

Privilege—Mrs. Holt

capacity as a member of parliament. Indeed, there are many such occasions today which were not envisaged a few years ago, and increasingly members of this House are called upon to perform functions which, although very much related to their duties—and in the eyes of their constituents may constitute a fulfilment of their obligations to their voters—but do not necessarily bear a direct relationship to the privilege which has traditionally surrounded and protected members of this House in a very special way.

I want to stress that privilege is accorded to members of the House of Commons over and above the rights enjoyed by any ordinary citizen. For that reason it has always been interpreted very strictly by this House, because there is no reason why a general privilege or right to some kind of special treatment should surround a member of the House of Commons or any other citizen before our boards or commission or in the everyday work we perform as citizens in this country, except in so far as it relates to the basic or essential function of carrying out our obligations as elected members in assisting in or participating in the proceedings of the House of Commons itself.

After listening to the hon. member for Vancouver-Kingsway I will attempt to summarize the issue before the House as follows: Does the treatment received by the hon. member at the hands of a member of a public commission constitute a contempt of the House? Can the privileges which undoubtedly protect members in the performance of their duties in the House and in the committees be extended to include their duties in their constituencies and, specifically, in this case, an appearance before a hearing of a federal commission? Is there a distinction in the application of the law of privilege beyond the precincts of parliament when it is claimed on behalf of a member appearing before a federally appointed board or commission on the one hand, or any other non-parliamentary body on the other? I must express, of course, as I am sure all hon. members do, my shock and concern that a member of parliament would be treated in the way described by the hon. member by any public body appearing anywhere in this country.

Some hon. Members: Hear, hear!

Mr. Speaker: Indeed, I would be equally shocked, as I am sure would all other hon. members, were such treatment accorded to any citizen by any federally appointed board or commission in this country. However, in itself that is a statement of the dilemma. As I indicated earlier, parliamentary privilege is that which surrounds us here and ensures that we are able to carry out the basic function of participating in the proceedings of this House.

Since it is a right of a member of parliament, in common with all other citizens, to appear before these boards and commissions it would seem to me to be an unwarranted extension of the privilege of this House to extend it not only to meetings of the committees of this House which may take place from time to time around the country, but to go even a step further than that and extend it to the point at which it

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would somehow protect a member of parliament making an appearance before a public body anywhere throughout the country.

It seems to me that despite the fact that society demands more of members of parliament than it did even a few years ago, not all of these demands impose a strict parliamentary duty in the course of the service of the House of Commons. Every one of us has duties as representatives of the electorate to our constituents, and these duties are increasing. But the duties for which a member of parliament can claim the protection of privilege are his parliamentary duties, particularly in his primary duty or service to this House of Commons here. At times the line distinguishing these duties as a representative on one side and parliamentary duties on the other is very fine. There may be cases in which the line can become blurred, but in present circumstances unless I am absolutely convinced that a member's ability to serve in the proceedings of this House have been affected, I cannot find a case of privilege.

As I undertook to do, I have similarly to examine the law of contempt of the House to see whether or not there was a separate remedy available to the hon. member in this way, to ascertain whether, if a strict question of privilege was not involved here, there may not have been, in the treatment accorded the hon. member, a contempt to her person which could be translated further to be a contempt of the House. However, I face the same difficulty in this approach. Since the member was not in the circumstances acting in the official capacities which are surrounded by privilege—that very narrow category—it would, I think, be unwarranted extension of the precedents to extend privilege with respect to an act which was directed to her person in the circumstances. I have examined the precedents in order to assist the hon. member as far as possible but I regret I cannot be of more help to her in this respect.

To add another observation—and I put it as a third observation in the circumstance as I would not term it a primary defeat of her argument on procedural grounds—her complaint was not accompanied by a motion. As I say, that is not a procedural difficulty which would cause me to stop her on that ground alone, but it becomes substantive in these circumstances because it would be difficult, if not impossible, for the hon. member to have framed a motion which would have asked for anything more than an investigation or a verification of the circumstances. That kind of motion has often been set aside in the past on the grounds of it being too general. Therefore, while I reiterate that the hon. member has described circumstances which I find to be shocking, which ought to be considered as most grave not only to her as a member of parliament but as a citizen appearing before a federally appointed board, there may be remedies which she may and perhaps will pursue as they relate to a grievance in respect to that administration specifically.

I have to decide whether or not any motion which would be put to this House by the member would enjoy priority over any other piece of business by virtue of it being a case of privilege or of contempt. On the basis of that strict procedure, one