

HOUSE OF COMMONS

Tuesday, October 30, 1990

The House met at 11 a.m.

Prayers

Mr. Speaker: The hon. member for Thunder Bay—Atikokan on a continued question of privilege.

[*English*]

PRIVILEGE

STANDING COMMITTEE ON TRANSPORT

Mr. Iain Angus (Thunder Bay—Atikokan): Mr. Speaker, almost two weeks ago, on October 18, I rose and asked you to rule on whether or not the privileges of myself and other members have been breached by the boycott of the transport committee. While you continue to deliberate on that issue, I would like to raise a second related question of privilege.

I ask you to look at the failure of the government Whip to call an organizational meeting, as provided for in paragraph 579 in Beauchesne's Fifth Edition. It is only through his action that the committee can elect a chair and operate as the House intended when it struck the standing committee.

I ask you to rule on whether this failure to act impedes members of the House in the performance of their general duties on committee and, in particular, whether it prevents members of this House from performing the specific duty of reviewing the Order in Council appointments of two important transport officials. My arguments that there is *prima facie* case of privilege will be very brief.

A few years ago the House examined the operations of the House with a specific goal of increasing the role of private members. The Special Committee on Reform of the House, chaired by the former member, James McGrath, made several suggestions which were adopted by the House. Among these suggestions was a mechanism to enable House committees to review Order in

Council appointments. This empowerment of House committees provided for an accountability of the executive power to appoint and thus a check on abuse of patronage appointments.

The Standing Orders which govern the procedure are 110 and 111. Briefly, these rules provide that Order in Council appointments shall be tabled in the House within five days of their being gazetted and that they are automatically referred to a standing committee. The committee then has 30 days to make a decision on whether or not to summon the appointee and, if it decides to do so, a further 10 days to hold a hearing.

I do not think I can understate how important this right of review is to the proper functioning of Parliament. It is the only mechanism available to Canadians, as Standing Order 111(2) states, to "examine the qualifications and competence of the appointee or nominee to perform the duties of the post to which he or she has been appointed or nominated".

Yesterday, the government tabled two Order in Council appointments and referred them both to the Standing Committee on Transport. One is the appointment of the Deputy Minister of Transport, the other is the appointment of the Associate Deputy Minister of Transport. These are extremely important appointments. These two individuals will be charged with the day-to-day operations of one of our largest government departments. Yet, as things currently stand, I will be unable to ask the transport committee to summon these two important individuals. The committee will not be able to make a decision to summon them or not. The House of Commons will not be able to ask them to demonstrate their ability to meet the requirements of this public office.

It may be submitted that the government has another 28 days to call a meeting of the transport committee in order to enable it to review these appointments. I think there is evidence that they do not wish to call such a meeting.

Yesterday, the government introduced a motion to refer an important transport matter, the issue of open skies, to a special committee of the House. I was party to