

No. 28

JOURNALS

OF THE

HOUSE OF COMMONS

OF CANADA

OTTAWA, MONDAY, MARCH 27, 1972

2.00 o'clock p.m.

PRAYERS

Mr. Reid, from the Standing Committee on Broadcasting, Films and Assistance to the Arts, presented the First Report of the said Committee, which is as follows:

On March 15, 1972, your Committee received the following Order of Reference:

That the subject-matter of the refusal of the Public Service Commission to grant leave to Miss Anne Booth, a lawyer with the C.R.T.C., to seek a political nomination, be referred to the Standing Committee on Broadcasting, Films and Assistance to the Arts.

Your Committee heard several witnesses under the above reference, the Chairman of the Canadian Radio Television Commission, Mr. Pierre Juneau and Counsel, Mr. John Lawrence, and senior representatives from the Public Service Commission, Mr. Charles Lussier, Commissioner, and Mr. Jean Charron, Assistant Director General, Staffing Branch. We would like to express our thanks to these individuals for making themselves available on short notice to accommodate the Committee. It was not felt necessary to call Miss Booth as the facts of the case were not in dispute, and the refusal of the Public Service Commission to grant permission to her to have leave of absence to be a candidate in a forthcoming nomination meeting to select a candidate for the forth-

coming election was a judgment on the sensitivity of the position she holds. She advised your Committee that she was prepared to appear but preferred not to do so.

The Public Service Employment Act (1967), Section 32 and its subsections govern this case, in particular Section 32(3):

"Notwithstanding any other Act, upon application made to the Commission by an employee the Commission may, if it is of the opinion that the usefulness to the Public Service of the employee in the position he then occupies would not be impaired by reason of his having been a candidate for election as a member described in paragraph (a) of subsection (1), grant to the employee leave of absence without pay to seek nomination as a candidate and to be a candidate for election as such a member, for a period ending on the day on which the results of the election are officially declared or on such earlier day as may be requested by the employee if he has ceased to be a candidate."

Miss Booth applied for leave under Section 32(3) of the Public Service Employment Act and was refused. As there was no appeal provision provided, she indicated by letter to the Public Service Commission that she would continue to seek the nomination. The Chairman of the