

**Mr. Speaker:** With great respect, the Hon. Member is presumably raising a question of privilege. I appreciate he is reading into the record matters from the committee, but he does have an obligation to move very quickly, when raising a question of privilege, to explain how his privileges have been breached.

**Mr. Nunziata:** Thank you, Mr. Speaker. I simply wish to point out that the Member, in making his allegations in committee, indicated on two occasions that he was making the allegations without foundation—

**Mr. Deans:** What is the privilege?

**Mr. Speaker:** Could the Member please move quickly to explain to me how his privileges have been breached?

**Mr. Nunziata:** Mr. Speaker, it would be my respectful submission that the unsubstantiated allegations constitute a contempt of Parliament which reflects negatively on each and every Member of this Parliament.

Mr. Speaker, I will be asking you to conclude that a prima facie case can be made of contempt of Parliament; and if you so conclude, I move, seconded by the Hon. Member for—

**Mr. Speaker:** No. With great respect, the Hon. Member is now proceeding to attempt to put before me the motion he would move if I found a prima facie case of privilege. His obligation at the moment is to present the case which I must consider. He has yet to present a case. I cannot let this go on much longer without the Member presenting a case of privilege which has been breached.

**Mr. Nunziata:** Mr. Speaker, if I may, the case of privilege is as follows. It is recognized that a Member's freedom of speech is unrestricted and that there is parliamentary immunity. The purpose of that parliamentary immunity, as I indicated yesterday, is to encourage frank and open discussion in Parliament and in committee. It would be my respectful submission that the immunity is a shield but ought not to be used as a dagger. In this particular instance, that privilege was abused. As a result of that abuse, it has cast a negative shadow over each and every Member of this House. It would be my submission that that constitutes a contempt of Parliament.

I would like to cite Maingot's *Parliamentary Privilege in Canada* at page 193, wherein it reads:

—the dimension of contempt of Parliament is such that the House will not be constrained in finding a breach of privileges of Members, or of the House. This is precisely the reason that, while our privileges are defined, contempt of the House has no limits. When new ways are found to interfere with our proceedings, so too will the House, in appropriate cases, be able to find that a contempt of the House has occurred.

In conclusion, it would be my most respectful submission that a contempt of this Parliament has occurred. Although Members of the House have parliamentary immunity, there are restrictions. When a particular Member goes beyond the realm of what is proper, this House has the authority to cite that particular Member for contempt. It must have that authority. If it does not have that authority, then this House

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could be brought into disrepute. Mr. Speaker, those are my submissions.

**Mr. Speaker:** The Hon. Member for Hamilton Mountain (Mr. Deans) on the same question of privilege?

**Mr. Deans:** Mr. Speaker, to begin with, I do not believe that there is a question of privilege. I would point out that the Member should perhaps go into the history of privilege to determine first whether he is prepared to stake his seat on a question such as this. Beyond that, the Member to whom he is referring has already issued a public statement to the effect that he regrets having done what the Member now claims is a matter of privilege. Second, the least he could have done was to wait until the Member was in his seat before he raised the matter in order to allow that Member to respond adequately.

**Mr. Speaker:** I have listened with great care and it would be my normal practice on these matters to reserve. However, I listened with great care to the technical argument put by the Member with regard to the quotation from Maingot which refers—and the Member would know if he read further in Erskine May and Beauchesne—to the capacity of the House to find that an attempt to interfere with the proceedings of the House itself is a contempt. That is the quotation he has read, to my knowledge, from Maingot.

The privilege of a Member of Parliament to make a statement in the House of Commons, or in a committee, is absolute. It would be very, very difficult to find that a Member, by making a statement that another Member—as is that other Member's equal right—found improper, immoral or wrong—which I take it is what the Member feels—it would be improper to find that a Member exercising his freedom to speak somehow could be in contempt. Otherwise the privilege of free speech would be null and void if a motion of privilege could deal with whether a Member had in fact caused a contempt. The contempt that the House deals with when Members speak is whether Members speaking in the House have caused a disorder in the House—whether they have used unparliamentary language.

I am indicating all of this in case the Member wants to write a further argument to me. Because it is a question of privilege with regard to another Member, I feel an obligation not to rule until that other Member had had a chance to comment or respond. Therefore, I will not make a ruling today. However, I will say to the Member that I think, frankly, at least with regard to his comments, he has mixed up an apple and an orange. That is, when something is, by definition in his mind, potentially contemptuous, that is not necessarily a contempt of the House. So I will reserve for the moment.