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Chair

Mr. Scott Reid

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• (1310)

[English]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): Let me begin. I want to be brief about this.

Colleagues, today I am making an interpretation of the Standing Orders on the question of appeals of rulings from the chair. The reason for making this interpretation is that circumstances arose at the May 2 meeting of our subcommittee that demonstrated the importance of clarity as to the manner in which I should deal with appeals of my rulings. That meeting took place in camera, so I cannot be more specific than this without violating the privileges of all committee members. Nonetheless, I have chosen to make this interpretation at a public meeting because it will apply to appeals that might occur in future public meetings, and it would be important to have a public record of my intentions at that future time.

Let me now turn to the substance of the problem I am seeking to resolve. The Standing Orders are quite clear on the fact that rulings from the chair are subject to appeal. Standing Order 117 states: “The Chair of a...committee shall maintain order in the committee, deciding all questions of order subject to an appeal to the committee; but disorder in a committee can only be censured by the House, on receiving a report thereof.”

Although the Standing Orders do not specify what kind of majority is needed, it is normal practice that an appeal to the committee is decided by means of simple majority. When a majority of the committee votes against the ruling, the ruling is negated. However, it is also the long-standing practice of the House that certain matters may be decided only by unanimous consent. In particular, Marleau-Montpetit states on page 497: “ad hoc changes,”—to the Standing Orders, that is—“on the other hand, are often made by obtaining the consent of all Members present in the House at the time the departure from the rules or practices is proposed. Such a suspension of the rules or usual practices is done by what is termed “unanimous consent”.

They also note—and I think this point is germane—that “Perhaps the most common application of unanimous consent is to escape the notice provisions of the Standing Orders.”

But if both these practices exist, this opens up the possibility that a majority vote could be used to overrule a ruling by the chair that unanimous consent would be required to undertake a particular course of action because a suspension of the rules is required. This is the situation that faced us at our April 2 meeting. It's clear to me that

all members who were present at that meeting acted with good intentions. Nonetheless, it's incumbent upon me to show the danger of going down this road.

Appeals of rulings in which the effect of the chair's ruling had been to defend the right of all members not to see the Standing Orders suspended without their individual consent would have the effect of allowing any standing order to be suspended without notice at any time that the transient majority of the moment wish to make this happen. In other words, if the Standing Orders can be suspended by a simple majority, then the only rule governing any committee is “might makes right”.

More to the point from a procedural point of view, the setting aside of any standing order or any procedure of the committee or rule of the committee without unanimous consent has the effect of putting the entire committee into disorder—that is, into a situation in which the very act of any subsequent discussion and debate is an ongoing breach of the Standing Orders.

For this reason, I will pursue the following course of action on any future occasion where I am challenged on a ruling that I have made that a particular course of action proposed by a member of the committee requires unanimous consent. First, I will permit the vote to go forward, the vote on overturning my ruling, as Standing Order 117 stipulates. As per our traditions, no debate will be permitted prior to the vote being taken. Two, In the event that there is unanimous consent to overrule the chair, I will consider my ruling to have been negated. Three, in the event there is not unanimous consent, I will consider that my ruling has been sustained in the same manner and form as would have been required to override the protections that I'm trying to enforce.

It is my belief that points two and three that I just cited are in compliance with Standing Order 117, which specifies that rulings of the chair are “subject to an appeal to the committee”, but which does not state that rulings are subject in all cases to being overruled by simple majority.

I draw the attention of all colleagues to the final part of Standing Order 117, which says, “disorder in a committee can only be censured by the House, on receiving a report thereof.” If it is the view of the majority of the members of the committee that the chair has acted inappropriately by refusing to allow any ruling to be negated, the committee retains the right to appeal this ruling to the higher authority of the House itself by means of a report to the House stating that the committee, by means of a simple majority vote, has concluded that the chair's ruling has put the committee into disorder.

Thank you. We can go back in camera now.

[Proceedings continue in camera]

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