

*Oral Questions*

jurisdiction", is this where the Government's policy is going? Is this how far the Prime Minister will go to attract foreign investment, that is, with economic free zones where union rights will be excluded?

**Right Hon. Brian Mulroney (Prime Minister):** Mr. Speaker, why would my hon. friend read something so nasty into an open proposition?

**Mr. Benjamin:** We know you guys.

**Mr. Mulroney:** We stand ready more than any Government before us to co-operate with trade unionism in this country, which we regard as a viable and indispensable force—

**Some Hon. Members:** Hear, hear!

**Mr. Mulroney:** —which is probably why more trade unionists voted for Progressive Conservatives rather than for the NDP.

**Some Hon. Members:** Hear, hear!

**Some Hon. Members:** Oh, oh!

**An Hon. Member:** Even Dennis McDermott voted Progressive Conservative.

**Some Hon. Members:** Oh, oh!

**Some Hon. Members:** Hear, hear!

**Mr. Speaker:** Order, please. Order.

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**ABORTION**

## GOVERNMENT POSITION

**Mr. John Nunziata (York South-Weston):** Mr. Speaker, my question is for the Right Hon. Prime Minister. Does his Government intend to review the abortion provisions of the Criminal Code?

**Right Hon. Brian Mulroney (Prime Minister):** Mr. Speaker, I would refer the question to my hon. friend, the Minister of Justice, but there are no such intentions being brought before the Government at this moment.

**Mr. Nunziata:** I have a supplementary question, Mr. Speaker.

**Mr. Speaker:** No, the time for questions, I am afraid, has expired.

● (1500)

**PRIVILEGE**

## REMARKS OF MR. ROBINSON ALLEGED CONTEMPT OF PARLIAMENT—RULING OF MR. SPEAKER

**Mr. Speaker:** I am now prepared to rule on the question of privilege which was put to me the other day by the Hon. Member for York South-Weston (Mr. Nunziata). Order, please. I do not know whether Hon. Members can hear the ruling, given the noise.

On Friday, December 7, the Hon. Member for York South-Weston raised as a question of privilege—

**Some Hon. Members:** Order.

**Mr. Speaker:** I remind Hon. Members that there are certain traditions about the House of Commons.

On Friday, December 7, the Hon. Member for York South-Weston raised as a question of privilege a complaint arising from a statement made in committee by the Hon. Member for Burnaby (Mr. Robinson). The Hon. Member for York South-Weston alleged that, in making the statement, the Hon. Member for Burnaby abused his parliamentary privilege. I indicated in my preliminary comments following the Hon. Member's submission that the privilege of a Member of Parliament when speaking in the House or in a committee is absolute, and that it would be very difficult to find that any statement made under the cloak of parliamentary privilege constituted a violation of that privilege.

Since then the Hon. Member for York South-Weston has made a further submission to me by letter. He argues that there are restrictions on a Member's freedom of speech. In cases where a statement might be interpreted as an offence against the authority or dignity of the House, he argues that Parliament itself can question the exercise of the right of freedom of speech even though it may not be questioned in any court or place outside of Parliament. In his submission in the House he also averred on the basis of a citation from Maingot's *Parliamentary Privilege in Canada* that while our privileges are defined, "contempt of the House has no limits".

The limits of privilege and contempt have never been precisely defined. However, the distinction between the two is explained in Volume 28 of the Third Edition of *Halsbury's Laws of England* at page 464 in the following terms:

The power of both Houses to punish for contempt is a general power similar to that possessed by the superior courts of law and is not restricted to the punishment of breaches of their acknowledged privileges. Any act or omission which obstructs or impedes any member or officer of the House in the discharge of his duty, or which has a tendency to produce such a result may be treated as a contempt even though there is no precedent of the offence. Certain offences which were formerly described as contempts are now commonly designated as breaches of privilege, although that term more properly applies only to an infringement of the collective or individual rights or immunities of one of the Houses of Parliament.

It can hardly be asserted that the statement made by the Hon. Member for Burnaby in committee had the effect of obstructing or impeding any Member or officer of the House in the discharge of his duty. In the case of accusations against