

remarks when he tabled the documents, the minister said that these studies were available upon request from the Department of Regional Economic Expansion. The reference to the tabling of these documents appears on page 8411 of *Hansard* of March 19, 1981.

I have attempted to take the minister's advice since that date and procure these documents from the Department of Regional Economic Expansion. I have met with nothing but stalling and frustration.

Now I have finally been told that the only way I can procure any or all of these documents, the titles of which were tabled in the House on March 19, would be at my own cost which was estimated at \$8,000. I will be very brief, but it is important—

Madam Speaker: Order, please. The substance of this question of privilege is to obtain certain documents which the hon. member feels are indispensable to the carrying out of his duties. He indicated that he has not been able to obtain those documents. He has a recourse. He can put a motion on the order paper for the production of documents. That is the recourse of the hon. member, and I invite him to do so.

MR. DOMM—WEIGHTS AND MEASURES ACT—NON-OBSERVANCE BY GOVERNMENT WITH PROVISIONS OF THE ACT

Mr. Bill Domm (Peterborough): Madam Speaker, my question of privilege, of which I served notice today, stems from the fact that an act of the House is not being fully observed by those charged with carrying out its provisions, and that the duty and privileges of individual members of Parliament to inform citizens of their rights with respect to an act of Parliament and proposed amendments to it are being nullified in the eyes of the country. Members have informed citizens in good faith of certain rights to representation they enjoyed under the act, when in fact these rights were not and are not now being observed.

My question of privilege refers not only to the circumvention of my privilege as a member, but also to the privilege enjoyed and expected by the House of Commons. Erskine May indicated at page 67 of the nineteenth edition:

The distinctive mark of a privilege is its ancillary character.

Madam Speaker: Order, please. I know Erskine May by heart. Please tell me what is the question of privilege.

Mr. Domm: This House was pleased to pass an act in 1971 entitled: the "Weights and Measures Act". Chapter 36, subsection 10.1. Paragraph (1) of the act indicates:

Subject to subsection (2), the Minister shall publish in *The Canada Gazette* a copy of each regulation that the governor in council proposes to make under paragraphs 10(A.1), (H.1), (K.1) and (K.2) and a reasonable opportunity shall be afforded to interested persons to make representations with respect thereto.

Chapter 2, paragraph (G) of the same act indicates:

"Minister" means the Minister of Consumer and Corporate Affairs.

On February 28, 1981, the minister was obliged to fulfil Chapter 36, subsection 10.1 of the act and had published in

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part II of *The Canada Gazette* at page 1289 the following order:

Public notice is hereby given, pursuant to subsection 10.1(1) of the Weights and Measures Act, that the governor in council proposes to make the following regulations under paragraphs 10(H.1), (K.1) and (K.2) of the weights and measures regulations. Any interested person who wishes to make representations with respect to this proposed regulation may forward such representations to the Assistant Deputy Minister (Consumer Affairs) . . . Ottawa, within 60 days of the date of the publication.

This is from what my question of privilege stems. It was signed by Henri Chassé, Assistant Clerk of Privy Council.

All members of the House of Commons well know what Wiktor and Tanguay state at page E-47, Volume 2, of their Constitution Act of Canada. It reads:

● (1510)

(The Prime Minister and, at various times, parts or the whole of cabinet) form the essential component of the Queen's Privy Council mentioned in Section II of the BNA Act . . . members of the cabinet—

Madam Speaker: Order, please. Is the hon. member's question of privilege that the dispositions of the act have not been followed? At this point it is not necessary for me to know what happened or what the documents are that the hon. member would like to invoke in argument. We have not come to the point at which we are discussing the question of privilege; we only want to know whether there is a *prima facie* case of privilege. I would appreciate it if the hon. member would limit himself to telling me of any other point of privilege he has to raise. I understand that the hon. member is complaining that the disposition of an act has not been followed.

Mr. Domm: During the course of the 60 days following publication of the proposed order in council, which I have just cited and which was extended to interested parties who wished to make representations with respect to it, I and several other members of the House urged the citizens of Canada, both directly and indirectly and in good faith, to fulfil their democratic right to make representations with respect to this order in council. In this I believe I was fulfilling the prerogative of Parliament and furthering the wishes of Parliament as is set out in section 10.1.

Furthermore, on noting the preamble to the proposed order as published in the *Gazette*, where 60 days were allowed for representations, I believed that the Minister of Consumer and Corporate Affairs (Mr. Ouellet) was fulfilling his responsibility to Parliament according to his constitutional duty as set out in Wiktor and Tanguay, and to the country, as set out in the act. However, it came to my attention recently that these representations, which were made during the allowable 60-day period by concerned and interested citizens of this country—as was their right—were not being received by the minister. Rather, the assistant deputy minister charged with receiving the representations of interested persons chose to forward such correspondence as she received to the chairman of the Metric Commission, who has no direct constitutional, statutory or legislative responsibility to Parliament whatsoever and who is in no way involved in repealing, amending or carrying through