

*Privilege—Mr. W. Baker*

However, these arguments and allegations seem to be laid to rest by the intervention of the hon. member for Oshawa (Mr. Broadbent). We know exactly how the New Democratic Party was able to use certain arguments and data in order to prepare that document. So I think that part of the argument can be laid to rest.

Then the hon. member for Nepean-Carleton invoked the precedent of December 10, 1979. That situation was described at length, but I must say it is not too comparable. At any rate, the hon. member used that statement of the Speaker, which was not a formal ruling. I must remind the hon. member that it was not a formal ruling because the Speaker did not want to make a formal ruling on that question. I think the reasons for that will become obvious at the end of my own intervention.

With respect to that precedent of December 10, 1979, it was alleged at that time that public funds had been improperly allocated to support the work of the task force composed entirely of members of one party in the House. That is exactly the situation to which the hon. member was referring. As I said, my predecessor did not make a formal ruling on that question but commented on the situation. I think that has to be very clear because that comment has been submitted to me in several questions of privilege which have been raised.

I have said repeatedly that I have studied the comments but that I would not be brought to make judgments on the propriety or impropriety of certain matters.

I want to remind the House of the concept of parliamentary privilege. It seems to me that it is important for me to tell the House again exactly what privilege is. I will quote to hon. members now two eminent authors, Abraham and Hawtrey, who say:

A privilege in the legal sense of the term is an exemption from some duty, burden, attendance or liability to which others are subject. In parliamentary language, however, the term is also applied to the powers other than legislative possessed by either or both Houses and to the exclusive right of the Commons to grant supplies and to originate measures of taxation.

The privileges which attach to Members of Parliament individually are freedom of speech, freedom from arrest, and exemption from serving on juries, attending as witnesses or serving as sheriffs.

The authors go on to list a number of powers other than legislative, which I will not enumerate, but I think it is my duty at this point to put again before the House the concept of a question of privilege and the basis on which I am called upon to judge a question of privilege.

I think for a member to argue successfully that he has a *prima facie* case of privilege, he would be bound to relate his argument very specifically to the concept of privilege which I have just cited. That is an important requirement of a question of privilege.

Therefore, if I may summarize, part of the argument of the hon. member for Nepean-Carleton was based not on a formal ruling of my predecessor but on a commentary he made. I suppose the hon. member would want me to say that this particular action was improper or, even worse, to guess that it was improper, but I do not feel that he has brought before me

sufficient arguments to bring me to conclude that these things were improper.

At any rate, I repeat that the Chair will not become a censor, that the Chair will not pass judgment on the propriety or impropriety of certain actions of governments.

I have another notice of a question of privilege—

**Mr. Beatty:** Madam Speaker, I rise on the same question of privilege.

**Madam Speaker:** It is decided. The hon. member for Wellington-Dufferin-Simcoe (Mr. Beatty) cannot intervene on the same question of privilege; I have ruled on it.

**Mr. Clark:** Madam Speaker, I rise on a point of order. Unless I misheard you, my very clear recollection is that you said, prior to your ruling, that you would hear the hon. member for Wellington-Dufferin-Simcoe.

**Madam Speaker:** No. I am sorry. I have to correct the Right Hon. Leader of the Opposition. It is true that the hon. member was rising, but I said "later". I did not say I would hear him on this question of privilege. As a matter of fact, I did not know why he was rising. I know now. I know now he was rising on the same question of privilege. I cannot guess when somebody is rising. I suppose hon. members did expect me to rule on this question of privilege, because I said before lunch that when the first intervener does not convince me that there is a question of privilege, I am not inclined to listen to a second speaker. However, the matter is closed.

● (1450)

**Mr. Baker (Nepean-Carleton):** Madam Speaker, just for the record, I think if you researched the blues you would see that I did in fact indicate, during the course of my argument—

**Some hon. Members:** Order.

**Mr. Baker (Nepean-Carleton):**—that the hon. member for Wellington-Dufferin-Simcoe would be speaking.

**Madam Speaker:** Order, please. Perhaps the hon. member did say that other hon. members wanted to speak, but I have to remind the hon. gentleman—and he knows that—that the number of speakers whom I hear on a question of privilege is left to my discretion. Despite the fact that many people might have announced they wanted to speak, it is still left to my discretion to determine that I will hear no other speaker, and that is what I have determined on this question of privilege.

MR. BROADBENT—RIGHTS OF MEMBERS OF PARLIAMENT

**Mr. Edward Broadbent (Oshawa):** Madam Speaker, I rise on a question of privilege which arises directly out of the one which you have just heard from the Conservative House leader and the kind of nonsense, as I regard it, that we have gone through for the past three days. I want to address the serious question of privilege that is connected with the dignity of the institution of Parliament—