

*Speaker's Ruling*

In our discussions on April 23 last, it was, I think, made clear that our former colleague not only bore no responsibility for the misuse of House of Commons letterhead, but that he took considerable pains to explain his position in this matter to this House at the earliest opportunity. Furthermore, it was, I believe, conceded that this House was in no way misled as to the status of the former member.

[*Translation*]

That being so, I must confine my considerations to the question, is this unsanctioned use of House of Commons letterhead by an American group a serious enough matter to warrant setting aside the regular business of this House?

In this connection, I would remind all hon. members of the limited function ascribed to the Speaker in ruling on a claim of breach of privilege by citation 84(2) of *Beauchesne's Rules and Forms of the House of Commons, Fifth Edition*. I want also to repeat what I have said so often in the past, that the Speaker does not rule on whether a breach of privilege or a contempt has in fact been committed. The Speaker only determines whether an application based on a claim of contempt or breach of privilege is, on first impression, of sufficient importance to set aside the regular business of the House and go forward for a decision of the House.

[*English*]

The hon. member for Glengarry—Prescott—Russell, in his remarks, referred me to a decision of May 6, 1985, wherein a former member of Parliament was identified as a member in a newspaper advertisement. In that case, the Speaker stated in finding it was a *prima facie* case of privilege, “anything tending to cause confusion as to a Member’s identity, creates the possibility of an impediment to the fulfilment of that Member’s function”.

The Chair also indicated in that case that the only tangible evidence was that provided by the hon. member who raised the question of privilege. That case is certainly not on all fours with this one, as in this case it was established that there was no confusion as to the identity of the former member and, further, the former member established by documentary evidence at the first opportunity that he was not responsible for the misuse of House of Commons stationary.

The hon. member for Glengarry—Prescott—Russell stated:

The point is that that material, in several thousands of copies, has been distributed to individuals, misleading them to believe that in some way the House, or a representative of the House, was associated with it. In that way—the privileges of the House collectively have been affected.

The hon. Minister of State, the government House Leader, felt that it was obviously unacceptable for anyone to use House of Commons stationary in a fraudulent manner and assert a claim of official status for it. While he asserted that the person responsible for the mailing most certainly had abused the privileges of the House, he queried whether we could enforce those privileges beyond our borders.

The hon. member for Kamloops, who had also filed notice of his intention to raise this matter, noted that the hon. “government House Leader said that yes, indeed, he agrees the privileges of the House had been breached”.

The hon. member for Kamloops referred to Maingot’s work *Parliamentary Privilege in Canada* which, at page 195 in the English edition, describes one class of contempt as being “the interference with the corporate rights of the House”.

“Surely”, the hon. member for Kamloops continued, “the House of Commons shares the same corporate rights as other corporate bodies, including the important right to claim sole use of our Coat of Arms, stationary, and freedom from the misrepresentation of our views by others”.

[*Translation*]

I listened intently to the views of all hon. members who spoke on this matter and I have reviewed the facts with a great deal of care. There would appear to be a unanimous sense of outrage directed at the perpetration of this affront. There also appears to be agreement, on all sides of the House, that the privileges of the House, in the broadest sense of that term, have been breached.

[*English*]

The Chair, however, must still determine which of the specific privileges of the House have been breached. I must admit that the action complained of does not fit neatly under any of the headings under which the rights