



Parliamentary Book Shelf

The Power of Parliamentary Houses to Send for Persons, Papers and Records: A Sourcebook on the Law of Precedent of Parliamentary Subpoena Powers for Canadian and other Houses, by Derek Lee LLB., MP, University of Toronto Press, 1999.

Derek Lee's new book, *The Power of Parliamentary Houses to send for Persons, Papers and Records*, is a splendid contribution to the rather sparse set of publications on procedure in Canadian legislatures currently available. His book, though narrow in its scope, touches on a subject of great potential interest to parliamentarians, lobbyists, lawyers and persons called to appear before parliamentary committees.

Mr. Lee starts with an examination of Parliament's role as Grand Inquest of the Nation, a role exported from the United Kingdom to Canada in the *British North America Act of 1867*, although the role was claimed by legislatures in Canada before that date. Mr. Lee then reviews the *lex et consuetudo parliamenti* in relation to privilege and

then proceeds to deal with parliament's power to demand production of documents and records, order the attendance of persons and its ability to enforce its demands. The book outlines in great detail Parliament's virtually unlimited authority in regard to these items, then discusses the role of committees in relation to each item. He notes the lack of power in committees to punish for contempt. That power is reserved to the House of Commons itself.

In a series of chapters, he deals with powers to send for members of the public, civil servants, members of the armed forces, MPs, ministers, and members, officers and prisoners of another house. Finally, he describes Parliament's penal powers to punish for contempt and discusses, somewhat inconclusively in light of a dearth of precedents, the impact of the *Canadian Charter of Rights and Freedoms*.

Precedents are drawn from Canada, the United Kingdom, Australia, New Zealand and Jamaica making the book one that will ap-

peal to members of legislatures throughout the Commonwealth.

The work contains a host of quotations. One might be tempted to say that there are too many quotes and a lack of original writing. On the other hand, the quotations are well organized, well chosen and provide clear statements of the points the author seeks to make. The tone of the work is clear and authoritative. It will be a useful tool for those advising witnesses on their appearance, for members of legislatures raising questions of privilege in the legislature or in committees and for lawyers involved in the legislative process. It is noteworthy that court rules do not apply to parliamentary enquiry. Parliament's powers to ask questions are virtually limitless and represent a bulwark for liberties in a parliamentary democracy.

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