

## **SPEAKER'S RULING**

### **REVIEW OF LIVING EXPENSES**

Honourable Senators,

On May 28, the Honourable Senator Harb raised a question of privilege about alleged outside interference in the internal affairs of the Senate. This question touched, in particular, on the work of the Standing Committee on Internal Economy, Budgets and Administration, which has been reviewing certain senators' living expenses. Senator Harb argued that the effect of the outside influence has been to taint the process leading to the three reports on expenses made by the committee thus far. He claimed that this has had an impact on the reputation of the Senate and constitutes a breach of privilege. Since the question of privilege was raised, the last of the three reports has been adopted, and Senator Harb did speak to the twenty-fourth report, which dealt with his expenses.

A number of other senators spoke to the question of privilege. Senator Carignan noted that Senator Harb raised arguments similar to ones addressed in previous questions of privilege that had already been resolved. The Deputy Leader of the Government also indicated that other parliamentary processes would be available to address these concerns. Senator Carignan also made reference to the processes available through the different public officials dealing with ethics matters.

Senator Nolin went on to encourage Senator Harb to intervene in debate, which he later did, while Senator Cools called for the Senate to be cautious in how it proceeds. Finally, Senator Andreychuk clarified the role of the ethics officers.

As stated in a ruling of May 28, the gravity of the situation the Senate has been confronting should not be underestimated. Public trust in the institution is at stake. There is little doubt that senators are examining these matters carefully, as demonstrated by the proceedings on the reports of the Internal Economy Committee. While the Senate has a range of options open to it

in considering its business, the Speaker is constrained by the Rules when considering a question of privilege, and must evaluate it in light of the four criteria of rule 13-3(1), all of which must be met.

Senator Harb stated that the first criterion has been met as his question of privilege followed from new information. While not denying this reality, senators should be cautious about using each new event as an opportunity to raise a question of privilege repeating previous arguments. This caution holds particularly in the current case, where this is the third ruling.

When considering the second and third criteria – that the question must relate to privilege and that there must be a grave or serious breach – one must remember that the Senate has the exclusive right to manage its internal affairs, including its debates, agenda and proceedings. As noted in a previous ruling, the process whereby the Senate considered the reports of the Internal Economy Committee was an exercise of this authority. The final outcome of the reports was decisions by the Senate after the public debate allowed by our Rules and our practice. Senator Harb took part in the debate. The right of the Senate to control its own affairs has been respected. Neither the second criterion nor the third have been met.

The final criteria of rule 13-3(1) is that a question of privilege must “be raised to seek a genuine remedy that the Senate has the power to provide and for which no other parliamentary process is reasonably available.” The Senate received various reports on the review of senators’ living expenses. The one dealing with Senator Brazeau was adopted before this question of privilege. Another, dealing with Senator Duffy, was sent back to committee, where it was amended. The amended report was then adopted by the Senate. The report dealing with Senator Harb was still under consideration when the question of privilege was raised. A motion to refer it to committee had been moved, but was subsequently rejected and the report adopted

The various actions adopted by the Senate in relation to the reports make clear that a range of parliamentary processes could be used to bring forward the concerns raised in the question of privilege. All senators had the chance to speak to the reports, and Senator Harb availed himself of that right. The Senate has now made a decision on all the reports, and Senator Harb’s question of privilege does not meet the fourth criterion.

Since the question of privilege does not meet the criteria of rule 13-3(1), a *prima facie* case of privilege cannot be found to exist.