

MAY 30, 2006

SPEAKER'S RULING

Question Period

On Wednesday, May 10, Senator Ringuette gave notice of a question of privilege under Senators' Statements. The adjournment of the sitting at 4:00 that day kept the Senator from presenting her question of privilege at the conclusion of Orders of the Day. As a consequence, the Senator was not able to present her case until the following day. Senator Ringuette claimed that the Leader of the Government misled the Senate in explaining her absence from Question Period, May 2. It is Senator Ringuette's contention that this account is contrary to certain evidence she had since collected. This assertion was denied by the Leader of the Government, who stated that her absence during part of the sitting that day, including Question Period, was because of a Cabinet meeting.

After hearing different views on this matter, I agreed to take it under advisement. I am prepared to declare my ruling.

Let me begin by stating that there is no *prima facie* basis to support a question of privilege. In my opinion, this case is the result of a misunderstanding or miscommunication. I heard nothing to persuade me that what happened breached privilege or involved contempt since the misunderstanding was neither intentional nor deliberate.

In making her case, which she was careful to identify as a contempt, Senator Ringuette assumed that the Cabinet meeting took place at the same time as Question Period in the Senate which, as it happened, overlapped Question Period in the other place, making a Cabinet meeting at that time unlikely. For her part, the Government Leader explained that Question Period in the House of Commons is held at a fixed time, from 2:15 p.m. until 3:00 p.m. She also advised that the meeting of the Cabinet Committee started shortly after 3:00 p.m.

There is no rule that prohibits the Government Leader from leaving the Chamber to attend to Government business. The statement made by Senator LeBreton concerning her activities does not affect the authority or dignity of the Senate, nor did it impede the Senate or Senators in the performance of their duties. As well, the Senator's explanation did not purposely mislead or deceive, which is a necessary condition to establish a charge of contempt as noted in *Beauchesne's*, 6th edition, cit. 62 at page 19. In the end, it seems obvious that there was a misunderstanding as to certain facts. It seems to involve nothing more than that.

Questions of privilege and contempts are intended to deal with genuinely serious matters. The privileges of Parliament are not a sword to assault the rights of others, but a shield to protect Parliament and its members in the fulfillment of their duties and responsibilities. Rule 43 states that "the preservation of the privileges of the Senate is the duty of every

Senator" because, as the rule explains, "a violation of the privileges of any one Senator affects those of all Senators and the ability of the Senate to carry out its functions..." Among the privileges that we must be vigilant in preserving are freedom of speech and control over our proceedings and deliberations. Similarly, contempts allow either House of Parliament, the Senate or the House of Commons, to vindicate its authority and dignity when challenged.

Procedures have been incorporated into the *Rules of the Senate* to "fast track" the consideration of possible questions of privileges and contempts. Criteria have been established that I, as Speaker, must use in evaluating the *prima facie* merits of any question of privilege or contempt. These rules and procedures are also meant to provide guidance to Senators when they consider whether an issue should be treated as a possible breach of privilege or a contempt.

I do not believe that rule 43 should be used to address a simple complaint or grievance, especially when it is the result of a misunderstanding. It does not meet the threshold required for a question of privilege or contempt. Such disputes do not "directly concern the privileges of the Senate or its committees" nor are they "raised to correct a grave and serious breach".
