

Privilege—Mr. Reid

Honour mentioned the other day, that is, the Freedman report on railway run-throughs. Members speak to meetings of community groups and public meetings of all kinds, as well as to the press and on radio and television. In doing so, they speak about matters on which this House has taken formal decisions, and no one complains. Why should they be prevented from speaking in the same way if they appear before a committee of another independent, deliberative body—

Some hon. Members: Hear, hear!

Mr. Gray:—and if they appear, as in my case, of their own volition and with the consent of that committee? Mr. Speaker, is the hon. member next going to come in here and say that once a bill is adopted in this House, a member cannot comment upon it to a meeting of a community group, a trade union, a service club or some other meeting?

An hon. Member: He might.

Mr. Gray: Will he next say that we cannot comment on such bills to the press, radio or television, or write letters about them or engage in conversations about them with ordinary citizens? He may say he would never do this and that he does not intend to do it, but what is the true difference between any of these things and going voluntarily as a witness before a Senate committee? In both cases a member of parliament is speaking out about a matter of public concern which may have been the subject of a decision of this House.

Mr. Speaker, Canadians who are members of the Canadian Manufacturers Association, the Canadian Chamber of Commerce and the Canadian Bar Association appear before committees of this House on bills, and they often go on to appear before committees of the Senate on the same matter. Is the hon. member arguing that Canadians who are members of parliament have fewer rights to speak than members of private interest groups who are simply private citizens?

Some hon. Members: Hear, hear!

Some hon. Members: Shame!

Mr. Gray: Mr. Speaker, if members of parliament cannot go before Senate committees without formal leave of this House, members who are ministers should not be able to do so either.

Some hon. Members: Hear, hear!

Mr. Gray: But they do, Mr. Speaker, and the other place does not first send a message to the House in every case requiring the minister's attendance, and the minister in every case does not first ask and get leave from the House to attend before a Senate committee. The hon. member's citation of the Senate rules is irrelevant. How can a rule of the Senate be imported as a precedent of this hon. chamber?

Some hon. Members: Hear, hear!

Mr. Gray: Mr. Speaker, we are talking about the rights and privileges of members of parliament. In this connection I submit the House makes no distinction between

[Mr. Gray.]

members who are not ministers and those who are, and therefore if it is wrong for members like myself to go to the Senate, without leave, to speak about a bill voted on by this House, it is also wrong for ministers to do so.

Some hon. Members: Hear, hear!

Mr. Gray: If I am not mistaken—and if I am, I will withdraw the point—on one occasion in the previous parliament a minister of the Crown went to a Senate committee and actually urged that committee to strike out a clause the House had voted to put in a bill.

An hon. Member: That was "crazy Otto".

Mr. Gray: The hon. member did not raise that as a question of privilege.

Some hon. Members: Hear, hear!

Mr. Gray: If the attendance of ministers at Senate committees is a precedent for anything, it is a precedent in favour of any member attending before such a committee if they wish to do so and the committee agrees to hear them. Mr. Speaker, last Thursday you ruled that parliamentary privilege deals primarily with the member's right of free speech within this chamber. Last Thursday, February 20, dealing with a question of privilege raised by the hon. member for Laprairie (Mr. Watson) and a question of privilege raised by the hon. member for Montreal-Bourassa (Mr. Trudel) you quoted the words of Mr. Speaker Lamoureux on this issue on April 29, 1971, when he said:

In my view, parliamentary privilege does not go much beyond the right of free speech in the House of Commons and the right of a member to discharge his duties in the House as a member of the House of Commons.

Then you went on to say:

Bearing in mind that very concise reasoning, it seems to me that improvement upon it is impossible and, furthermore, unnecessary.

If parliamentary privilege is limited to free speech within this chamber, then how could a member speaking anywhere outside this chamber harm or infringe on this privilege? Let us remember that there are already many informal ways in which the right to speak of members is limited now in this chamber, and particularly of government members; and the possibility that that right might be further abridged under the guise of parliamentary reform is one that we should all be cognizant of.

● (1430)

Therefore, I submit that if there can be any governing principle of interpretation to apply to the question of members' privileges involving their right to speak, that principle should be that these privileges should be construed in a way that encourages and protects the MP's right, rather than limits it. The presumption should be against limitation. Mr. Speaker, I say this especially because of your ruling of last Thursday, as recorded on page 3386 of *Hansard*, where you are reported as having said:

—all of us must recognize that the role of a member of parliament extends far beyond his work in this chamber, that more and more each day in modern times a member is not only invited, but in fact compelled, to become involved in many activities outside the House.