

Alleged Tax Reform Propaganda

Mr. Speaker: By unanimous consent, now.

Mr. Gray (for Mr. Benson) moved that the bill be read the third time and do pass.

Motion agreed to and bill read the third time and passed.

BUSINESS OF THE HOUSE

Mr. Macdonald (Rosedale): Mr. Speaker, just to confirm the menu for tomorrow, we will start off with the third reading of the Excise Tax Act, followed by the final budget bill, the Income Tax Act.

PRIVILEGE

MR. KNOWLES (WINNIPEG NORTH CENTRE)—
TAX REFORM—ISSUING BY MINISTER OF FINANCE OF ALLEGED PROPAGANDA MATERIAL
—RULING BY MR. SPEAKER

Mr. Speaker: Earlier in this sitting, the hon. member for Winnipeg North Centre (Mr. Knowles) raised a question of privilege dealing with a letter from the Minister of Finance (Mr. Benson) dated December 9, 1969, which had been considered by his party's caucus this morning and which referred to the availability of certain material paid for out of public funds which the members of the caucus had been invited to use without their having been consulted on the production of such material.

In the brief period at my disposal I have endeavoured to find a precedent or other authority to sustain the hon. member's contention that his submission raised a *prima facie* question of the breach of the privileges of this House. It might be of interest to hon. members were I to refer to an incident that is reported at page 3825 of *Hansard* for April 20, 1961. On that occasion it was suggested that a pamphlet, produced and circulated by the Department of Agriculture, in relation to the operation of the provisions of a bill then before the House, had violated the rights of Parliament in that the minister had assumed powers beyond those authorized for him by substituting the powers of his department for the legislative powers of this Parliament.

Unfortunately this precedent, which is the only one we have been able to find, is not too helpful since after a long discussion and debate on the point of privilege no motion was tendered by the hon. member who raised the matter as a question of privilege and as a consequence the Speaker was not called upon to make a ruling. I must also add that neither the Standing Orders of the House nor other recognized authorities are of much assistance to the Chair in making a decision at this time.

As a final recourse, I must refer to what is commonly called a general definition of acts or conduct which constitute a breach of privilege. That definition is recorded at page 109 of May's 17th edition as follows:

It would be vain to attempt an enumeration of every act which might be construed into a contempt, the power to punish for contempt being in its nature discretionary. Certain principles may, however, be collected from the *Journals* which will serve as general declarations of the law of Parliament. It may be stated generally that any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence.

The Chair has been unable to conclude that the conduct of the Minister of Finance, as related by the hon. member for Winnipeg North Centre, was an effort to obstruct or impede any member of this House in the discharge of his duty, or that such action had the tendency, directly or indirectly, to produce such results.

Whether or not it was proper to prepare and circulate what the hon. member for Winnipeg North Centre described as "propaganda material" is, in the opinion of the Chair, a matter of administration which can be debated by hon. members in a variety of ways. In fact, a number of questions have already been asked by hon. members in relation to this matter. I have to conclude that although there may be a grievance against the government, a *prima facie* case of breach of parliamentary privilege has not been established.

At six o'clock the House adjourned, without question put, pursuant to standing order.