

*National Transportation Act, 1986*

**Hon. Herb Gray (Windsor West):** Mr. Speaker, I want to make some very brief comments about this matter. I hope you will take note of the fact that almost every week there is a point of order or question of privilege raised in this House about what some members think are incidents of unfairness in standing and legislative committees. I invite you, Sir, to determine whether or not the time has come for you to use the broad residual authority, which I submit you have, to ensure that committees operate as fairly as the House of Commons itself with regard to members who are in opposition to the Government, as well as members who support it.

• (1520)

With regard to this particular incident, I believe that the normal practice for making decisions with regard to hearing witnesses would be for the matter to be first considered by the steering committee, on which there are representatives of the opposition Parties, and then considered by the full committee with full opportunity for opposition Members to be present, take part in debate on the motion, and vote on it.

Parliament is a court. It is called the High Court of Parliament. There is a basic principle in the British and Canadian judicial systems. That principle is *audi alteram partem*, hear the other side. With all due respect to the Government majority on the committee which proposed and voted on that motion in the absence of opposition Members, they did not follow that basic principle.

I respectfully submit that this is a very serious matter and it is not being raised for the first time. There is a pattern developing which, if allowed to continue and solidify, will destroy all claims of value in the changes in the rules with respect to the role of members on all sides of this House in the committee system and in the operation of the House of Commons.

In conclusion, at the very least, at the next meeting of the committee it should agree to revoke this motion and refer the matter to the steering committee for a full and fair consideration such as we are accustomed to in the House of Commons and its committees. If this does not happen, I am sure this matter will reappear before you so that we can again invite you to use that residual authority, perhaps a moral authority, which is very much in existence, to ensure that the House of Commons and its committees operate fairly in the interest of all its members, not only those who for the time being are in support of the Government.

**Mr. Doug Lewis (Parliamentary Secretary to Deputy Prime Minister and President of the Privy Council):** Mr. Speaker, I would like to raise only two points because I think this matter has been dealt with very well.

It was very awkward for the chairman of the committee because it brings into question the operations of the committee. This is the second alleged breach of privilege in a committee which has been raised this week. I always believed that to exercise privilege one had to be present. If one is prevented

from voting or speaking when one is present, that is a breach of privilege. However, if a member of a committee leaves a committee hearing, it is difficult to complain about what took place in one's absence.

In your deliberations on this matter, Mr. Speaker, I ask that you give us some direction as to where a question of privilege must be first raised. In this case should it not be raised at the next meeting of the committee? I believe there are 30 or 35 committees of the House of Commons at this time. If the Chair is to be the first level of appeal for every breach of privilege in those 35 committees, you might find yourself spending a fair amount of time hearing those questions of privilege. I agree that the Chair should be at the appeal level, but I do not think that the House should be the first place where a question of privilege from a committee is raised. I believe that this is a good question of privilege to be raised at the next committee meeting. If one is not successful at that level, one has the opportunity to bring it to the full Chamber.

**Mr. Speaker:** It is the disposition of the Chair to adjourn this matter at this time without prejudice to the Hon. Member who raised the matter, or to any Hon. Member who wishes to make an intervention when I bring the matter back to the Chamber. The Chair thinks that the Parliamentary Secretary has made an eminently sensible suggestion. What members of the committee do when they reassemble is entirely their own business. However, perhaps something might take place which would make it unnecessary to carry on with this discussion. I am going to adjourn this matter without prejudice to the Hon. Member who has raised it. If the matter is not settled, I will hear from Hon. Members later.

I hope the Hon. Member for Papineau (Mr. Ouellet) is not rising on the same matter. The Hon. Member will have every opportunity to speak when the matter comes back to the Chamber.

**Mr. Ouellet:** If it does.

**Mr. Speaker:** I would like to adjourn the matter at this point. I want to make it clear that I am not adjourning to make a decision. I am adjourning the debate to bring it back at another time, if it is necessary to do so.

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## GOVERNMENT ORDERS

[English]

### NATIONAL TRANSPORTATION ACT, 1986

#### MEASURE TO ENACT

The House resumed consideration of the motion of Mr. Crosbie that Bill C-18, an Act respecting national transportation, be read the second time and referred to a legislative committee, and the amendment of Mr. Benjamin (p. 2756).

**Mr. Bill Blaikie (Winnipeg—Birds Hill):** Mr. Speaker, this debate on the new National Transportation Act is very serious.