

Agriculture Committee

time to time its observations and opinions thereon, with power to send for persons, papers and records. That will be found in *Votes and Proceedings*, June 27, 1963.

At this point the committee was fully constituted and in existence. It was, as the law has it, no longer in posse but in esse. It will continue so until the session ends or it is de-composed by action of the house. Its first function is procedural; that is, to appoint a chairman. Its second function is substantive; that is, to consider matters referred to it by the house and to report back thereon to the house. The committee, in the absence of regulation, is its own master of the first function, the appointment of a chairman. And every member being equal, each member of the committee has the right to call the committee to assemble at a particular time and place to elect a chairman. If a member exercises this right, the other members of the standing committee indicate their approval by assembly of a quorum at his call; if a quorum does not assemble, then the committee has indicated their disapproval of his call.

This is the general law governing public assemblies. It can be varied in any particular case by a governing authority. The Canadian House of Commons has not altered this general law by its standing orders. Standing order No. 1 states that where we do not provide for a case, the usage and custom of the United Kingdom House of Commons shall apply. But the United Kingdom House of Commons does not have a usage or custom; it has a particular standing order which provides for the manner in which a standing committee chairman is appointed, United Kingdom standing order 62(1). This standing order, and standing order 96(4), set up a particular machinery which we do not have and therefore cannot utilize. Mr. Speaker of the United Kingdom house appoints a standing committee chairman from a panel of members chosen by him at the beginning of the session called the chairmen's panel.

The United Kingdom does have a usage, but it applies only to select committees. Upon the select committee being appointed, its senior member fixes the time and place of the first meeting. For this purpose the senior member is the member who has the longest term of service, adding together his various periods of service in the house. This can be found in the book "The House of Commons At Work", by Eric Taylor, page 183.

The United Kingdom authority, Sir Reginald Palgrave, states that the member or members who call the meeting to elect a chairman have a further right; that is, to propose a president to conduct the meeting if more than one name is put forward for

[Mr. Olson.]

chairman. In his authoritative work, "The Chairman's Handbook", he says:

A chairman may be called upon to take the chair with the general approval of the assembly. If the call, however, be challenged, a member of the meeting of influential or official position, who is not prepared to undertake the office of chairman, should be requested to act as president during the election to the chair. And, subject to specific rule to the contrary, the right to propose such a president lies with those who have called the meeting. Their proposal, therefore, should be accepted without dispute; they, on their part, acting with the sole object of securing the right conduct of the election to the chair.

A standing committee, or a select special committee for that matter, is a portion of the house and is not subject to the control of the government or the executive branch. That can be found in Beauchesne, fourth edition, citations 288 and 296. In citation 296 he says:

A private member's notice of motion that the government should give consideration to the advisability of setting up a special committee of the house is out of order for it takes for granted that the government is vested with the right to appoint committees of the house. The executive power cannot encroach upon the legislative; they are both distinctly described in the British North America Act where it is also stated that the constitution of Canada shall be similar in principle to that of the United Kingdom.

It follows then, Mr. Speaker, that to suggest that a standing committee assembles to elect a chairman at the call of the government whip is to pile absurdity upon absurdity and to introduce a rule of tyranny into our democratic procedures. And it is even more absurd to introduce the fictional, as far as this house is concerned, government whip as the controller of the standing committees of the house.

So, Mr. Speaker, I suggest there has been a wrong interference by an officer of the house with respect to a member's right to call a meeting of a standing committee. Further, yesterday the Secretary of State said that any member of a standing committee can call a meeting of the committee on request that a meeting be called. If you will look at *Votes and Proceedings* of June 27, Mr. Speaker, you will see I am a member of this standing committee that is in existence.

Hon. J. W. Pickersgill (Secretary of State): Mr. Speaker, if I may I should like to say a word or two to indicate how completely I agree with what the hon. member for Medicine Hat has said. I think we are all indebted to him for the research he has done on this subject. I must say I spoke without having made any study of the question, but I am very glad to be told that I am right because when he first rose I wondered whether I might perhaps have been wrong.

I think it would be quite insufferable if the chief government whip or any other member of the house had any greater rights than any