

SPEAKER'S RULING
QUESTION OF PRIVILEGE
VETERANS' AFFAIRS

Honourable Senators,

On April 1, Senator Wallin rose on a question of privilege pursuant to rule 59(10). Her complaint focussed on the fact that the Standing Senate Committee on National Security and Defence, of which she is deputy chair, had been unable to establish a subcommittee on veterans affairs. This, in her view, was an obstruction, preventing the committee from dealing with a critically important topic. As became apparent during the course of discussion, the committee had met in camera earlier that day to consider whether to establish a subcommittee. At that meeting a senator had moved a motion that would have resulted in the Senate being asked to establish a separate standing committee on veterans affairs. An amendment was then moved that, until such a standing committee is established, the topic be dealt with in a subcommittee. This amendment was debated, but no decision was reached before the meeting adjourned due to the sitting of the Senate.

Senator Kenny, the chair of the committee, questioned the assertion that there was an attempt to block a decision on the issue of veterans' affairs. Instead, there was a disagreement as to the best way to deal with this subject — whether in a subcommittee or in a stand-alone committee. Senator Tkachuk then explained his preference to send a letter raising the idea of a separate committee to the Rules Committee, which is reviewing the committee structure. Senators Moore and Manning also spoke on the matter before Senator Fraser concluded discussion. She saw this as the kind of debate that sometimes occurs, when there is disagreement on how to proceed. She felt that the matter was, if anything, one of order, rather than a question of privilege.

When faced with a claimed question of privilege the Speaker's role is to determine whether it has any prima facie merit, referring, *inter alia*, to the criteria set out in rule 43(1). These criteria require that the matter be raised at the earliest opportunity; that it directly concern the privileges of the Senate, a committee, or a senator; that a genuine remedy be sought, for which no other parliamentary process is reasonably available; and that the question of privilege seek to correct a grave or serious breach.

Honourable senators, these criteria sometimes require that the Speaker engage in an in-depth analysis of the purported question of privilege. In other cases, however, such extensive analysis is unnecessary.

Though it is clear that Senator Wallin, availing herself of rule 59(10), raised the matter at the earliest opportunity, does this case in fact involve privilege? This is the second criterion. There appears to be a disagreement as to how the topic of veterans' affairs, which all interveners recognized as important, should be dealt with at the committee level. One proposal was made, an amendment was suggested, and the time for that particular meeting ran out before a decision was reached. There is nothing out of the ordinary in this. Senators often have disagreements about how to deal with issues, either in the Chamber or in

committee, and the requirement of automatic adjournment in this particular situation was a function of the rules. This case was a result of senators exercising their right to speak.

If there is an issue here, and this is not certain, it might be one of order. It would therefore be more appropriate to raise it in committee, as committees are normally masters of their own proceedings.

Since, based on the information provided, nothing seems to have occurred in committee that violated privilege, it is not necessary to evaluate the final two criteria, and the ruling is that there is no prima facie case for a question of privilege.