

HOUSE OF COMMONS

Friday, March 2, 1973

The House met at 11 a.m.

PRIVILEGE

MR. COSSITT—WORDS USED BY SPECIAL ASSISTANT TO MINISTER OF TRANSPORT IN REFERRING TO MEMBER—
RULING BY MR. SPEAKER

Mr. Speaker: Yesterday the hon. member for Leeds rose on a question of privilege in reference to a news report published in yesterday's edition of the *Ottawa Journal*. The member said in part:

The headline of the article and the article itself quote the special assistant to the Minister of Transport as referring to me as a "purveyor of hatred." "He is developing a reputation now ... throughout the country as ... the number one purveyor of hatred."

I undertook to look into the matter and give a ruling today. I think it should be mentioned that the words actually used in the report differ materially. The actual words quoted in the newspaper are: "purveyor of hatred against the government." This, to my mind, puts a somewhat different slant on the news story, and of course on the offending statement itself.

Do these words constitute a breach of privilege? I refer hon. members to citation 110 in Beauchesne's Fourth Edition:

But to constitute a breach of privilege a libel upon a member must concern his character or conduct in his capacity as a member and the conduct or language on which the libel is based must be actions performed or words uttered in the actual transaction of the business of the House.

The operative word in this citation is "libel". It is doubtful to me that a court would find the words allegedly used to be defamatory. Perhaps the real question relates to the propriety of a public servant, employed in the special capacity of assisting a minister, making derogatory remarks at a public meeting about a Member of Parliament. However, this being said, I would not think that any useful purpose could be served to assist the hon. member or to correct the situation by sending this matter to the Standing Committee on Privileges and Elections. I would rule, therefore, that the motion cannot be put.

MR. MacINNIS (CAPE BRETON-EAST RICHMOND)—
ALLEGED FAILURE OF CAPE BRETON DEVELOPMENT
CORPORATION TO IMPLEMENT ACT

Mr. Donald MacInnis (Cape Breton-East Richmond): Mr. Speaker, I rise on a question of privilege stemming from an attempt yesterday to find ways and means of acquiring a legal opinion from the government. I failed in that attempt, but I notice in yesterday's *Hansard* that the answer may have been provided for me by the Minister of National Revenue (Mr. Stanbury) who stated, as reported

on page 1791, in answer to a question on why certain procedures were followed:

—because it is provided for in the act which the House passed not too long ago.

He also stated:

The Department of National Revenue is obliged to apply the law as parliament passes it, not as we would like it to be.

I feel that this answers the longstanding question about the legality of the performance of the Cape Breton Development Corporation with respect to an act of parliament, and in particular sections 18(a)(i) and (a)(ii) of that act which require Devco to set up pension arrangements for miners and their dependents, and for former miners and their dependents, and also section 28(e) of the same act which provides for pension arrangements for those not covered under sections 18(a)(i) and (ii), such as the president of Devco and others. Section 28(e) of the act covering the president and officers of Devco has been in effect for a number of years now while the requirements under 18(a)(i) and 18(a)(ii) have not been made available to the miners, former miners and their dependents. I should also like to point out that persons covered by section 28(e) can contribute to a retirement plan in a five-year period more than those who come under clauses 18(a)(i) and 18(a)(ii) can in 40 or 45 years.

• (1110)

The minister made a statement and I do not take exception to it but since it applies to the Department of National Revenue I take it that it also applies to other departments of government. The law is not being upheld. Officers and high salaried people in Devco can contribute as much in five years as a miner can in 40 or 45 years, but the pension arrangements made available to miners under sections 18(a)(i) and 18(a)(ii) have not been implemented despite the fact that the former minister indicated that they should be made available to them.

Some hon. Members: Order!

Mr. Speaker: Order, please. The hon. member should indicate what the question of privilege is and in what way his parliamentary privilege has been breached. He has the floor on this basis and it seems to me that he is now making a statement in relation to the reply given by the minister yesterday. I would hope that the hon. member would indicate as quickly as possible what the question of privilege is so that the Chair can make a ruling.

Mr. MacInnis (Cape Breton-East Richmond): Mr. Speaker, my question of privilege puts into question whether the statement made by the Minister of National Revenue yesterday and which appears at page 1791 of *Hansard* is accurate and whether it applies equally to the miners of Cape Breton and to those people whom I represent as it does to anyone else. The evidence I have placed before the