

**Hon. Herb Gray (Windsor West):** Mr. Speaker, while the hon. member for Kenora-Rainy River (Mr. Reid) in raising his question of privilege has not mentioned my name, there is no question that he raised this matter initially last Wednesday because that morning I attended the meeting of a committee of the Senate to present a statement of my views on certain aspects of Bill C-29, the Canada Business Corporations Act. The hon. member is extremely capable and hard working, but I think there are better ways for him to use his energy and talents than to attempt to limit the right of action of members of parliament, on behalf of the public, under the guise of protecting those rights.

**Some hon. Members:** Hear, hear!

**Mr. Gray:** I want to begin by submitting that in any event his motion may well be defective on procedural grounds. Standing Order 17 reads:

17 (1) Whenever any matter of privilege arises, it shall be taken into consideration immediately.

But subsection (2) goes on to say:

(2) Unless notice of motion has been given under Standing Order 42, any member proposing to raise a question of privilege other than one arising out of proceedings in the chamber during a course of the sitting shall give to the Speaker a written statement of the question at least one hour prior to raising the question in the House.

● (1420)

Mr. Speaker, unless I am mistaken—and if I am, I withdraw this point—the hon. member did not give notice under Standing Order 42, which requires 48 hours notice; and he did not, according to what he told me earlier today, give the Chair a written statement of the question he raised at least one hour prior to raising it in the House last Wednesday. I submit that either step is necessary because the matter he complains of did not arise out of proceedings in this chamber during the course of a sitting.

I want to say that I think in spite of this defect, the matter is such that I must say something about it on its merits. The hon. member has referred to some United Kingdom usages and rules, and there is something in our Standing Orders indicating that in cases not provided for in our rules we should have regard to the usages followed in the United Kingdom. Our Standing Order one does not speak of Standing Orders in the U.K., and the hon. member cited a Standing Order of the Senate which, if I am not mistaken, restates a standing order of the House of Lords.

To import the United Kingdom's Standing Orders into our proceedings by rulings of Mr. Speaker would be to do something which we do not ask our own Speaker to do. We insist on adopting Standing Orders by vote of this House. Our Standing Order says the usages of the United Kingdom shall be followed only in so far as they may be applicable in each case. No case has been made by the hon. member upon whom the burden of proof lies in this instance. I submit they are not applicable. Beauchesne's Fourth Edition, page 110, paragraph 119, reads as follows:

Although we may take a leaf out of its book, we have developed a parliamentary practice of our own based on British principles and yet clearly Canadian. While we appreciate the long experience of the United Kingdom House and seek to profit therefrom, we are the

*Privilege—Mr. Reid*

absolute and independent masters of our own procedure in accordance with our circumstances and needs.

I say that these usages are not appropriate for Canada, a country with our diversity and variety, requiring wide discussion of issues, particularly if the discussion is intended to be constructive and positive. In any event, I submit the U.K. precedents are not relevant. They apply only where the United Kingdom upper House wishes to formally summon, that is to say, compel attendance of a member of the British House of Commons. This is clear from reading Erskine May's eighteenth edition at the page the hon. member cited but, more important, if one looks at the opening paragraph of chapter 25 of Erskine May where these pages are found, there are the following words under the heading "Witnesses and Parliament":

This chapter is mainly devoted to a description of the practice relating to the summoning of witnesses before either House or a committee of the whole House, and select committees of either House.

This is not relevant here because in my case I sought to testify before the Senate committee of my own volition; I was not summoned to attend. The initiative was mine. The Senate committee accepted my request and agreed to hear me.

The hon. member suggests that there is something wrong with going and testifying in the Senate because it may reflect on votes of this House, but hon. members comment in this chamber in many ways on bills after they have been voted on, without complaint from anyone. In every debate on economic questions, the government's previous budget policy is commented on, often adversely, even though the House as a whole has adopted it.

As I have said in this House, hon. members have called for reduction or elimination of taxes approved by the House. They call for the amendment or replacement of bills on other matters approved by the House. For example, hon. members call for the restoration of the death penalty even though the House voted to abolish it except in limited cases. No one complains that they raise it. Another important example is that the Minister of Transport (Mr. Marchand) has said on several occasions that transportation policy in Canada is a mess.

**Some hon. Members:** Hear, hear!

**Mr. Gray:** Mr. Speaker, I do not necessarily accept this premise, but I want to say that in making that statement the minister thereby reflects on a decision of this House in passing the National Transportation Act, and no one, least of all the hon. member for Kenora-Rainy River, has ever complained that he said this.

What we are talking about here is not the comment by a member of parliament in this House on a bill it has voted on. What we are talking about is comment made outside this House, in fact before a committee of another deliberative body independent of this House.

Members appear and speak before city councils; they appear and speak before meetings of mayors, as did the hon. member for Northumberland-Durham (Mr. Lawrence) recently. If one had time to check, one would probably find that members have appeared before committees of provincial legislatures and federal-provincial royal commissions. There is one instance of this that Your