

# HOUSE OF COMMONS

Tuesday, October 10, 1989

The House met at 11 a.m.

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*Prayers*

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[*English*]

## PRIVILEGE

### CONTENTS OF NEWSPAPER ADVERTISEMENT—SPEAKER'S RULING

**Mr. Speaker:** I am now ready to rule on the question of privilege which was raised on September 25 by the Right Hon. Leader of the Opposition concerning the government advertisements which appeared in newspapers on August 26 relating to the proposed goods and services tax.

From the very outset, I wish to state emphatically that the Chair has no intention of dealing with the relative merits or limitations of the proposed tax; the Chair has absolutely no role to play in such political matters. The Chair's sole responsibility in this instance is to determine whether the matter raised by the Leader of the Opposition warrants setting aside the regular business of the House.

Citation 84(2) of *Beauchesne's Rules and Forms of the House of Commons*, fifth edition states:

It has often been laid down that the Speaker's function in ruling on a claim of breach of privilege is limited to deciding the formal question, whether the case conforms with the conditions which alone entitle it to take precedence over the notices of motions and Orders of the Day standing on the Order Paper; and does not extend to deciding the question of substance, whether a breach of privilege has in fact been committed—a question which can only be decided by the House itself.

[*Translation*]

I want to again stress that the Speaker does not rule on whether a breach of privilege or a contempt has in fact been committed. The Speaker only determines whether an application based on a claim of contempt or breach of privilege is, on first impression, of sufficient importance

to set aside the regular business of the House and go forward for a decision by the House. That is the narrow point that the Chair must decide.

[*English*]

It might be appropriate to first review some of the facts surrounding the present case. On August 26, 1989, the Department of Finance published in newspapers across the country an advertisement which stated:

On January 1, 1991, Canada's Federal Sales Tax System will change. Please save this notice. It explains the changes and the reasons for them.

I point out that this ad was a full-page ad and the letters were very large indeed.

Let me repeat the wording of the advertisement in French.

*Le 1er janvier 1991, le régime de la taxe fédérale de vente connaîtra des modifications. Veuillez conserver cet avis. Il explique les modifications apportées et les raisons qui y président.*

I should point out that in French, then, the ad went perhaps even farther than what was implied in the English.

The advertisement went on to explain that the goods and services tax "will replace the existing federal sales tax" and it outlined very specific proposed changes. It is true that in the ad some of those changes were set out under the heading "Proposed Changes".

In the interventions on September 25, the Hon. Member for Parkdale—High Park pointed out that these ads also appeared in many ethnocultural newspapers across Canada. At the invitation of the hon. member I examined a number of the newspapers in question, and found that most of these advertisements were published in early September, and that some of them were printed in Italian and Lithuanian.

• (1110)

The Hon. Member for Ottawa—Vanier, in his intervention, laid stress on the fact that, in the French text, the wording of the advertisement suggests that the changes have already been made or adopted in so much