

There are numerous controversial issues which are fiercely debated, not only in Parliament but in the columns of the press and in the country as a whole. Metric conversion is one such issue. The Hon. Member for Peterborough is a leading champion of those who oppose metric conversion. He has fought for his position with determination both inside and outside the House. He has every right to do so and to go on doing so. Similarly, we must uphold the right of those who support metric conversion to argue their case with equal force.

Parliamentary privilege is limited in its application. I think all Hon. Members realize this. If Members engage in public debate outside the House, they enjoy no special protection. To invoke privilege, the offence must be attached to a parliamentary proceeding. The Hon. Member referred in his submission to Citation 56(1) of Beauchesne's Fifth Edition which deals with a case involving the Roman Corporation. In this case, a proceeding which took place outside Parliament was deemed by the court to be an extension of a parliamentary proceeding. However, the proceeding concerned, namely a telegram and press release, repeated a ministerial statement which had already been made in the House. One cannot interpret this precedent to mean that public debate on an issue which has occupied the attention of Parliament is, ipso facto, an extension of a parliamentary proceeding.

The Hon. Member for Simcoe North (Mr. Lewis) attempted to draw a parallel between the question of privilege raised by the Hon. Member for Lincoln (Mr. Mackasey), on which I ruled on March 22, 1983, and the present case. I would point out to the House that the basis of the submission of the Hon. Member for Lincoln was entirely different. He had been accused of a dishonourable act directly related to his status as a Member of Parliament. The law specifically prohibits Members of Parliament from engaging in the kind of activity of which the Hon. Member was accused. No such accusation has been made in the present case. I should like to quote a passage from that ruling because I feel it is appropriate in the present context. That ruling reads:

The effect of parliamentary privilege is to place a Member of Parliament above the law in circumstances where it provides his only protection in the fulfilment of his duties as a Member. It is not designed to create a privileged class of citizens as such. The Member enjoys his privileges on behalf of those he represents, not for his personal advantage.

I then went on to read an extract from the report of the British Select Committee on Parliamentary Privilege presented in 1967, which can be referred to in the ruling.

On February 24, 1982, I had occasion to rule on another question of privilege, also raised by the Hon. Member for Peterborough, which is not dissimilar to the one with which we are now dealing. My ruling on that particular issue included the following paragraphs, and I think I can do no better than to repeat them as they apply equally in this case:

Parliamentary privilege is based on the need to protect members from any action tending to obstruct, or intimidate them or impair their effectiveness in the discharge of their duties. It is not designed to protect them from criticism, however strong, even when the language used might be excessive. The Hon. Member himself quoted the words of a British Select Committee report, cited in a ruling of my predecessor on June 23, 1977, which is as follows:

### *Petitions*

—the House should be slow and reluctant to use its penal powers to stifle criticism or even abuse, whether of the machinery of the House, of a Member or of an identifiable group of Members, however strongly the criticism may be expressed and however unjustifiable it may appear.

I would point out that the whole thrust of the report from which the Hon. Member quoted was to discourage the raising of questions of privilege based upon abusive language. It is recommended that where a Member feels he has been libelled or slandered, he should seek his remedy through the courts. I shall quote two of the recommendations of the Select Committee report as follows:

In the future exercise of its penal jurisdiction the House should follow the general rule that it should be exercised (a) in any event as sparingly as possible and (b) only when the House is satisfied that to exercise it is essential in order to provide reasonable protection for the House, its Members or its officers, from such improper obstruction or attempt at or any threat of obstruction as is causing, or is likely to cause, substantial interference with the performance of their respective functions.

I should like to add one more quotation of direct relevance, an extract from a report of the British Select Committee on Parliamentary Privilege presented on June 16, 1964. It reads:

It seems to them particularly important that the law of parliamentary privilege should not, except in the clearest case, be invoked so as to inhibit or discourage the formation and free expression of opinion outside the house by Members equally with other citizens in relation to the conduct of the affairs of the nation.

In conclusion, while I recognize that the Hon. Member sincerely believes that his ability to function effectively has been impaired, I doubt that the circulation of the letter he complains of has prevented him from attending to his duties. He has not been threatened, his movements have not been obstructed and his freedom of speech and action has not been inhibited.

The assertions contained in the offending letter represent the views of a single individual, and the matter should not be over-inflated. As to the propriety of a public servant commenting publicly in such a manner, this is not related to parliamentary privilege. It is for the Government to decide whether this official has exceeded the limits of acceptable conduct and whether some kind of disciplinary action might be warranted. I am, therefore, unable to give this matter precedence as a prima facie question of privilege.

---

## ROUTINE PROCEEDINGS

[English]

### PETITIONS

#### BROADCASTING ACT—AMENDMENT RESPECTING PORNOGRAPHY

**Mr. Lee Clark (Brandon-Souris):** Madam Speaker, I have the honour to present to the House a petition signed by 18 residents of my constituency of Brandon-Souris, a petition which was drafted in support of a Private Member's Bill, an Act to amend the Broadcasting Act, introduced by the Hon. Member for Broadview-Greenwood (Ms. McDonald). Even