals involved, indicate that privilege may be involved or that a contempt may have occurred, and request the House to take some action. The motion is debatable and amendable, and will have priority of consideration in the committee.⁴¹³ If the

committee decides that the matter should be reported to the House, it will adopt the report which will be presented to the House at the appropriate time under the rubric "Presenting Reports from Committees" during Routine Proceedings.

Once the report has been presented, the House is formally seized of the matter.⁴¹⁴ After having given the appropriate notice,⁴¹⁵ any Member may then raise the matter as a question of privilege.⁴¹⁶ The Speaker will hear the question of privilege and may hear other Members on the matter, before ruling on the prima facie nature of the question of privilege. As Speaker Fraser noted in a ruling, "... the Chair is not judging the issue. Only the House itself can do that. The Chair simply decides on the basis of the evidence presented whether the matter is one which should take priority over other business".⁴¹⁷ Should the Speaker rule the matter to be a prima facie breach of privilege, the next step would be for the Member who raised the question of privilege to propose a motion asking the House to take some action.⁴¹⁸ Should the Speaker rule that there is no prima facie question of privilege, no priority would be given to the matter, and no motion would be moved.

If a committee presents a report advising the House of a potential breach of privilege but no Member raises a question of privilege following the presentation of the report, the Speaker cannot deal with the matter.⁴¹⁹ As with any committee report, any Member may still seek concurrence in the report by following the normal procedures during Routine Proceedings.⁴²⁰

In a Committee of the Whole

Given that the House infrequently sits as a Committee of the Whole, and that when it does the proceedings are typically completed in a matter of minutes, questions of privilege are not often raised today in a Committee of the Whole.⁴²¹ The practice regarding the raising of questions of privilege in a Committee of the Whole is virtually identical to that for standing, special, or legislative committees.

When the House sits as a Committee of the Whole, a Member may raise a question of privilege only on matters which have occurred in the Committee and which are relevant to its proceedings. A Member may not raise as a question of privilege matters affecting the privileges of the House in general or something which has occurred outside the Chamber. If a Member wishes to raise a question of privilege about something that does not concern the Committee, he or she may move a motion that the Committee rise and report progress in order that the Speaker may hear the question of privilege.⁴²² If the motion is adopted, the Chair will rise and report to the Speaker, who will then hear the Member.⁴²³

If a Member rises on a question of privilege which is relevant to the proceedings in a Committee of the Whole, the Chair will hear the question of privilege. As in a standing, special, or legislative committee, the role of the Chair is to decide whether the matter raised does in fact relate to privilege.⁴²⁴ Again, that decision may be appealed. However, such an appeal is not to the Committee of the Whole, but rather to the Speaker.⁴²⁵ If the matter raised by the Member touches on

privilege and relates to events in the Committee of the Whole, the Chair will entertain a motion that the events be reported to the House. The motion is debatable and amendable, and has priority of consideration in the Committee. If the Committee agrees to report the matter, the Chair rises, the Speaker takes the chair and receives the report.⁴²⁶ The text of the report to the House should summarize the events, indicate that privilege may be involved, and include a request for the Committee to sit again to consider its business.

Only after the Chair has reported to the House may the matter be brought properly before the House for the Speaker to deal with it. A Member should rise on a question of privilege and put the matter before the Speaker, who may allow interventions on the matter. When satisfied, the Speaker will rule whether or not it is a *prima facie* question of privilege. If a *prima facie* case of privilege is found, the Member may move a motion in the usual manner dealing with the matter. If the Speaker finds that there is no *prima facie* question of privilege, then the House will resume its regular business. Under Orders of the Day, the House may sit again as a Committee of the Whole to resume consideration of the matter originally before it, or the House may proceed to another order.

The Speaker will entertain a question of privilege in regard to a matter that occurred in a Committee of the Whole only if the matter has been dealt with first in the Committee of the Whole and reported accordingly to the House.⁴²⁷

By Way of Written Notice on the *Notice Paper*

If a Member believes that a breach of privilege or a contempt has occurred, but does not feel that the matter should have priority in debate, in a procedure very rarely resorted to, the Member may place a written notice of motion on the *Notice Paper*. In this instance, at the conclusion of the 48 hours' notice period, the motion is placed under the appropriate heading on the *Order Paper*. When sponsored by a Minister, the motion may be considered by the House, at the expiry of the 48 hours' notice period, when called under Government Orders.⁴²⁸ When sponsored by a private Member, following the 48 hours' notice period, the motion will be placed on the *Order Paper* under the list of Private Members' Business items outside the Order of Precedence.⁴²⁹

However, following the 48 hours' notice period, the Member in whose name the item stands may decide to seek priority in debate for the motion (e.g., if new information were to come to light). The Member must then seek to convince the Speaker that the matter raised in the motion should be considered a *prima facie* question of privilege. In such a case, the Member would be required to notify the Speaker in writing at least one hour before raising the matter in the House.⁴³⁰

Historically, there have been a number of occasions when Members have chosen to give written notice of their motions of privilege, particularly in cases where the matter stemmed from events occurring outside the House. In 1874, for instance, a motion for which written notice had been given, and which was not likely to arise

on a particular day, was taken up before its turn, displacing scheduled business.⁴³¹ A similar case in 1886 saw a motion taken up before its turn at the request of the Member attacked in the motion.⁴³² Yet, it was not always so easy and, in two rare cases in 1892, motions for which written notice had been given were refused precedence as the Speaker judged them not to contain true matters of privilege.⁴³³ Furthermore, in cases involving a motion amounting to a charge against a Member, etiquette required that the sponsor of such a motion privately advise the Member concerned when the motion would be moved.⁴³⁴

These practices endured into the 20th century, and oral and written notices, although not required, were both common when questions of privilege were raised. In 1911, for example, a matter of privilege was raised following oral notice,⁴³⁵ while in 1932, a motion regarding charges which had been made against the Prime Minister was taken up after written notice had been given.⁴³⁶ There were other cases where matters were raised without any notice.⁴³⁷

Eventually, an attempt was made to convince the Speaker to take a notice of motion out of sequence because it appeared to involve privilege. In June 1959, the Leader of the Opposition gave notice of a motion in which he questioned the conduct of a government Member. The Speaker, who had not ruled on whether or not it should be given precedence, sought the advice of the House.⁴³⁸ After a lengthy discussion on this point, the Speaker was able to arrive at the conclusion, in keeping with the recently established criteria guiding Speakers on questions of privilege that, *prima facie*, no matter of privilege appeared to exist and that, therefore, he would not allow other business to be set aside to debate the motion.⁴³⁹ As a result, the motion stayed on the *Order Paper* and was never reached.

A written notice of motion, dealing with an alleged contempt of the House, was placed on the *Notice Paper* on February 27, 1996. The text of the motion, sponsored by Don Boudria (Glengarry–Prescott–Russell), accused Ray Speaker (Lethbridge) of attempting to put pressure on the Speaker to recognize the Reform Party as the Official Opposition. The motion further declared that this constituted a contempt of Parliament and ordered that the Member for Lethbridge be admonished at the Bar of the House by the Chair. After the required notice period, the motion was placed on the *Order Paper* under Private Members' Business⁴⁴⁰ and was subsequently chosen for debate after a random draw on March 4, 1996. In accordance with the Standing Orders governing Private Members' Business in place at that time, the motion was designated non-votable.

The Member for Lethbridge subsequently raised a point of order in the House to question whether a motion which was not votable could be used to make a charge



against another Member.⁴⁴¹ On June 18, 1996, Speaker Parent ruled that the motion was procedurally acceptable under the rules for Private Members' Business. He stated:

*The hon. Member is quite correct in his assertion that the conduct of a member can be brought before the House only by way of a specific charge contained in a substantive motion. Often, in such cases, members will choose to raise the matter on the floor of the House without giving the required 48-hour or two-week notice and ask the Speaker to give it priority or right of way for immediate consideration by the House, thus putting all other regular House business aside ... In the current circumstances, I find that the rules for Private Members' Business have been followed and that there is therefore no point of order.*⁴⁴²

The Member for Lethbridge immediately raised a question of privilege, which would have provided a way of resolving the charge made against him by permitting the matter to come to a vote. He argued that allowing the charge to remain unresolved would seriously affect his reputation.⁴⁴³ In ruling that the matter was not a prima facie breach of privilege, the Speaker reminded the House that motions regarding the conduct of Members had in the past been placed on the *Order Paper* under Private Members' Business without ever being voted on by the House.⁴⁴⁴

On March 25, 2011, the House debated a supply motion sponsored by Michael Ignatieff (Leader of the Opposition) which declared that the government was in contempt of Parliament due to its failure to produce documents ordered by the Standing Committee on Finance, and that, consequently, the House had lost confidence in the government. After the motion was agreed to, the House adjourned.⁴⁴⁵ The following day, Parliament was dissolved, and an election was called.

Committee Consideration of Privilege Matter

If the terms of the privilege motion stipulate that the matter be referred to the Standing Committee on Procedure and House Affairs, then the adoption of the motion by the House constitutes an order of reference to the Committee. The *Standing Orders* empower the Committee to enquire into all such matters referred to it and to send for persons, papers and records. While the Committee is free to determine its own agenda, both the Committee and the House take such enquiries very seriously. The Committee does not have the power to punish. This power rests with the House. The Committee may only study the matter and report to the House. The conduct of the Committee in investigating a privilege matter is the

same as for other business considered by any committee of the House, though the nature of the order of reference would encourage the Committee to proceed cautiously.⁴⁴⁶

Committee Report

The form of a report of the Standing Committee on Procedure and House Affairs on a matter of privilege is no different from a report of any other committee of the House on a substantive matter. It may or may not contain recommendations for action or punishment⁴⁴⁷ and, if the Committee so orders, it may also have appended to it dissenting or supplementary opinions or recommendations.⁴⁴⁸ Frequently, the report itself may be sufficient to put an end to the matter and no further action is required by the House.⁴⁴⁹ A report, on the other hand, may recommend that the Speaker take some action or that some administrative action be taken.⁴⁵⁰ Just as with most committee reports, following appropriate notice, a Member may move a motion for concurrence which the House may debate.⁴⁵¹ If the report is concurred in, the Committee's recommendations may be considered an order of the House to take a specific action or to implement a measure.

Matters of Personal Privilege

The Chair may occasionally grant leave to a Member to explain a matter of a personal nature although there is no question before the House.⁴⁵² This is commonly referred to by Members as "a point of personal privilege" and is an indulgence granted by the Chair. There is no connection to a question of privilege and, as Speaker Fraser once noted, "[t]here is no legal authority, procedural or otherwise, historic or precedential, that allows this".⁴⁵³ Before rising to speak in the House, the Member must first give the Speaker written notice of the matter; oral notice may also be given privately to the Speaker.

Such occasions are not meant to be used for general debate, and Members have been cautioned to confine their remarks to the point they wish to make.⁴⁵⁴ The Speaker has also stated that, as these are generally personal statements and not questions of privilege, no other Members will be recognized to speak on the matter.⁴⁵⁵ Members have used this procedure to make personal explanations,⁴⁵⁶ to correct errors made in debate,⁴⁵⁷ to apologize to the House,⁴⁵⁸ to thank the House or acknowledge something done for the Member by the House,⁴⁵⁹ to announce a change in party affiliation,⁴⁶⁰ to announce a resignation,⁴⁶¹ or for some other reason.⁴⁶²

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- 356. Maingot, *Parliamentary Privilege in Canada*, 2nd ed., p. 217.
 - 357. Standing Order 48(1).
 - 358. This is based on recommendations in the Second Report of the Standing Committee on Procedure and Organization, presented to the House on March 14,

- 1975, and concurred in on March 24, 1975 (*Journals*, March 14, 1975, pp. 372–6; March 24, 1975, p. 399; April 14, 1975, p. 441). See also *Debates*, April 19, 1983, pp. 24624–6; December 20, 1983, p. 355. For further information, see Chapter 11, “Questions”.
- 359.** *Debates*, December 17, 1990, p. 16830.
- 360.** *Debates*, April 30, 1964, pp. 2799–802; November 25, 1985, p. 8795. For further information, see Chapter 11, “Questions”.
- 361.** *Debates*, April 12, 1962, p. 2909; March 20, 1990, pp. 9557–8.
- 362.** See Speaker Parent’s ruling (*Debates*, December 7, 1995, p. 17392).
- 363.** Standing Order 48(2).
- 364.** See, for example, *Debates*, March 22, 1971, p. 4451; October 31, 1986, pp. 955–6; December 17, 1990, p. 16830; March 2, 1995, p. 10273; June 17, 2005, p. 7378. See also *Debates*, November 3, 1989, p. 5511, where a Member sought and obtained the consent of the House to waive the usual one hour’s notice.
- 365.** See, for example, *Debates*, March 10, 1966, p. 2477; March 18, 1982, p. 15557; May 12, 1982, p. 17338; May 19, 1982, p. 17596; February 2, 2004, p. 11.
- 366.** See Speakers’ comments (*Debates*, April 4, 1973, p. 2947; February 18, 1982, p. 15144).
- 367.** See *Debates*, October 29, 2001, p. 6671, where Speaker Milliken reminded Members of the rules respecting the raising of questions of privilege and indicated that if these four elements were not included in a letter of notification, the notice would be returned to the Member.
- 368.** See, for example, *Debates*, February 17, 1999, pp. 12011–2; March 9, 2011, pp. 8840–2.
- 369.** *Debates*, May 29, 2008, pp. 6276–8. On occasion, the Speaker has included in a ruling a caution that Members bring forward questions of privilege in a timely fashion. See, for example, *Debates*, January 28, 1988, p. 12360; May 22, 1990, p. 11636. Any matter found to be *prima facie* and referred to committee in one session but not reported on would not survive a prorogation. However, if a Member wished to raise the question of privilege again in the following session, the Speaker could reconsider the matter provided that the rules of timeliness were respected. See, for example, *Debates*, February 6, 2004, pp. 243–4.

370. See, for example, *Debates*, May 10, 1966, pp. 4923–4; October 12, 1966, pp. 8553–5; November 28, 1967, pp. 4773–4; June 9, 1969, pp. 9899–900; September 27, 1971, pp. 8173–4. In 1983, Speaker Sauvé did allow Bill Domm (Peterborough) to raise a question of privilege even though the Member could have raised the matter earlier (*Debates*, October 4, 1983, pp. 27726–7). In response to a point of order concerning two notices of questions of privilege which had been submitted concerning the same committee report, Speaker Milliken stated that such notices would not be accepted by the Chair until after the relevant reports had been presented in the House (*Debates*, March 3, 2011, pp. 8629–30).
371. See, for example, the questions of privilege raised by John Reynolds (West Vancouver—Sunshine Coast), Jim Pankiw (Saskatoon—Humboldt), Garry Breitkreuz (Yorkton—Melville) and Roy Bailey (Souris—Moose Mountain) concerning picket lines blocking access to Parliament Hill and entrances to certain buildings on February 17, 1999 (*Debates*, pp. 12009–12).
372. See, for example, *Debates*, February 1, 1973, p. 850. See also remarks by the Speaker (*Debates*, June 26, 1990, p. 13124; October 4, 1990, pp. 13771–2; March 22, 2001, p. 2130; September 26, 2001, p. 5598; April 1, 2015, p. 12663).
373. *Debates*, September 28, 1998, pp. 8469–73. All evidence upon which a question of privilege involving a charge against a Member is based must be made explicit. See the comments of Speaker Milliken (*Debates*, June 13, 2003, pp. 7296–7). See also the motion moved on March 12, 1996 (*Journals*, p. 79). On June 5, 2013, a question of privilege was raised regarding the rights of Shelly Glover (Saint Boniface) and James Bezan (Selkirk—Interlake) to sit in the House, following correspondence from the Chief Electoral Officer to the Speaker informing him that the Members, pursuant to section 462(2) of the *Canada Elections Act*, *supra* note 143, had failed to correct their electoral campaign returns by a certain date and, thus, were not allowed to sit or vote in the House (*Debates*, June 5, 2013, pp. 17720–2). On June 18, 2013, Speaker Scheer ruled that a *prima facie* question of privilege existed (*Debates*, June 18, 2013, pp. 18550–8). The session was prorogued before a decision was taken on the motion to refer

the matter to the Standing Committee on Procedure and House Affairs (*Journals*, June 18, 2013, pp. 3437–8). In the new session, the question of privilege was raised again, found to be *prima facie* by the Speaker, and referred to the Standing Committee on Procedure and House Affairs (*Journals*, October 17, 2013, p. 24). The matter was resolved after the Speaker advised the House that the Chief Electoral Officer had confirmed that both Members had met the requirements of the *Canada Elections Act* (Nineteenth Report of the Standing Committee on Procedure and House Affairs, presented to the House on October 2, 2014 (*Journals*, p. 1571)). In another instance, a question of privilege was raised after the Ontario Court of Justice found Dean Del Mastro (Peterborough) guilty of four charges under the *Canada Elections Act*, in relation to the 2008 federal election. The Act specified that, in such circumstances, the Member would no longer be entitled to sit in the House. The Speaker ruled that expulsion was under the exclusive purview of the House, and allowed a motion which would have had the effect of expelling Mr. Del Mastro, if adopted. Mr. Del Mastro resigned, and the motion was dropped from the *Order Paper* (*Debates*, November 3, 2014, pp. 9099–101; November 5, 2014, pp. 9219–21).

374. Private Members are not permitted to table documents without the consent of the House. See, for example, *Debates*, May 11, 2001, p. 3939 (consent denied); April 15, 2002, pp. 10395–7 (consent denied); November 22, 2004, pp. 1657–8 (consent granted); October 3, 2005, p. 8333 (consent granted); February 7, 2011, p. 7795 (consent denied). A Minister is not required to seek consent before tabling documentation related to a question of privilege. See, for example, *Debates*, March 11, 2002, pp. 9469–70; April 22, 2005, pp. 5465, 5470. On occasion, the Speaker has asked that the relevant documentation be given to the Table (or to the Clerk of the House) for transmission to the Speaker's office rather than be tabled. See, for example, *Debates*, March 14, 2001, p. 1652; April 16, 2002, p. 10466.

375. See, for example, *Debates*, October 12, 1990, pp. 14106–10; October 15, 1990, pp. 14148–9; October 18, 1990, pp. 14367–8; April 26, 1999, pp. 14326–7;

- March 17, 2000, pp. 4805–6; December 12, 2002, pp. 2639–40; October 15, 2004, pp. 437–9; May 15, 2008, pp. 5883, 5920–4; February 25, 2014, p. 3152.
- 376.** See, for example, *Debates*, March 31, 1981, pp. 8800–6; June 13, 2012, p. 9374. See also remarks by Speaker Milliken (*Debates*, January 31, 2002, pp. 8518–20).
- 377.** Standing Committee on Procedure and House Affairs, *Evidence*, February 19, 2002, Meeting No. 45. In November 2003, a question of privilege was raised about the conduct of a former Privacy Commissioner before a House committee. In addition to other matters, the Speaker was asked to provide the House with “an outline of its options should the Chair find a prima facie case of contempt ...” (*Debates*, November 5, 2003, pp. 9192–3). In his ruling, Speaker Milliken addressed this request: “In my view, it is not the role of the Speaker to suggest how the House may wish to deal with a question of privilege or a case of contempt, always assuming that the House has decided that it is faced with such an offence. The ruling will deal only on whether or not the Chair has found a prima facie case of contempt” (*Debates*, November 6, 2003, p. 9229). See also, *Debates*, December 13, 2011, p. 4397.
- 378.** See, for example, *Debates*, February 7, 1990, p. 7953; March 12, 1996, pp. 561–2.
- 379.** See, for example, Speakers’ rulings (*Debates*, February 3, 1971, pp. 3024–5; June 4, 1975, pp. 6431–3; December 16, 1988, pp. 154–5; October 6, 1994, pp. 6597–8; February 18, 2002, p. 8926; October 30, 2006, pp. 4414–5; May 28, 2008, pp. 6171–2; April 30, 2014, pp. 4753–4). As Speaker Jerome concluded in a 1975 ruling, “a dispute as to facts, a dispute as to opinions and a dispute as to conclusions to be drawn from an allegation of fact is a matter of debate and not a question of privilege” (*Debates*, June 4, 1975, p. 6431).
- 380.** See, for example, *Debates*, May 23, 1989, pp. 2051–2; September 24, 1990, pp. 13216–7; June 13, 1991, pp. 1644–6; December 8, 1992, pp. 14807–8; June 10, 1994, pp. 5160–1; November 16, 1998, pp. 10020–1; February 25, 2003, pp. 3986–7; June 8, 2005, pp. 6826–8; April 27, 2010, pp. 2039–45; March 3, 2014, pp. 3429–30.
- 381.**

See, for example, the question of privilege raised by Jag Bhaduria (Markham—Whitchurch—Stouffville) on February 15, 1994 (*Debates*, pp. 1387–8), withdrawn on February 23, 1994 (*Debates*, p. 1728), and reintroduced on March 23, 1994 (*Debates*, p. 2677), and the Speaker's ruling on March 24, 1994 (*Debates*, pp. 2705–6). See also the question of privilege raised by Judy Wasylycia-Leis (Winnipeg North Centre) on October 1, 1997 (*Debates*, pp. 336–7); Speaker's ruling on October 9, 1997 (*Debates*, pp. 689–90); question of privilege reintroduced by the Member on November 25, 1997 (*Debates*, pp. 2190–1); the Speaker's ruling on December 4, 1997 (*Debates*, pp. 2695–6).

382.

“Until the motion is actually put to the House, the House is not seized of it, and therefore, the Member may amend or withdraw his proposed motion without the consent of the House” (Maingot, *Parliamentary Privilege in Canada*, 2nd ed., p. 261). In 2003, a prima facie case of contempt having been found with respect to the conduct of the former Privacy Commissioner, George Radwanski, before the Standing Committee on Government Operations and Estimates, the Member who raised the matter was invited by the Speaker to move the appropriate motion. Before Derek Lee (Scarborough—Rouge River) could do so, the Chair of the Committee, Reg Alcock (Winnipeg South), informed the House that he had received a letter of apology from Mr. Radwanski and the letter was read into the record. Mr. Lee subsequently announced that he had planned to move a motion to summon Mr. Radwanski to the Bar of the House, but given the apology, he considered the matter concluded. A number of Members rose to express the opinion that the matter should not be dismissed without a motion from the House condemning Mr. Radwanski's behaviour. Debate on the matter was subsequently adjourned in order to allow consultations to take place among party representatives. Later in the sitting, Mr. Lee sought the leave of the House to move the following motion: “That this House find George Radwanski to have been in contempt of the House, and acknowledge receipt of his letter of apology, tabled and read to the House earlier today”. Leave was granted and the

motion was adopted by unanimous consent (*Debates*, November 6, 2003, pp. 9229–31, 9237). In June 2013, the Speaker had found a prima facie question of privilege relating to the right to sit of James Bezan (Selkirk—Interlake) and Shelly Glover (Saint Boniface), pursuant to the *Canada Elections Act*, *supra* note 143. As the Member who had originally raised the matter was not present to move his motion, the Speaker allowed a Member who had raised an identical question of privilege to do so on his behalf (*Journals*, June 18, 2013, pp. 3437–9, *Debates*, pp. 18550–3).

In 2014, after two Members had raised the issue, Speaker Scheer ruled that a prima facie case of privilege existed concerning the right of a Member, Dean Del Mastro (Peterborough), to sit and vote in the House following his conviction on four charges under the *Canada Elections Act* (*Debates*, November 4, 2014, p. 9183). Following the Speaker's ruling, the first Member having raised the matter, Peter Julian (Burnaby—New Westminster), moved that the Member be suspended and that the matter be referred to the Standing Committee on Procedure and House Affairs. The following day, Mr. Del Mastro resigned. In light of the resignation, the Speaker ordered that Mr. Julian's motion be dropped from the *Order Paper* (*Debates*, November 5, 2014, pp. 9219–21).

383. In the Allan Lawrence (Northumberland—Durham) case in December 1978, there was a difference between the motion the Member proposed to move if the question of privilege were found to be prima facie and the one actually moved in the House (*Debates*, November 3, 1978, p. 780; December 6, 1978, p. 1857). In October 1990, Albert Cooper (Peace River) proposed to move a motion which implicated another Member in a demonstration in the public gallery of the House. When Speaker Fraser ruled on the matter some days later, he stated that because the accused Member had denied any advance knowledge of the demonstration, the Chair could not find a question of privilege in that respect. However, the Speaker allowed that, without the reference to the Member, the matter of the demonstration would be a prima facie question of privilege. Mr. Cooper changed his motion which was

- then adopted by the House (*Debates*, October 18, 1990, p. 14360; November 6, 1990, pp. 15177–81). On March 9, 2011, after having found a prima facie question of privilege over contradictory statements by Bev Oda (Minister of International Cooperation) to the House and to a committee, John McKay (Scarborough—Guildwood) asked the Speaker to consider a motion that the Minister be suspended from the service of the House until such time as she could appear at the Bar of the House to apologize in a manner satisfactory to the Speaker. Speaker Milliken insisted that the proper course would be to move that the matter be referred to committee (*Debates*, March 9, 2011, pp. 8847–8).
- 384.** See, for example, *Debates*, February 17, 1999, pp. 12011–2.
- 385.** *Debates*, April 19, 1977, p. 4766. See also Maingot, *Parliamentary Privilege in Canada*, 2nd ed., pp. 260–2.
- 386.** In March 1966 during the Munsinger affair, having ruled that Douglas Harkness (Calgary North) did have a prima facie question of privilege, Speaker Lamoureux ruled out of order the motion proposed by the Member condemning the behaviour of the Minister of Justice. Other motions proposed by other Members were also ruled out of order because they were couched in terms which were too general or because they were substantive motions requiring notice. Speaker Lamoureux more than once pointed out that it was Canadian practice to refer such matters to committee for study and suggested that this should be the avenue pursued. It was not, however, and no motions were put to the House (*Journals*, March 10, 1966, pp. 267–77; March 11, 1966, pp. 279–85; March 14, 1966, pp. 287–90; March 15, 1966, pp. 291–3). On March 9, 2011, after having found a question of privilege prima facie, Speaker Milliken reiterated the views of Speaker Lamoureux in this regard (*Debates*, March 9, 2011, pp. 8840–2). There have, however, been exceptions to this practice. See discussions on this subject (*Debates*, October 17, 1973, pp. 6942–4; October 31, 1991, pp. 4271–85; November 6, 2003, pp. 9229–31, 9237; April 10, 2008, p. 4721). See also Maingot, *Parliamentary Privilege in Canada*, 2nd ed., p. 263.
- 387.** Standing Order 43(1)(a) and (b).

388. Standing Order 20. Since 1953, there has been only one instance where a matter touching on the conduct or election of a Member, or on his or her right to a seat, has led to a statement by a Member prior to his or her withdrawal (*Journals*, November 5, 2014, p. 1719, *Debates*, pp. 9219–21).
389. *Debates*, May 25, 1956, p. 4348.
390. See, for example, *Debates*, May 17, 1894, cols. 2931–3; July 22, 1903, cols. 7095–103; March 6, 1911, cols. 4645–56; May 22, 1924, pp. 2401–7. In 1996, Jean Marc Jacob (Charlesbourg) was present in the House during debate on the motion concerning his behaviour. He voted on a motion to adjourn the debate (Division List No. 7, *Journals*, March 12, 1996, p. 80), made a comment recorded in the *Debates* (March 13, 1996, p. 673) and voted on the motion that the debate not be further adjourned (Division List No. 10, *Journals*, March 14, 1996, pp. 94–5). In 2000, Leon Benoit (Lakeland) spoke for 20 minutes during debate on a motion concerning his conduct and then responded to questions and comments (*Debates*, March 28, 2000, pp. 5369–73). He also voted against the motion to refer the matter to committee (Division List No. 1255, *Journals*, March 29, 2000, p. 1504). In 2002, Keith Martin (Esquimalt—Juan de Fuca) participated in the debate on the privilege motion suspending him from the service of the House for his actions in disregard to the authority of the Chair and in contempt of the House (*Debates*, April 22, 2002, pp. 10664–9). In June 2013, the Speaker had found a prima facie question of privilege relating to the right to sit of James Bezan (Selkirk—Interlake) and Shelly Glover (Saint Boniface), pursuant to the *Canada Elections Act*, *supra* note 143. Following the ruling, while the Members in question did not withdraw, they chose not to vote on a motion to adjourn debate on the privilege motion (*Journals*, June 18, 2013, p. 3437, *Debates*, pp. 18550–7).
391. See, for example, *Journals*, November 3, 2005, pp. 1250–2; November 4, 2005, pp. 1253–7; November 14, 2005, pp. 1259–67.
392. On Mondays, when the sitting begins at 11 a.m. with the consideration of Private Members' Business, the hour is cancelled and the House continues at that time with resumed debate on the privilege motion.

- Standing Order 30(7), which provides for the rescheduling of Private Members' Hour, does not apply. Instead, the item of Private Members' Business retains its placement in the Order of Precedence. See, for example, *Order Paper and Notice Paper*, November 4, 2005, p. 33; November 14, 2005, p. 35. See also *Debates*, February 1, 2002, p. 8619; November 4, 2005, pp. 9552–3. For further information, see Chapter 21, "Private Members' Business".
393. See, for example, *Order Paper and Notice Paper at prorogation*, September 13, 2013, p. 33; March 4, 2014, p. 21.
394. See, for example, *Journals*, March 13, 1996, pp. 88–9; March 14, 1996, pp. 95–6; March 18, 1996, pp. 107–10; November 3, 2005, p. 1251; November 14, 2005, pp. 1266–7; March 4, 2014, pp. 618–22; April 11, 2017, p. 1618; May 2, 2017, pp. 1646–7. During the proceedings on the Jacob case on March 13, 1996, Jim Hart (Okanagan—Similkameen—Merritt) challenged the admissibility of an amendment stating that it was "trying to completely gut the spirit of the motion". The Speaker ruled the amendment procedurally in order (*Debates*, March 13, 1996, p. 649).
395. See, for example, *Debates*, March 12, 1996, pp. 566–7; February 4, 2002, pp. 8626–8; June 18, 2013, p. 18556.
396. See, for example, *Debates*, February 4, 2002, p. 8627; February 5, 2002, p. 8680; February 6, 2002, p. 8766; February 7, 2002, pp. 8792, 8831. In 2013, during debate on a privilege motion, a motion to adjourn the debate was adopted. That day, the House adjourned for the summer, and the session was subsequently prorogued (*Debates*, June 18, 2013, pp. 18556–7).
397. *Journals*, April 6, 2017, pp. 1592–4, in particular pp. 1593–4. On this occasion, the motion to proceed to the Orders of the Day was adopted, and the question of privilege was dropped from the *Order Paper*.
398. See Speaker Regan's ruling (*Debates*, April 11, 2017, pp. 10456–7). On this occasion, the motion "That the House do now proceed to the Orders of the Day" was adopted while the House was debating a privilege motion, which led to that motion being superseded and dropped from the *Order Paper*. When a new question of privilege was raised on whether and how

- a question of privilege that had been superseded could be revived, the Speaker ruled that it is procedurally possible to revive a matter of privilege and that one method of doing so was to raise the matter again as a question of privilege. Therefore, the Speaker again found the original matter to be a *prima facie* question of privilege.
399. See, for example, *Debates*, March 13, 1996, p. 666; March 14, 1996, pp. 680–1; March 4, 2014, pp. 3475–81; *Journals*, May 2, 2017, pp. 1644–6.
400. If a recorded division is requested on a privilege motion and the division is subsequently deferred to later in the sitting or to another sitting day, the vote on the privilege motion does not take precedence over other previously deferred divisions. See, for example, *Journals*, April 23, 2002, pp. 1333–8; March 6, 2012, pp. 903–6).
401. See, for example, *Journals*, November 15, 2005, pp. 1273–4; March 4, 2014, pp. 618–22.
402. For the House to give penal powers to committees would be an extension of the privileges of the House requiring legislation. See United Kingdom, House of Commons, *First Report from the Select Committee on Procedure, Together with the Proceedings of the Committee, Minutes of Evidence and Appendices, Session 1977–78*, vol. 1, Report and Minutes of Proceedings, Appendix C, “Powers of Select Committees to Send for Persons, Papers and Records (PPR), Memorandum by the Clerk of the House,” 17 July, 1978; (repr., 1979), p. 26, para 55.
403. See, for example, *Debates*, March 26, 1990, pp. 9756–8; April 2, 1990, pp. 10074–6; November 28, 1990, pp. 15854–5; March 17, 2000, pp. 4805–6; November 27, 2002, pp. 1949–50; March 22, 2004, p. 1512; June 12, 2008, pp. 6893–5; March 23, 2015, pp. 12179–80. Exceptionally, in 1992, Speaker Fraser found a *prima facie* case of privilege with respect to threats made to a witness who had appeared before a subcommittee without waiting for a report from the main committee (*Debates*, December 4, 1992, pp. 14629–31). See also the comments of Speaker Milliken (*Debates*, May 10, 2007, p. 9288; November 26, 2009, p. 7239).
404. *Debates*, February 25, 2003, p. 3986. In another ruling delivered in 2004, Speaker Milliken explained that the “Speaker is not empowered to substitute his

- judgment for that of the committee prior to any decision being taken by it" (*Debates*, April 1, 2004, p. 1968).
405. See, for example, *Journals*, April 26, 1878, pp. 218–20; August 27, 1891, p. 454; September 1, 1891, p. 467; September 24, 1891, p. 532; June 7, 1894, p. 242; June 11, 1894, p. 288; June 13, 1894, pp. 298–300; November 22, 1990, pp. 2280–1.
406. See, for example, *Journals*, August 12, 1891, p. 402; August 13, 1891, p. 407; August 18, 1891, p. 414; August 19, 1891, p. 417; September 29, 1891, p. 561; May 30, 1906, p. 316; June 1, 1906, p. 323; June 4, 1906, pp. 331–3; July 3, 1906, pp. 475–6; March 27, 1907, p. 371; April 4, 1907, pp. 388–9; February 14, 1913, p. 249; February 17, 1913, p. 254; February 18, 1913, pp. 266–7; February 20, 1913, pp. 274–8.
407. See, for example, *Journals*, June 5, 1891, p. 205; June 16, 1891, pp. 211–2; December 19, 1990, p. 2508; February 28, 1991, p. 2638; May 17, 1991, p. 42; May 6, 2004, p. 388; May 13, 2004, p. 416; *Debates*, December 10, 2009, pp. 7914–5; *Journals*, March 21, 2011, p. 1358.
408. See, for example, *Journals*, May 1, 1868, pp. 267–8; May 2, 1868, p. 271; May 10, 1873, pp. 317–8; May 12, 1873, pp. 327–8.
409. See, for example, *Journals*, April 28, 1987, p. 791; May 14, 1987, p. 917; December 18, 1987, pp. 2014–6.
410. See, for example, *Journals*, March 21, 2000, p. 1413; February 27, 2007, p. 1073; March 2, 2007, p. 1096; March 28, 2007, p. 1171; June 17, 2008, p. 1000; November 23, 2010, p. 931.
411. See, for example, *Journals*, November 4, 2003, p. 1225; February 12, 2008, p. 423.
412. For further information on the role of a committee Chair, see Chapter 20, "Committees". See also Maingot, *Parliamentary Privilege in Canada*, 2nd ed., pp. 221–2.
413. For an example of the consideration of a question of privilege raised in a committee, see Standing Committee on Public Accounts, *Minutes of Proceedings, Evidence*, March 31, 2004, Meeting No. 18; *Minutes of Proceedings*, April 1, 2004, Meeting No. 19.
414. See Speaker Fraser's ruling (*Debates*, May 14, 1987, p. 6108).

415. Standing Order 48(2).
416. See, for example, *Debates*, November 4, 2003, pp. 9111, 9150–1; November 5, 2003, pp. 9192–3; February 12, 2008, p. 2921; April 10, 2008, p. 4721; February 7, 2011, pp. 7795–7.
417. *Debates*, May 14, 1987, p. 6110. See also Speaker Milliken's comments: "Should a committee report concerning matters related to breaches of privilege or contempt, the Chair stands ready to accept such a report as evidence of a prima facie question of privilege and permit the House to proceed accordingly" (*Debates*, December 12, 2002, p. 2636–7).
418. For the procedure for dealing with questions of privilege in the House, see the section "In the House" under "Manner of Raising Matters of Privilege" earlier in this chapter.
419. In 2007, three committees presented reports to the House about potential breaches of privilege resulting from the disclosure of information contained in draft reports; no questions of privilege were subsequently raised in the House (Eleventh Report of the Standing Committee on Citizenship and Immigration, presented to the House on February 27, 2007 (*Journals*, p. 1073); Thirteenth Report of the Standing Committee on Status of Women, presented to the House on March 2, 2007 (*Journals*, p. 1096); Fifth Report of the Standing Committee on Natural Resources, presented to the House on March 28, 2007 (*Journals*, p. 1171)). One committee presented a similar report to the House in 2008 (Eighth Report of the Standing Committee on Foreign Affairs and International Development, presented to the House on June 17, 2008 (*Journals*, p. 1000)). See also Second Report of the Standing Committee on National Defence and Veterans Affairs, presented to the House on February 28, 2000 (*Journals*, p. 1037), in which the Committee brought to the attention of the House a potential breach of privilege involving comments made by the Auditor General. No further action was taken on the Report.
420. For further information, see Chapter 10, "The Daily Program", for the procedures for concurring in committee reports. See, for example, Third Report of the Standing Committee on Agriculture and Agri-Food, presented to the House and concurred in on

- May 6, 2004 (*Journals*, p. 388). Exceptionally, the report contained a recommendation. As a result of its adoption, the House found three companies to be in contempt of the House for refusing to provide the Committee with documents it had requested. These companies were also ordered to provide the documentation to the Committee within five days.
421. For a description of the functioning of a Committee of the Whole, see Chapter 19, "Committees of the Whole House".
422. See, for example, *Debates*, April 30, 1964, p. 2782; October 29, 1964, pp. 9561–2; June 2, 1966, pp. 5908–9.
423. For example, on April 30, 1964, in a Committee of the Whole, Lawrence Kindt (MacLeod) rose on a question of privilege which, he stated, affected every Member of the House. The question of privilege concerned remarks made by the Minister of Transport (Jack Pickersgill) outside the House, which the Member claimed should have been made in the House. The Chairman of the Committee of the Whole pointed out that the Member could only raise such a question of privilege when the Speaker was in the chair. Another Member, Erik Nielsen (Yukon), then moved that the Committee rise and report progress and seek leave to sit again in order that Mr. Kindt might raise his question of privilege. The Committee adopted the motion; the Chairman rose, reported progress, and Mr. Kindt presented his question of privilege. The Deputy Speaker ruled that the matter was not a *prima facie* question of privilege and the House then went back into a Committee of the Whole (*Debates*, April 30, 1964, pp. 2782–3).
424. See, for example, *Debates*, November 23, 1970, p. 1373; November 8, 1971, p. 9435; October 23, 1974, p. 665; May 22, 1975, pp. 6012–3; December 20, 1983, pp. 379–90.
425. Standing Order 12. For further information, see Chapter 19, "Committees of the Whole House".
426. A question of privilege was raised in a Committee of the Whole in 1987 by John Nunziata (York South—Weston) who rose to complain that a Member had assaulted him because he was not in his own seat. He requested an apology, but the Member refused. Although the Chairman advised that he would report on the matter to the full House, only the bill under

- consideration in the Committee was reported later that day (*Journals*, October 15, 1987, pp. 1688–9). The following day, Mr. Nunziata raised his question of privilege in the House. The Member about whom Mr. Nunziata had complained rose in the House and apologized to Mr. Nunziata and to the House, and the Speaker declared the matter closed (*Debates*, October 15, 1987, p. 10064; October 16, 1987, pp. 10089–90).
427. See, for example, *Debates*, June 12, 1980, pp. 2030–1; December 20, 1983, pp. 364–9. In the 1983 instance, a Member argued that because the Committee had risen and reported progress, the House was apprised of the circumstances surrounding the question of privilege. The Speaker ruled that the Committee had only risen, reported progress and asked for leave to sit again. The Committee had not reported the bill or any concerns to the House.
428. Standing Orders 48(2), 54 and 56(1).
429. Standing Orders 48(2) and 87.
430. Standing Order 48(2).
431. *Journals*, April 15, 1874, p. 64. See also Bourinot, *Parliamentary Procedure and Practice*, 4th ed., pp. 304–5.
432. *Debates*, April 5, 1886, p. 488.
433. *Debates*, March 18, 1892, cols. 245–9; March 21, 1892, cols. 287–9; April 6, 1892, cols. 1032–5.
434. See, for example, *Debates*, April 25, 1877, p. 1810; May 11, 1891, cols. 156–7.
435. *Debates*, March 3, 1911, cols. 4566–7.
436. *Debates*, February 8, 1932, p. 8.
437. See, for example, *Debates*, May 22, 1924, p. 2401.
438. *Debates*, June 16, 1959, p. 4761.
439. *Journals*, June 19, 1959, pp. 581–6. See also remarks by Svend Robinson (Burnaby–Kingsway) on a similar instance (*Debates*, May 25, 1989, pp. 2119–23, in particular pp. 2122–3).
440. *Order Paper and Notice Paper*, February 28, 1996, p. VI. Mr. Boudria's motion was designated Private Members' Notice of Motion M-1.
441. *Debates*, May 9, 1996, pp. 2523–4.
442. *Debates*, June 18, 1996, p. 4028. The Chair also noted that it did not have the authority to make the motion votable. He further pointed out that there were "procedures at the disposal of the House to

- ensure that a sense of fair play prevails in all its proceedings”.
443. *Debates*, June 18, 1996, pp. 4029–31.
444. *Debates*, June 20, 1996, pp. 4183–4. The Speaker suggested that the Member consider pursuing the matter of the non-votable motion with the Standing Committee on Procedure and House Affairs. On October 23, 1996, the Speaker announced to the House that Mr. Boudria had advised the Chair in writing that he could no longer move his motion because of his recent appointment to Cabinet. The Speaker, who has the duty under the *Standing Orders* to make arrangements for the orderly conduct of Private Members’ Business, directed that Mr. Boudria’s motion be removed from the *Order Paper* (*Journals*, October 23, 1996, p. 768, *Debates*, p. 5630).
445. *Debates*, March 25, 2011, pp. 9246–53, 9279–85.
446. Maingot, *Parliamentary Privilege in Canada*, 2nd ed., pp. 267–9.
447. See, for example, Twenty-Fourth Report of the Standing Committee on Privileges and Elections, presented to the House on March 6, 1991 (*Journals*, pp. 2666–7); Sixty-Fifth Report of the Standing Committee on House Management, presented to the House on February 18, 1993 (*Journals*, p. 2528); Eighth Report of the Standing Committee on Procedure and House Affairs, presented to the House on March 8, 2004 (*Journals*, p. 146); Fifty-First Report of the Standing Committee on Procedure and House Affairs, presented to the House on November 18, 2005 (*Journals*, pp. 1289–90); Third Report of the Standing Committee on Public Accounts, presented to the House on February 12, 2008 (*Journals*, p. 423); Nineteenth Report of the Standing Committee on Procedure and House Affairs, presented to the House on October 2, 2014 (*Journals*, p. 1571); Thirty-Fourth Report of the Standing Committee on Procedure and House Affairs, presented to the House on March 26, 2015 (*Journals*, p. 2289).
448. See, for example, Twenty-Second Report of the Standing Committee on Procedure and House Affairs, presented to the House on June 18, 1996 (*Journals*, pp. 565–6); Twenty-Ninth Report of the Standing Committee on Procedure and House

- Affairs, presented to the House on April 27, 1998 (*Journals*, p. 706); Fortieth Report of the Standing Committee on Procedure and House Affairs, presented to the House on November 29, 2001 (*Journals*, p. 883).
449. See, for example, Twenty-Fourth Report of the Standing Committee on Privileges and Elections, presented to the House on March 6, 1991 (*Journals*, pp. 2666–7); Fourteenth Report of the Standing Committee on Procedure and House Affairs, presented to the House on May 9, 2001 (*Journals*, pp. 385–6); Twenty-Sixth Report of the Standing Committee on Procedure and House Affairs, presented to the House on May 31, 2012 (*Journals*, p. 1353).
450. See, for example, Sixty-Fifth Report of the Standing Committee on House Management, presented to the House on February 18, 1993 (*Journals*, p. 2528), which recommended that the Speaker write a letter to the Canadian Broadcasting Corporation (CBC) and a named individual advising them of the content of the Report; Sixty-Sixth Report of the Standing Committee on Procedure and House Affairs, in particular paras 16 to 23, presented to the House on April 14, 1999 (*Journals*, p. 1714), which suggested improvements for handling demonstrations around the Parliamentary Precinct and other parliamentary buildings; Thirty-Eighth Report of the Standing Committee on Procedure and House Affairs, presented to the House on May 11, 2005 (*Journals*, p. 738), which recommended that the Speaker issue a press release in certain communities apologizing for sending a Member's mailing into the wrong riding; Thirty-Fourth Report of the Standing Committee on Procedure and House Affairs, presented to the House on March 26, 2015 (*Journals*, p. 2289), which recommended that the Sergeant-at-Arms issue Members a phone number to call in case of an emergency related to an obstruction to their access to the Parliamentary Precinct.
451. Standing Order 66(2). See, for example, the motion for concurrence in the Sixty-Fifth Report of the Standing Committee on House Management, adopted on February 25, 1993 (*Journals*, p. 2568); the motion for concurrence in the Twenty-Second Report of the Standing Committee on Procedure and

- House Affairs, debated in the House on June 20, 1996, superseded by a motion to adjourn the debate and transferred to Government Business on the *Order Paper (Journals, pp. 592–3)*; the motion for concurrence in the Twenty-Ninth Report of the Standing Committee on Procedure and House Affairs, adopted on a recorded division (*Journals, May 5, 1998, pp. 744–5*); the motion for concurrence in the Twenty-First Report of the Standing Committee on Procedure and House Affairs, debated on May 2, 2005 (*Journals, pp. 678–80*) and deemed carried on division on May 17, 2005 (*Journals, pp. 764–5*).
452. For further information, see Chapter 13, “Rules of Order and Decorum”.
453. *Debates, November 21, 1990, p. 15526.*
454. In 1996, Speaker Parent advised the House that Jean Marc Jacob (Charlesbourg) would be rising to make a solemn declaration to the House. The Speaker cautioned Members that the statement was not to incite debate. The Speaker subsequently interrupted Mr. Jacob and ruled that “the words being used [in the statement] tend more toward a debate than a solemn declaration”. The Member was not allowed to continue (*Debates, June 18, 1996, p. 4027*). See also *Debates, May 11, 1989, pp. 1571–3*, when a Minister rose on a matter of personal privilege to clarify a statement he had made the previous day. Following the statement of the Minister, the Speaker recognized the critic from the Official Opposition to respond to the statement. However, when the Minister began to engage in a debate with the opposition Member, the Speaker closed off the remarks and advised the House that Members could seek further information from the Minister on another occasion. In 2015, James Lunney (Nanaimo—Alberni) rose on a question of privilege and began a statement on freedom of religion. After several minutes, Peter Julian (House Leader of the Opposition) rose on a point of order, suggesting that the Member could instead make a brief statement as a matter of personal privilege. After interrupting Mr. Lunney’s resumed speech, the Speaker concluded that there was no matter to rule on (*Debates, April 1, 2015, pp. 12662–5*).
455. *Debates, March 17, 1997, p. 9060.* On occasion, however, some limited responses have been

- permitted. See, for example, *Debates*, March 20, 2001, pp. 1869–70; October 11, 2002, pp. 632–3; June 19, 2007, pp. 10830–4.
- 456.** See, for example, *Debates*, June 13, 1977, pp. 6584–5; October 8, 1987, p. 9827; June 18, 1996, p. 4027.
- 457.** See, for example, *Debates*, May 11, 1989, pp. 1571–3.
- 458.** *Debates*, December 18, 1987, pp. 11950–1; March 19, 1991, p. 18710; October 9, 1991, pp. 3515–6; January 24, 1994, p. 197; October 31, 1996, pp. 5948–9; April 28, 1999, p. 14448; March 20, 2001, p. 1869; April 4, 2008, p. 4489.
- 459.** See, for example, *Debates*, November 26, 1992, pp. 14113–5.
- 460.** See, for example, *Debates*, November 21, 1990, pp. 15526–9; March 17, 1997, pp. 9059–60.
- 461.** See, for example, *Debates*, March 15, 1984, pp. 2138–9; May 12, 1986, p. 13149; February 3, 1988, p. 12581; October 11, 2002, p. 632; June 19, 2007, pp. 10830–1; June 20, 2007, pp. 10901–3; November 5, 2014, pp. 9219–21; February 3, 2015, pp. 10951–2.
- 462.** See, for example, *Debates*, January 26, 1990, p. 7495; December 12, 1990, pp. 16635–6; May 27, 1991, p. 610; May 10, 2005, pp. 5884–5; May 31, 2006, p. 1772.
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