

Privilege—Mr. Crosbie

● (1540)

[English]

Hon. Herb Gray (Windsor West): Mr. Speaker, it would be tempting to continue to listen to Conservative and NDP Members fight it out for third place, but I think we are dealing with something of importance to the proceedings of the House of Commons and that is whether or not we do have here a genuine question of privilege. As I understand it, Citation 84 on page 25 of Beauchesne's refers to the role of the Speaker in these matters. The citation reads:

Once the claim of a breach of privilege has been made, it is the duty of the Speaker to decide if a prima facie case can be established. The Speaker requires to be satisfied, both that privilege appears to be sufficiently involved to justify him in giving such precedence (or as it is sometimes put, that there is a prima facie case that a breach of privilege has been committed); and also that the matter is being raised at the earliest opportunity.

What are we talking about when we deal with a matter of parliamentary privilege? In this connection, I would respectfully refer you, Mr. Speaker, to Citation 16 on page 11 of Beauchesne's. In both cases, I have been referring to Beauchesne's Fifth Edition. Citation 16 appears to be a quotation from Erskine May, *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 19th Edition. I respectfully draw to your attention some of the words of this Citation which read as follows:

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by Members of each House individually, without which they could not discharge their functions and which exceed those possessed by other bodies or individuals. Thus, privilege, though part of the law of the land, is to a certain extent an exemption from the ordinary law.

The distinctive mark of a privilege is its ancillary character. 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; and by each House for the protection of its members and the vindication of its own authority and dignity.

You must decide, therefore, Mr. Speaker, whether the matter raised by the Minister of Transport (Mr. Crosbie), or for that matter the question raised by the Leader of the New Democratic Party (Mr. Broadbent), falls within the rather restrictive definition of privilege set down in the authorities I have cited and if in those circumstances you are in a position to rule that there has been a prima facie breach of privilege as so defined.

It may be that what has been complained of by the Minister of Transport is something to be looked at in another forum or by others outside this Chamber. I will not attempt to deal with that at this time. However, the question is whether or not we are talking about a matter of privilege within the definition set down by the authorities in question.

As I have said with respect to the matters before us and as I think a member on the government side indicated by saying we are dealing with what he called rather ingeniously a consolidated question of privilege, you have a rather narrow and specific task to perform. With respect to the point raised by the Leader of the New Democratic Party, I suppose it could

be argued that at some point it will be a matter of parliamentary debate on the proper expenditure of public funds by the Government when it comes to various mailings and films in the Province of Newfoundland.

I know you have invited us to make some comments on the procedural aspect of this, Mr. Speaker. While my doing so may detract from the other aspects of the discussion at this time, and while, as I have said, it would be tempting to allow members of the Conservative and New Democratic Parties to continue their ongoing fight for third place, I thought I would rise at this time to draw to the attention of the House considerations at which we must look when any of us raise a question of privilege, and to call upon you, Sir, to see if there has been a prima facie breach of such a question.

Mr. Les Benjamin (Regina West): Mr. Speaker, thank you for allowing me to participate in this important discussion. I think you, Sir, will have to rule on this sleazy operation of the Hon. Member for St. John's West (Mr. Crosbie). I would like to remind my hon. friend that, as my Leader said—and I know my hon. friend will accept him at his word—we paid for the printing and the postage, and that is not the case with the postage on the stuff he sent out which was paid for not by a political Party but by a Department of the Government.

I would like to point out to you, Mr. Speaker, and to my hon. friend from St. John's West, that I have here an epistle sent out under the frank of John Thomson, MP, Calgary South, advertising the Stampede Barbecue at Spruce Meadows. Thank goodness it got sent to an NDP MLA in Regina. That is how I got it.

I have another letter, Mr. Speaker, that begins with: "Dear Fellow Conservative". The envelope reads J.B. M.P., Regina East. I hope the Hon. Member for St. John's West is paying attention to this. The letter is addressed to Mrs. Pat King and reads: "Dear Fellow Conservative". I must say that this is the last thing Mrs. Pat King would ever be. In any case, the letter reads as follows:

Accompanying this letter is a request addressed to you by Bill Wheatley, President of the Regina East Progressive Conservative Association, to formally join the Association.

The Regina East Constituency is one of the fifty federal ridings singled out by the new leader of the NDP for an intensive effort on its part to elect an NDP Member of Parliament.

By the way, we happened to do that. The letter goes on:

In order to respond to this challenge, it is important for our party to maintain a strong grass-roots organization.

The letter was sent out under the frank of James Balfour.

Mr. Crosbie: They are not even Members any longer.

Mr. Benjamin: Oh, yes, but why, all of a sudden, is my hon. friend exercised about the matter when his Party has been the worst offender in the misuse of taxpayers' funds by Members of Parliament in the whole history of this Parliament and of every Parliament going back to 1867?