

*Privilege*

The failure of the minister's officials to advise him of his obligations is all the more inexcusable in this case in that the non-tabling of the order was drawn to the attention of an assistant deputy minister in the minister's department in a letter from the joint committee for the scrutiny of regulations dated May 8, 1989. Officials of the same department were reminded of this on two subsequent occasions prior to December 12, 1991.

I turn now to the claim that the minister's failure to obey section 59(5) of the Customs Tariff amounts to a contempt of this House. Mr. Speaker, as you said in an October 10, 1989 ruling:

Broadly speaking, contempts are offences against the authority and dignity of the House of Commons. They include situations which cannot specifically be claimed as breaches of the privileges of this House.

Mr. Speaker, you then cited Erskine May's 20th edition in which it is said that contempt of the House includes "disobedience to its legitimate commands". You went on to mention that:

In summary, all breaches of privilege are contempts of the House, but not all contempts are necessarily breaches of privilege. A contempt may be an act or an omission; it does not have to actually obstruct or impede the House or a member, it merely has to have the tendency to produce such results. Matters ranging from minor breaches of decorum to grave attacks against the authority of Parliament may be considered as contempts.

In this instance, Mr. Speaker, the facts establish that the Minister of Finance failed to comply with the tabling requirement set out in the Customs Tariff for a total of some 964 days. There remains to determine whether this omission had in your own words, Mr. Speaker, "the tendency to obstruct or impede the House" or its members in the exercise of their duties as legislators or the tendency to diminish the authority and dignity of the House of Commons.

• (1510)

Mr. Speaker, the purpose of laying requirements is well known. Parliament will require documents to be laid before it in instances where it determines that the formal transmission of a document is necessary for members of Parliament to properly discharge their responsibility of holding the executive accountable for its actions.

In the present instance it was the decision of Parliament that Orders in Council suspending trade privileges

granted to the United States by Parliament should be brought to the immediate attention of both Houses.

It is through the tabling of these orders that members of each House gain knowledge of them and can, if they think it necessary, question the government in relation to suspension of trade privileges.

We cannot fulfil this role unless we are informed of those decisions. In this case, the failure to table the text of the order of April 21, 1989 means that the House was not officially informed of an important government decision until nearly three years after it was made.

I note that pursuant to Standing Order 32(5), the order, when it was tabled on December 12, was referred to the Standing Committee on External Affairs and International Trade. This committee and its members were effectively deprived of their right to review the order as contemplated in our Standing Orders for almost three years as a result of the minister's failure to meet his legal obligation under the Custom Tariff. This is a serious matter in terms of effective and proper operation of the committee system of the House of Commons. So long as Standing Order 32 is in place, any failure to table a document amounts to a denial of the appropriate standing committee's jurisdiction to study and review that document and to report to the House if it thinks fit.

There is another element to this and it is the lack of respect for Parliament that is reflected in such carelessness and persistent disregard for the law made by Parliament. In this regard I remind the House that senior officials of the department for which the minister is responsible had been informed of the omission in May 1989.

Subsection 59(5) of the Customs Tariff is a statutory provision and statutes are the highest form of command that can be given by this House. In my view, the disregard of that legislative command, even if unintentional, is an affront to the authority and dignity of Parliament as a whole and of this House in particular.

The eventual tabling of the order on December 12, 1991 does not cure the situation I have described. The basis of my complaint is not that the order had not been tabled, it is that it was not tabled in a timely fashion as required by law.