

Cultural Property

Mr. Stanfield: Mr. Speaker, I point out that the hon. member's point is not a valid question of privilege. If he wants to get in his two cents' worth, all right. But he is really abusing the rules of the House.

Mr. Deputy Speaker: Order, please. Of course, any member who wishes to raise a question of privilege may do so, but he should do it within the rules which apply in this House. Of course, the hon. member for Vaudreuil (Mr. Herbert) has given the Chair notice of his intention, as required by Standing Order 17(1), to raise a question of privilege.

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, should that not be Standing Order 17(2)?

Mr. Deputy Speaker: The hon. member has a grievance or a complaint which he wishes to bring to the attention of the House. This having been said, let me take this opportunity to bring to the attention of the hon. member for Vaudreuil and other hon. members the fact, confirmed by the hon. member's concluding remarks, that this is not a valid question of privilege. This question has already been raised three times by the hon. member for Vancouver South, first as a question in the House, as recorded on page 2618 of *Hansard* for January 27; again, as recorded on page 2722, on January 29; and later again, last night, when the hon. member for Vancouver South participated in the adjournment debate and dealt with the same question.

I think hon. members are aware of the provisions of the Standing Order which requires advance notice of a question of privilege to be given to the Chair, and of the provisions of Standing Order 17(1) which obliges hon. members to bring forward such matters at the first opportunity. This the hon. member for Vaudreuil did not do. Of course, he may not have been in the House when this question was raised on two occasions in the past, and evidently he did not attend the House for the adjournment debate last night, but he had the opportunity, immediately after prayers today, to raise this question. Finally, to return to my first point, I suggest that the hon. member's question really is more a dispute of fact or a grievance. Let me refer to citation 113, page 102, of *Beauchesne's Fourth Edition*, which reads in part:

Members of ten raise so-called "questions of privilege" on matters which should be dealt with as personal explanations or corrections, either in the debates or the proceedings of the House.

Further down the page the same citation reads:

—a dispute arising between two members, as to allegations of fact, does not fulfil the conditions of parliamentary privilege.

I think hon. members should follow the advice of the Chair and examine attentively any alleged question of privilege before it is brought before the House and uses up the important time of the House which should be available for the deliberation of legislation. I therefore cannot accept at this time the hon. member's question of privilege.

● (1410)

Mr. R. Gordon L. Fairweather (Fundy-Royal): Mr. Speaker, the Cultural Property Export and Import Act is something that a Progressive Conservative would be very comfortable with for ideological reasons if not for any

[Mr. Herbert.]

other reason. It is profoundly conservative concept in the traditional use of that term. Therefore, the minister is in for a pleasant afternoon. The wish to preserve and keep for Canada our treasures is an objective I am sure all of us share. I hope that members who follow me will join in my expression of congratulation for this measure.

The whole tenor of the minister's speech was trying to fill a very important gap in the whole area of Canadian nationalism, the Canadian ethic and our cultural heritage. To some these are nebulous terms while others can rouse themselves to great passion about them. However, this bill and what it purports to do will be important for us. The minister listed many of the artifacts that have been lost to Canada because we have not had this type of legislation. I share the minister's view that we will have to work very closely with the provinces because of the property, civil rights and cultural aspects of the bill.

Heritage is something like citizenship. It is something we all share; however, many have a hard time articulating it. We can find it in a painting, an object of archaeological importance, an antique piece of furniture, and so on. Heritage is the sum of many things. This bill gives us a chance to consider our heritage and what to do about it. However, as I have said, the bill is part of something much larger. The minister mentioned the British experience. I say with the utmost good will, and with no presumption on my part, that the British could very well have a Waverley commission after 200 or 300 years of imperialism. In other words, now that the objects of art have been claimed from the world, the Waverley report can tell the British government what to do about keeping those artifacts within Britain. This very issue was raised recently with the acquisition by the National Gallery of an important piece of sculpture from Italy. We have to be very careful and sensitive to the wishes of other countries.

When I was considering the bill and what I would say about it, it occurred to me that Canadians really do not know very much about how to give. The minister mentioned some income tax changes. There can, of course, be publicity about one's citizenship when one gives to the government or the Crown. Many foundations in the United States have advisers whose job it is to tell generous people how to give wisely. I suppose all of us who are lawyers have had experience with clients who if they knew about the needs of our galleries, museums and so on, and how they could go about making gifts, would be a little more ready to do so. Therefore, I welcome the income tax changes.

There is also a change in the bill that interests me because it has to do with amending the Copyright Act. In answer to questions of mine and my colleague the hon. member for Hillsborough (Mr. Macquarrie) dealing with an aspect of copyright which could be handled rather quickly in the House, the government took the view that we should deal with the entire Copyright Act. Many of us do not accept this. I am talking about cheap American editions of books by Canadian authors on which no royalties are paid to the authors. This matter could be handled very quickly, I am sure, with a large measure of cross-party support if a simple amendment to the Copyright Act were proposed to parliament.