

*Privilege—Mr. Beatty*

tremendous consequences for parliamentary democracy down the road. It is almost Orwellian in its consequences. It is in that sense that my colleagues and I would like Your Honour to look at the question of privilege raised by my colleague, because we believe it to be a serious and substantive matter.

If the Chair, in its wisdom, with the learned advisers which Madam Speaker has at her disposal, is to examine this question of privilege in the narrow and ancient confines of the interpretation of privilege, as laid down by Beauchesne, May and our own procedures, then, of course, you will rule that there is no prima facie case of privilege. But if Your Honour will examine the question of privilege in light of present day reality and the propensity of this government, by its own admission, to use public funds to manipulate and control public opinion and, indeed, to go even one step further, by designating in a memo of a senior official of the government, the official opposition as one of the target groups of such a manipulative advertising campaign, then Madam Speaker will readily see why we want to press this matter, why we feel it is a matter of considerable concern, and why we graciously submit to Your Honour that you take it under advisement and that you view it in that context. Failure to do so, Madam Speaker, in my humble submission, will only bring on further questions of privilege because the government has already indicated its intention to persist in what I consider to be gross misuse of public funds.

*[Translation]*

**Hon. Yvon Pinard (President of the Privy Council):** Madam Speaker, I can note very briefly that I know that the Minister of Energy, Mines and Resources (Mr. Lalonde) has given his point of view and explained the facts. He has said very clearly that he has denied the facts on which members opposite have based their question of privilege. They have alleged the existence of a memorandum from an official to justify their argument, and for his part, the minister has clearly said that this memorandum has been rejected and that it is not being used or followed. Moreover, according to the minister, the official involved has admitted publicly that what he had recommended had not been followed but, rather, rejected by the minister.

Having said this, Madam Speaker, you are faced with members who maintain the opposite. You are also faced with a minister whose word must be believed and who has stated to the members who raised this question of privilege that they have no reason to feel concerned because the memorandum in question and the recommendations made by the official have been rejected, as the official himself has confirmed.

That being so, Madam Speaker, I would like to limit my comments to a procedural matter since the facts have been clearly pointed out by the Minister of Energy, Mines and Resources.

I would like to refer to citation 16 on page 11 of the fifth edition of Beauchesne's Parliamentary Rules and Forms:

The privileges of Parliament are rights which are "absolutely necessary for the due execution of its powers". They are enjoyed by individual members, because the House cannot perform its functions without unimpeded use of the services of its members—

The quotation used by Beauchesne was made by Sir Erskine May in his "Treatise on the Law, Privileges, Proceedings and Usage of Parliament," nineteenth edition, London, 1976, page 67. This is the definition of our privileges. In paragraph 17 which follows, in light of this very restricted definition of our privileges, Beauchesne states, still on page 11:

A question of privilege ought rarely to come up in Parliament.

This is easy to understand, Madam Speaker. On page 12, of Beauchesne's fifth edition, citation 19(1) states, and I quote:

A dispute—

and here it is even more relevant:

A dispute arising between two members, as to allegations of facts, does not fulfil the conditions of parliamentary privilege.

Now, that is exactly the case before us. Since it is fundamentally a difference of opinion about facts, it cannot be a breach of privilege affecting hon. members. It is a matter of debate and, at any rate, it is certainly a breach of privilege even if the facts were admittedly as defined in citation 16 I quoted earlier.

So the present situation is quite familiar to you, Madam Speaker, namely that, of course, it is up to the House to decide if there is a breach of privilege. Your role, as indicated in Beauchesne's citation 84, on page 27, is to rule whether a prima facie case can be established. The current parliamentary practice offers numerous precedents, and one only has to refer to the proceedings of the last couple of weeks to the effect that divergent opinions on facts are matters for debate rather than questions of privileges. That is why, in this case, I respectfully submit that this is a matter for debate and that there is absolutely no basis for the question of privilege.

*[English]*

**Madam Speaker:** If there are no further interventions I will reserve judgment on this particular question of privilege. I thank the hon. member for the arguments he has put forward. He has made a serious effort to relate the question of privilege to the matter of parliamentary privilege and I thank him for that because that is, of course, most helpful to the Chair.

In the circumstances I will also reserve my ruling on the question of privilege which has been raised by the Right Hon. Leader of the Opposition (Mr. Clark), which is not similar but very close. I have notice of other questions of privilege by other hon. members.

● (1220)

## MR. THACKER—IMPOSITION OF CLOSURE

**Mr. Blaine A. Thacker (Lethbridge-Foothills):** Madam Speaker, I rise on a question of privilege which I would like you to consider, and it arises out of the events of yesterday and shortly before yesterday. I claim that the imposition of the