

HOUSE OF COMMONS

Tuesday, December 9, 1986

The House met at 11 a.m.

[English]

PRIVILEGE

Mr. Speaker: I advise Hon. Members that I have several rulings to bring before the House today. The first that I intend to deal with are questions of privilege raised a few days ago by the Hon. Member for Kamloops—Shuswap (Mr. Riis), one on November 6 and the other on November 21.

RELEASE OF INFORMATION BY MINISTER PRIOR TO INTRODUCTION IN HOUSE—RULING BY MR. SPEAKER

Mr. Speaker: Members will recall that following Question Period of November 6, 1986, the Hon. Member for Kamloops—Shuswap (Mr. Riis) rose on a question of privilege regarding remarks made outside the House by the Minister of Consumer and Corporate Affairs (Mr. Andre) in relation to a Bill not yet then introduced. While the Hon. Member for Kamloops—Shuswap had not provided the Chair with the required notice pursuant to Standing Order 20(2), I undertook, nevertheless, to study the matter carefully, review our precedents and return to the House with a ruling.

I have now had an opportunity to review our precedents in such cases and have found no previous Speakers' rulings which would support the case made by the Hon. Member for Kamloops—Shuswap. The role of the Chair when dealing with a matter of privilege or contempt of the House is only to establish that a prima facie case exists. The Hon. Member for Kamloops—Shuswap will know that Beauchesne's Fourth Edition at page 57 states that: "The Speaker's jurisdiction does not extend to words outside the House".

Since no precedents could be found on this point, I referred to the general definition of acts or conduct which consist of breaches of privilege as described at page 143 of Erskine May's 20th Edition:

It would be vain to attempt an enumeration of every act which might be construed into a contempt, the power to punish for contempt being in its nature discretionary.

Certain principles may, however, be collected from the Journals which will serve as general declarations of the law of Parliament. It may be stated generally that any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence.

In light of this reference in May, the Chair is unable to conclude that the conduct of the Hon. Minister of Consumer and Corporate Affairs, as reported by the Hon. Member, has

in any way impeded or obstructed any Members of the House in the discharge of their duty.

Furthermore, the House heard the Hon. Minister's explanation as it is reported at page 1147 of *Hansard* of November 6 as follows:

—that except for members of the Opposition who were briefed this morning, no one else has been given a copy of the Bill and there was no intention that anyone else get a copy.

I must, therefore, rule that, although the Hon. Member for Kamloops—Shuswap may have a complaint or a grievance about statements made outside the House by a Minister of the Crown, a prima facie case of breach of parliamentary privilege has not been established.

ALLEGED PRIOR KNOWLEDGE OF LEGISLATIVE CONTENT—RULING BY MR. SPEAKER

Mr. Speaker: I shall now deal with the matter raised by the Hon. Member for Kamloops—Shuswap (Mr. Riis) on November 21. I would first like to express my appreciation of the great care with which the Hon. Member presented his complaint and the conscientious research which he undertook in the preparation of his case. This was very helpful to the Chair.

I think it would be useful to reiterate the tests which the Chair must apply to a complaint before declaring that a prima facie case of privilege has been established. There are a number of questions which may be applicable depending on the nature of the complaint. Has the freedom of speech of an Hon. Member been menaced or called into question? Has an Hon. Member been obstructed in any way in the fulfilment of his or her parliamentary duty? Has any attempt been made through bribery or other corrupt means to influence an Hon. Member in an improper way? Has an Hon. Member been subjected to harassment, threats, abuse, physical violence or any other form of molestation in relation to his or her parliamentary conduct? Has the House as a whole been brought into disrepute through the action complained of? Finally, what evidence exists which might suggest the possibility of an affirmative answer to any of these questions? Obviously the Chair can only find that a prima facie case has been established if there is evidence to base it on.

● (1110)

The basis of the complaint of the Hon. Member for Kamloops—Shuswap is an allegation that an American citizen, by some means which do not appear to have been established, obtained prior knowledge of the contents of Bill C-22 before its introduction in the House. In the course of his presentation he