Mr. Speaker, I rise at this first opportunity on a question of privilege. I maintain that the exercise of my rights and the rights of my colleagues in this place have been obstructed, undermined and impeded by the unprecedented use of time allocations in the second session of the 41st Parliament. While I believe that this excessive use of guillotine motions is a violation of the rights of all Members of this House, I would like to stress the disproportionate affect they have on the ability of members of small parties and independents to fulfil their duties in this House. My question bears directly on what your predecessor said on December 10, 2009, “the fundamental right of the House of Commons (is) to hold the government to account for its action, an indisputable privilege and in fact an obligation.”

In the autumn of 2011, in a ruling concerning the member for Mount Royal, you said, that to constitute a prima facie case in regard to matters of obstructions, interference, molestation or intimidation, you “need assess whether or not the member’s ability to fulfill his parliamentary activities has been undermined.”

At that same moment at page 4396 of the Debates, you had the occasion to reflect on “the Chair’s primordial concern for the preservation of the privilege of all members,” and added, “As your Speaker, one of my principal responsibilities is to ensure the rights and privileges of members are safeguarded, and this is a responsibility I take very seriously”.

In the Vaid decision of the Supreme Court of Canada in 2005, Justice Binnie, for the court, in ruling on the scope of parliamentary privilege of the “management of employees,” said parliamentary privilege is defined by the degree of autonomy necessary to perform Parliament’s constitutional function, and went on to say in para. 41, “Similarly, Maingot defines privilege in part as ‘the necessary immunity that the law provides for Members of Parliament, and for Members of the legislatures of each of the provinces and two territories, *in order for these legislators to do their legislative work.’* ”(emphasis added; p.12)

As Justice Binnie continues in Vaid: “To the question “necessary in relation to what?,” therefore, the answer is necessary to protect legislatures in the discharge of their legislative and deliberative functions, and the legislative assembly’s work in holding the government to account for the conduct of the nation’s business. To the same effect, see R. Marleau and C. Montpetit, House of Commons Procedure and Practice (2000), where privilege is defined as “the rights and immunities that are *deemed necessary* for the House of Commons, as an institution, and its Members, as representatives of the electorate, *to fulfil their functions”* (emphasis added p.50).” Justice Binnie then goes on to reference J.G. Bourinot, Parliamentary Procedure and Practice in the Dominion of Canada (4th ed. 1916), at p. 37:

It is obvious that no legislative assembly would be able to discharge its duties with efficiency or to assure its independence and dignity unless it had adequate powers to protect itself and its members and officials *in the exercise of their functions.* (emphasis added.)

In para. 42, the court also cited the British Joint Committee Report of 1999 that said;

Parliamentary privilege consists of the rights and immunities which the two Houses of Parliament and their members and officers possess to enable them to carry out their parliamentary functions effectively. Without this protection, members would be handicapped in performing their parliamentary duties, and the authority of Parliament itself in confronting the executive and as a forum for expressing the anxieties of citizens would be correspondingly diminished.

Later at para. 46, Justice Binnie, for the court, continued and said the sphere of activity for which privilege is claimed is clearly connected with fulfillment by the assembly or its members of their functions as a legislative and deliberative body, *including the assembly’s work in holding the government to account.*

Finally, Justice Binnie, again for the court at para. 62, on the subject of parliamentary functions, in ruling that some employees would be covered by privilege, found that coverage only if a connection was established between that category of employees and the exercise by the House of its functions as a legislative and deliberative assembly, including its role in holding the government to account.

As I said earlier, this approach was supported by your immediate predecessor on December 10, 2009, when Speaker Milliken said *one of his principal duties is to safeguard the rights and privileges of members and of the House including the fundamental right of the House of Commons to hold the government to account for its actions, an indisputable privilege and in fact, an obligation*. (FN-P.2042 of Debates)

It is a fundamental principle of Westminster parliamentary democracy that the most important role of Members of Parliament, and in fact a constitutional right and responsibility of the House and its members, is to hold the government to account.

In this connection Mr. Speaker, the events in the House that we witnessed before we adjourned June 20, 2014 clearly demonstrate that the House and its members have been deprived of fulfilling their constitutional right, their privilege, and their obligation to hold the government to account, because of the imposition of intemperate and unrestrained guillotine measures in reference to Bills C-2 (An Act to amend the Controlled Drugs and Substances Act; time allocation at second reading), C-4 (A second act to implement certain provisions of the budget tabled on March 21, 2013 and other measures; time allocation at second reading), C-4 (A second act to implement certain provisions of the budget tabled on March 21, 2013 and other measures; time allocation at report stage and third reading), C-6 (An Act to implement the Convention on Cluster Munitions; time allocation at report stage and third reading), C-7 (An Act to amend the Museums Act in order to establish the Canadian Museum of History and to make consequential amendments to other Acts; time allocation at third reading ), C-13 (An Act to amend the Criminal Code, the Canada Evidence Act, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act; time allocation at second reading), C-18 (An Act to amend certain Acts related to agriculture and agri-food; time allocation at second reading), C-20 (an Act to implement the Free Trade Agreement between Canada and the Republic of Honduras; time allocation at second reading), C-20 (an Act to implement the Free Trade Agreement between Canada and the Republic of Honduras; time allocation at report stage and third reading), C-22 (An Act respecting Canada’s offshore oil and gas operations, enacting the Nuclear Liability and Compensation Act, repealing the Nuclear Liability Act and making consequential amendments to other acts; time allocation at second reading), C-23 (An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to other Acts; time allocation at second reading), C-23 (An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to other Acts; time allocation at report stage and third reading), C-24 (An Act to amend the Citizenship Act and to make consequential amendments to other Acts; time allocation at second reading), C-24 (An Act to amend the Citizenship Act and to make consequential amendments to other Acts; time allocation at report stage and third reading), C-25 (An Act respecting the Qalipu Mi’kmaq First Nation Band Order; time allocation at second reading), C-27 (An Act to amend the Public Service Employment Agreement Act (enhancing hiring opportunities for certain serving and former members of the Canadian Forces; time allocation at second reading), C-31 (An Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures; time allocation at second reading), C-32 (An Act to enact the Canadian Victims Bill of Rights and amend certain Acts; time allocation at second reading), C-33(An Act to establish a framework to establish a framework to enable First Nations control of elementary and secondary education and to provide for related funding and to make related amendments to the Indian Act and consequential amendments to other Acts; time allocation at second reading), and C-36 An Act to amend the Criminal Code in response to the Supreme Court of Canada decision in Attorney General of Canada v. Bedford and to make consequential amendments to other Acts; time allocation at second stage).

A close examination of the guillotine measures imposed by the government demonstrate that the citizens of Canada have been unable to have their elected representatives adequately debate the various and complex issues central to these Bills in order to hold the government to account. That members of Parliament have been prevented from adequately debating these measures through twenty-one separate motions for time allocation, in this session alone, undermines our ability to fulfill our parliamentary duties.

In particular, I would like to highlight the effect that these guillotine motions have had on my ability, as a member of a small party, to properly represent my constituents in the House. As you well know, Mr. Speaker, the speaking time allotted to members of small parties and independents is placed late in the debates. This would be fair if we always reached this point in debates. However, when the government rushes bills through the house using time allocation, we often fail to reach the speaking slots assigned to members of small parties and independents. My constituents are deprived of their right to have their concerns voiced in the House. I do not need to remind the Speaker that political parties are not even mentioned in the constitution therefore it is both unreasonable and undemocratic that a member be denied the opportunity to speak on behalf of their constituents due to that member’s party affiliation. That I cannot speak for my constituents on major government legislation is a fundamental violation of my privilege as a Member of Parliament to represent the people of Saanich-Gulf Islands in the House.

In the autumn of 2011, in your ruling concerning the member for Mount Royal, you said one of your responsibilities that you take very seriously is to ensure that the rights and privileges of members are safeguarded. The principal right of the House and its members and their privilege, is to hold the government to account. In fact it is an obligation according to your immediate predecessor. To hold the government to account requires the ability and freedom to speak in the House without being trammeled and without measures that undermine the member’s ability to fulfill his or her parliamentary functions. For as the British Joint Committee Report sets out, without this protection, members would be handicapped in performing their parliamentary duties, and the authority of Parliament itself in confronting the executive and as a forum for expressing the anxieties of citizens would be correspondingly diminished.

To hold the government to account is the raison d’ètre of Parliament. It is not only a right and privilege of the members and of the House, but a duty of Parliament and its members to hold the government to account for the conduct of the nation’s business. Holding government to account is the essence of why we are here; it is our constitutional function. It is, as they say in the commercials: Job 1.

Our constitutional duty requires us to exercise our right and privilege to hold the government to account by means of raising a question of privilege. This privilege has been denied to us because of the consistent and immoderate use of the guillotine in regard to the twenty one instances of time allocations in this session alone.

This unprecedented use of time allocation infringes your duty as Speaker to protect the raison d’ètre of Parliament, and the rights and privilege of Members to hold the government to account.

It therefore diminishes the role of the Speaker as honoured from time immemorial. In fact, you expressed it, Mr. Speaker at pages 4396 of the debates in autumn 2011 when you had occasion to reflect on “the Chair’s primordial concern for the preservation of the privileges of all members,” and when you added, “As your Speaker, one of my principal responsibilities is to ensure the rights and privileges of members are safeguarded, and this is a responsibility I take very seriously.”

Denying the Members’ right and privilege to hold the government to account is an unacceptable and unparliamentary diminishment of both the raison d’ètre of Parliament and of the Speaker’s function and role in protecting the privilege of all members of this House. In conclusion, I submit to you, Mr. Speaker that the intemperate and unrestrained use of time allocation by this government constitutes a prima facie breach of privilege of all members of this House especially those who are independents and, like myself, members of a small party.

Thank you.