

Privilege

decided. What is the precedent that the House is looking to? What is the precedent, Sir, that you will look to in making your decision?

Let us look at the precedent at page 3780 on October 17, 1980 of *Hansard*. Madam Speaker said:

On Thursday last the hon. member for St. John's East (Mr. McGrath) raised a question of privilege, the gist of which is set out in his proposed motion where he asked:

That the matter of the financing of public advertising campaigns at taxpayers expense on behalf of a partisan policy or opinion, before such policy or opinion has been approved by the House of Commons, be referred to the Standing Committee on Privileges and Elections.

The Speaker dealt with it in a very well reasoned judgment. I remember thinking so at the time. She said in brief that the issue is whether that allegation of using public funds to publicize a matter is a breach of privilege, *prima facie* I might add. She commented that the privileges of Members are: freedom of speech in the House and the right to attend their parliamentary work without being subject to subpoenas to be a witness in other arenas, without being called for jury duty, without being subject to civil arrest.

She said:

In addition, the House itself has the power to provide for its own constitution, its own procedure, to discipline its members and to punish for contempt.

Those are the privileges that my hon. friends claim are breached. They are certainly attending their parliamentary work. They are at committee. They are here in the House. Life goes on. We tried to get the forestry act on but we were impeded. I guess if there is anybody being impeded it is the members who support a department of forestry. Those are the people who are being impeded. Those people who depend on the forestry economy are being impeded, not the members here.

The Speaker concluded:

The spending of public money cannot be the issue, but when a person or government attempts to interfere with our deliberations through spending public money, or otherwise, directly or indirectly, or acts in contempt of the House, such action would constitute a *prima facie* case. However, the inference must be such that the member or the House is truly hindered or intimidated.

I say this to my friends opposite. None of them are intimidated. None of them are hindered. They are all here.

Mr. Broadbent: I am.

Mr. Lewis: The hon. member for Oshawa is intimidated. Nonsense. There have been things a lot more intimidating than this.

This is public debate and I close by submitting to you, Mr. Speaker, that there has been no *prima facie* case of privilege. The ads were for proposed changes. They were for informational purposes. In fact they have done their job and we have hundreds and thousands of requests for information. We are trying to inform the people. As a result they are going to the finance committee. There is debate at committee. There is debate in the country. That is what we wanted.

This is no quickie through the night. This is reasoned debate and information. I say to you that that is where the debate should take place. It should take place at committee, in the country and in the House of Commons when the bill comes forward, but not under the guise of a *prima facie* case of privilege, which it clearly is not.

Some Hon. Members: Hear, hear!

Hon. Herb Gray (Windsor West): Mr. Speaker, the legislation this House is asked to consider is important, but even more important is the very concept of the House itself and its ability to do its duty in a free, fair and untrammelled manner. I say this not simply in conjunction with its debates but in terms of the interaction between the members of this House and the people of Canada.

I think it very wrong for the government through the Minister of Justice not to recognize that when members of this House raise a question of privilege they are not impeding in any way its process but are making sure this process can operate in the most fundamental and beneficent sense in terms of the interests of this country.

Some Hon. Members: Hear, hear!

Mr. Gray (Windsor West): This House cannot function if its privileges are not respected. This House cannot function if the government of the day treats it with contempt as we submit it has done by putting these misleading and inaccurate advertisements in newspapers across this country.

The Minister of Justice came here crying crocodile tears about the fact that in an effort to preserve the foundations of our parliamentary system we are raising this question of privilege and asking you to rule as to whether there is a *prima facie* question of privilege