

*Government Orders*

[Translation]

As members are aware, *Erskine May's 21st Edition*, at page 69, defines privilege 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.

Nevertheless, not every matter which is seemingly offensive to the House may fall within the strict definition of privilege. As May continues:

When any of these rights and immunities is disregarded or attacked, the offense is called a breach of privilege and is punishable under the law of Parliament. Each House also claims the right to punish as contempts actions which, while not breaches of any specific privilege, obstruct or impede it in the performance of its functions, or are offences against its authority or dignity, such as disobedience to its legitimate commands or libels upon itself, its members or its officers.

[English]

Most relevant to our current situation, May further points out on page 121 of the 21st edition that:

Indignities offered to the House by words spoken or writings published reflecting on its character or proceedings have been constantly punished by both the Lords and the Commons upon the principle that such acts tend to obstruct the Houses in the performance of their functions by diminishing the respect due to them.

Reflections upon members, the particular individuals not being named or otherwise indicated, are equivalent to reflections on the House.

My role is to determine therefore whether or not at first glance the circumstances of the question of privilege before me fit the criteria as described by Erskine May. The question is: Has the use and publication of the photograph of the hon. member for Saint John constituted a contempt of the House?

• (1515)

The hon. Minister of Health has explained to the House and to the hon. member for Saint John how this incident arose. She has also apologized on more than one occasion, as have others involved in the production of the report.

Based on my research and my understanding of the citations found in Erskine May I cannot conclude the member, although perhaps embarrassed by this event, has been impeded in performing her duties as a member of the House of Commons.

In the absence of malicious intent or any other obvious motive it is difficult to find that a contempt of the House has occurred.

Members of Parliament are public figures and frequently appear in the media. Those who interact with government and with Parliament must remember the use of a member's photograph in a situation totally unrelated to his or her parlia-

mentary duties may well lead to unforeseen difficulties and could cause considerable embarrassment.

In this case I can only go so far as to remind everyone that the House of Commons and its members must be treated with respect and dignity first by its membership and also by all intervening parties. I hope all members appreciate the seriousness and potential dangers of a repetition of a situation such as this.

**GOVERNMENT ORDERS**

[English]

**FIREARMS ACT**

The House resumed consideration of the motion that Bill C-68, an act respecting firearms and other weapons, be read the third time and passed; and of the amendment.

**Hon. Ron Irwin (Minister of Indian Affairs and Northern Development, Lib.):** Mr. Speaker, I am pleased to have this opportunity to offer my support for this vital piece of legislation currently before the House of Commons.

I am particularly honoured to offer my congratulations to the House on its passage of the non-derogation clause as requested by numerous presentations to the justice committee.

Unfortunately I am faced with the irony of the Reform Party which in its presentation in debate and through question period attested to the valid and warranted requests by aboriginal people for their treaty of aboriginal rights to be respected in this matter. Yet it voted against this clause last night in an effort to continue to try to discredit what we as responsible parliamentarians are privileged to support.

Why have we created this clause? Since the government's action plan on firearms control was tabled in November of last year aboriginal people throughout the country expressed their concerns about the impact of the legislation on constitutionally protected aboriginal and treaty rights to hunt and trap. Submissions were made to the Standing Committee on Justice and Legal Affairs by several organizations including the Council of Yukon Indians, the Assembly of First Nations, the Grand Council of the Cree, the James Bay and Northern Quebec agreement hunting, fishing and trapping co-ordinating committee, the Métis National Council and the Inuit Tapirisat of Canada. Submissions were also received from the governments of the Northwest Territories and Yukon.

The federal government recognizes the need to take into consideration these concerns. The government has moved this motion to address such concerns and has thereby ensured aboriginal treaty rights are respected when this new law is implemented throughout Canada.

The legislation will help protect the aboriginal treaty rights and the aboriginal people of Canada. We will see these rights are