

QUESTION OF PRIVILEGE

Pursuant to rule 43(8), the Senate proceeded to the consideration of the question of privilege of the Honourable Senator Comeau concerning the proceedings of the June 18, 2008 meeting of the Standing Senate Committee on National Security and Defence.

SPEAKER'S RULING

June 26, 2008

Honourable Senators, I am ready to deal with this matter forthwith. This question of privilege is very similar to one which Senator Comeau gave notice of on May 28, 2008. After that question of privilege was considered on May 29, it was determined that there was a *prima facie* case of privilege and the matter was referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

The current matter is distinct and must be treated as such, based on the principle that each question of privilege must be addressed separately. The same reasoning that I gave at that time, however, applies to this case. But I wish to go a little further.

In some parliaments around the world, particularly the international fora known to many Honourable Senators, a determination must be made as to its *lingua franca*, the working language; but in the Parliament of Canada, there is no single working language. There are two languages here, French and English. The practice, which occurs in some mainly international parliaments of identifying the *lingua franca*, is not followed here. It is clear in Canada that Parliament uses both English and French equally.

One of the reasons one might advance to underscore the importance of this principle, if I may be permitted to recall certain medieval writings, is that none of us is able to deal with things that we cannot grasp through our senses. Language provides us with either a visual presentation or an oral presentation, and the principle is — as expressed in Latin — *Nihil est in intellectu quod non prius in sensu* — nothing is in the intellect which is not first in the senses.

Therefore, Senators working in committee or elsewhere must have the documents to deal with the issue that is before Parliament or committee in both official languages. That is axiomatic. It is not discretionary, it is mandatory.

For these additional reasons, and the reasons given before, it is the ruling of the Chair that a *prima facie* case of privilege has been made out by Senator Comeau. He is now, as he has indicated he would in his notice, prepared to make a motion.

Ordered, That rule 44(8) be suspended for today.

The Honourable Senator Comeau moved, seconded by the Honourable Senator Nolin:

That the question of privilege now before the Senate be referred to the Standing Committee on Rules, Procedures, and the Rights of Parliament.

The question being put on the motion, it was adopted.