

**SPEAKER'S RULING**

**COMMITTEES MEETING DURING  
MEETINGS OF  
COMMITTEES OF THE WHOLE**

Honourable senators, on May 31, 2012, the Honourable Senator Ringuette raised a question about the fact that the National Finance Committee had met at the same time as the Committee of the Whole considering Bill C-39. A similar objection was raised on March 14, 2012, when a Committee of the Whole was considering Bill C-33 at the same time a meeting of the Banking, Trade and Commerce Committee was scheduled.

This complaint involves conflicting priorities, obligations, and preferences, a feature that often confronts us as parliamentarians. In this case, for this matter to have merit, it would be necessary to establish that the sitting of the Senate, the Committee of the Whole, or the standing committee was in any way irregular.

In the normal course of events, the standing and special committees are not permitted to sit when the Senate is sitting, according to rule 95(4). Rule 4(j)(ii) clearly defines a sitting as starting after prayers and ending with adjournment, so this prohibition holds when the Senate is sitting, when a Committee of the Whole is meeting, or when the Senate is suspended for the dinner break. Exceptions to rule 95(4) occur, however, when committees are given permission to meet even though the Senate may be sitting.

With respect to the concern raised on March 14, that day was a Wednesday, and under the order adopted by the Senate on October 18, 2011, committees scheduled to meet after 4 p.m. on a Wednesday can do so, even if the Senate is sitting. The more recent incident of May 31 related to a meeting of the National Finance Committee dealing with the subject-matter of Bill C-38. The order of the Senate of May 3, specifically authorized the National Finance Committee to meet while the Senate was sitting, also suspending the application of rule 95(4).

Without the special permissions granted by these motions and authorizing a suspension of rule 95(4), Senator Ringuette's objection would be well-founded. The Senate had, however, adopted such motions, leaving it to the discretion of the committees involved as to how and when the power to sit despite rule 95(4) would be used. That is, if the committees involved preferred not to sit while the Senate is sitting – including when a Committee of the Whole is meeting – they had the right not to sit. If, however, the committees chose to sit, they were allowed to do so. In such circumstances it is a matter for individual senators whether they wish to attend the committee or the proceedings in the Senate Chamber.

The committees in question exercised powers granted to them by the Senate.