

lectively assembled, I am not clear as to the extent to which the representational function, though it is, of course, a very important aspect of the life of any member, can be assumed to be a necessary adjunct to his legislative function within the context of parliamentary privilege.

In the present case I cannot see how privilege as defined can be extended beyond the physical precincts and, indeed, beyond the life of a parliament to cover, not members but candidates, not in respect of activities here in this Chamber but elsewhere, and not during the life of a parliament but during a period when technically parliament does not exist.

As I said earlier, I have every sympathy with the hon. member's complaint and there will, I hope, be ways in which the matter can be raised through normal procedures, either the introduction of a motion or negotiations which might bring the matter forward in some other way. But confronted as I am with the existing law of privilege, to give this motion priority in the face of these precedents would, it seems to me, be stretching those precedents beyond all recognition, and I must therefore find I cannot accept the motion put forward by the hon. member for Halifax.

MR. HUNTINGTON—LEGAL PROCEEDINGS LAUNCHED BY
VANCOUVER BRANCH OF CUPW

Mr. Speaker: On Tuesday, May 2, 1978, the hon. member for Capilano (Mr. Huntington) raised a complaint of harassment and obstruction in his parliamentary duties by virtue of a writ which had been issued against him in connection with remarks he had made on a radio talk show on May 6, 1977. In this broadcast he had "repeated the substance" of remarks he had made in the Standing Committee on Transport and Communications the day before, concerning the activities of the Canadian Union of Postal Workers particularly as they affected the city of Vancouver.

The hon. member based his procedural argument first on the privilege of freedom from molestation and, second, on an interpretation of the circumstances in which a matter arising outside parliament may be treated as a proceeding in parliament with respect to privilege.

It seems quite clear that this matter has caused the member certain difficulties in the performance of his duties as a member of parliament, but I have trouble in accepting the argument that these difficulties constitute obstruction or harassment in the narrow sense in which one must construe the privilege of freedom from molestation, particularly in the face of what must be construed as being ordinary access to the courts of the land, which surely ought to be something parliament would interfere with only upon the most grave and serious grounds.

In his argument respecting what constitutes a "proceeding in parliament", the hon. member places reliance on the decision of *Roman v. Hudson's Bay Oil and Gas, Trudeau and Greene*, in which the High Court of Ontario held that a press release and telegram repeating what was said in the House were extensions of statements made in the House. The hon.

Privilege—Mr. Huntington

member goes on to say that the decision was upheld by the Court of Appeal of Ontario in 1971, and in turn by the Supreme Court of Canada in 1973.

● (1512)

However, the Supreme Court of Canada merely said that it did not dissent from the views expressed in the courts below as to the privileges attached to statements made in parliament. I underline and emphasize those words, "made in parliament". It went on to dispose of the appeal on grounds other than privilege. Furthermore, Mr. Justice Hugessen in the recent decision on the Quellet case, which was affirmed by the Court of Appeal of Quebec, felt that the decision of the Ontario courts in the Roman case did not represent the law. Thus the question of what is a "proceeding in parliament" in Canada is not clear in terms of the judicial precedents.

In respect of the position in the United Kingdom, which was referred to also by the hon. member, in the 1967 report of the select committee on parliamentary privilege, the British House of Commons resolved to bring into immediate effect all of the recommendations of this committee which did not require legislation. The committee report in question recommended that proceedings in parliament be defined by legislation, and that any communication between a member and a minister or an officer of the House concerning the business of the House should be fully privileged.

While it seems that the meaning of the expression remains for the moment equally unclear in the United Kingdom, nevertheless it appears to exclude the factual situation set out by the hon. member. Therefore, while I am willing to accept the argument that there may be circumstances in which a matter arising outside parliament can properly be considered as an extension of a proceeding in parliament, and therefore covered by privilege, I feel I would be extending the definition of privilege, even on those precedents, to include discussions on an ad lib basis on an open line radio or television show, in which dialogue goes on for some time, questions are posed, and answers are made. Even though they are based on an original proceeding in parliament, it would be an unwarranted extension of the reasoning in those cases to say that that circumstance could be accepted as an extension and, therefore, in fact as a proceeding in parliament within the precedents.

Therefore, on either count—the extension of proceedings in parliament or on the grounds of molestation—I am unable to find privilege in the hon. member's motion or question which he put before us.

There is a narrow procedural difficulty as well. The hon. member concluded his presentation with a motion indicating that this matter be referred to the Standing Committee on Privileges and Elections. Consistently I have rejected and set aside that kind of motion, even after a question of privilege, on the grounds that, as constituted, it would be far too general a motion for the committee to deal with properly and to determine an appropriate mandate for the committee.