

SPEAKER'S RULING

QUESTION OF PRIVILEGE – REMARKS ON FEBRUARY 13, 2013

On March 5, Senator Chaput rose on a question of privilege, after giving the necessary written and oral notices. Her question of privilege concerns certain remarks in the Senate on February 13, 2013, during debate on Bill S-211. She argued that these comments had attacked her abilities as chair of the Standing Senate Committee on Official Languages, breaching both her privileges and those of the committee. She outlined how she believed her question of privilege met the four criteria under the special process set out in Chapter 13 of the Rules. The Standing Senate Committee on Official Languages has held four meetings since this question of privilege was raised, and on each of these occasions, Senator Chaput has served as its chair

As honourable senators know, a question of privilege must meet all four criteria set out in rule 13-3(1) to benefit from the special procedures in Chapter 13 of the Rules. The first of these criteria is that the matter be raised at the earliest opportunity. As Senator Chaput herself acknowledged, the Senate sat a number of times between February 13 and March 5. To meet the first criterion it would have been necessary to raise the matter on February 14, or to present a compelling case as to why that was not possible. Since this did not happen in this instance, the question of privilege does not meet the initial requirement to allow a prima facie question of privilege. Given this, it is not really necessary to evaluate it in terms of the others. In such a situation, the senator raising the matter still has, under rule 13-3(2), the option of proceeding by means of a substantive motion after notice. In the current case, however, the criteria of rule 13-3(1) have not been met, and there is no prima facie finding of a question of privilege.