

*Privilege*

that the ad uses a "*participe passé*" namely the word "*adoptés*".

In presenting his case for a breach of privilege, the Leader of the Opposition dealt with a number of serious issues. If I may be permitted to summarize his arguments, he makes two basic claims: first, that the advertisement prejudices the future proceedings of the House and of the finance committee which has undertaken an examination of a technical paper on the subject; and second, that the advertisement is a contempt of Parliament because it leaves readers to infer that the House has no role in the passage of the tax, thus misleading the Canadian public concerning the procedures employed by Parliament in adopting such legislation. To quote from the right hon. member at pages 3809-10 of *Hansard*:

The wording "Please Save This Notice", followed by chapter and verse of the alleged tax changes, constitutes a basis for a question of privilege.

At least this is the argument of the Right Hon. Leader of the Opposition. He continued:

Those words "Please Save This Notice" constitute a contempt of Parliament, constitute an intimidation of Parliament, because the only inference to be drawn from the words "Please Save This Notice" is that it does not matter what members of Parliament do in dealing with these taxes. It does not matter what the committee on finance does with respect these taxes.

He goes on to argue:

These advertisements violate our parliamentary tradition in two more ways. They prejudice the proceedings that are now before the Standing Committee on Finance as well as prejudicing a future proceedings of the House itself.

The hon. member for Oshawa and Leader of the New Democratic Party spoke in support of the claims made by the Leader of the Opposition. In addition, he raised the issue of the propriety of a government using public funds to advertise its position on a debate which has yet to be held in Parliament. On this specific point, I would like to immediately refer to the ruling of Speaker Sauvé on October 17, 1980, at page 3781 of *Hansard* and I quote:

[*Translation*]

"The fact that certain members feel they are disadvantaged by not having the same funds to advertise as does the government, which could possibly be a point of debate, as a matter of impropriety or

under any other heading, does not constitute a prima facie case of privilege—"

I feel, just as Speaker Sauvé concluded, that this is an important issue which merits consideration, but it should not take place under the aegis of privilege.

[*English*]

To continue with the arguments presented to the Chair on the question of privilege, the Minister of Justice rose to make three basic points for rejecting this application as a breach of privilege or contempt of the House. He referred to the fact that the finance committee itself unanimously recommended that if the government were to proceed with the value-added tax it should publicize the details of that tax. He also explained that in the budget which was approved by the House, the government had indicated that the goods and services tax would be implemented on January 1, 1991. Finally, since the committee is presently studying the issue, he suggested that no case can be made for the claim that the committee's work is being impeded.

The Chair has also considered the arguments made by the hon. member for Windsor West, the hon. member for Kamloops and the hon. member for Peace River, and I would like to thank them for their interventions in this serious matter.

[*Translation*]

In the present case, the Chair must address a number of issues. I intend to first deal with the issue of whether or not there has been a breach of privilege insofar as the advertisement prejudices the work of the House or the Committee. I will then deal with the claim that the advertisement is a contempt of Parliament because it infers that the House does not have any role to play in the passage of the tax, and that it misrepresents to the Canadian public the procedures employed by Parliament in adopting legislation.

[*English*]

Before proceeding with the first issue, the Chair feels it might be useful to offer members a short explanation of the difference between what constitutes a contempt of the House and what constitutes a breach of privilege.

The privileges extended to members individually and to the House as a collectivity are finite. They are generally categorized under five headings which are: freedom of speech, freedom from arrest in civil actions, exemptions from jury duty, exemption from attendance