

*Privilege—Mr. Deans*

poverty and who rely on welfare to receive an adequate retirement income?

**Hon. Monique Bégin (Minister of National Health and Welfare):** Madam Speaker, I would like to make one correction to the statement of the hon. member. These people do not receive welfare. They receive the Federal Guaranteed Income Supplement which is more than the amount of welfare payments, which are provincial. As soon as we can—when the economy picks up again—we will, as our first priority, increase their monthly benefits again. The description the hon. member makes is false. I should like to add that he should also address the problem of those from age 60 to 65. If the provinces wanted to—if Ontario decides tomorrow to bring the welfare payment to a decent level, which is not the case to date, we would immediately pay back 50 per cent of that. But it cannot be a federal initiative; it must come from the province.

● (1500)

**Madam Speaker:** I have notice of a question of privilege from the hon. member for Hamilton Mountain (Mr. Deans).

\* \* \*

### PRIVILEGE

#### MR. DEANS—IMPLEMENTATION OF TAXING MEASURE

**Mr. Ian Deans (Hamilton Mountain):** Madam Speaker, I rise on what I consider to be a very important matter of privilege. I wish to place before the House a situation which I believe, when carefully considered, constitutes not only a breach of privilege of a Member of Parliament and a contempt of Parliament, but is fundamentally an act of illegality.

I anticipate that a claim may be made that there is precedent which justifies the act which I am about to place before you. I hope to be able to deal with that claim should it arise, however, by referring to certain case law that is already in existence and available both to you, Madam Speaker, and to the House.

I am sure that you are aware that, as a result of the budget brought forward by the Minister of Finance (Mr. MacEachen), certain taxing measures have now been implemented in this country in advance of any law having been passed by Parliament.

I want to suggest that if there is any doubt about the authenticity of that claim one need only call, as my office did, to the Department of National Revenue to ascertain—

**Madam Speaker:** Order, please. The hon. member has now been talking for a few minutes but has not given me any indication yet of the basis of his question of privilege. I would ask him to state that forthwith and to elaborate upon it for a few minutes if he feels that he needs to, but I must know the basis of the question of privilege.

**Mr. Deans:** Madam Speaker, the privilege I raise is that there is an act in Canada at the moment, that a procedure is

being followed in Canada at the moment, which imposes a tax for which no approval has been given by Parliament and regarding which members of Parliament, in the exercise of their duty, have been ignored. The opportunity for me as a Member of Parliament adequately to represent not only my own view but the views of the people of Canada with regard to the appropriateness of the measure currently in force in the country has not been afforded me. I therefore claim the privilege that I have to be given an opportunity in Parliament to deal with acts of Parliament in advance of their implementation.

**Madam Speaker:** The hon. member seems to be bringing up a question of the legality of certain things which have been implemented by the government. I would remind the hon. member that the Speaker is in no way capable of determining the legality of certain actions. If the hon. member feels something illegal has taken place, the appeal, of course, is not to the Speaker but is available in some other form.

**Mr. Deans:** If you will permit me, Madam Speaker, I would point out that the illegality of the act goes without saying. The question of whether or not I am being given an opportunity to adequately represent my constituents and the people of Canada in dealing with tax measures that the government may or may not bring forward some day, legally or illegally, is not the issue. The issue is that as a Member of Parliament representing people in this country who are having money illegally taken out of their pay packet by employers all across the country, I have not had an opportunity to express the concerns of those people in the House of Commons.

I simply ask, Madam Speaker, that you allow me two minutes to explain the point.

There is case law which quite specifically states that it is not appropriate to collect a tax for which there is no law in force. I would refer you, Madam Speaker, to the case in the British Parliament in 1913 of *Bowles v. The Bank of England*. In that case the Bank of England collected a tax on behalf of the government of England for which there was no law. In the judgment—

**Madam Speaker:** Order. The hon. member is obviously arguing along lines which I cannot accept as being the basis of a question of privilege.

**Mr. Baker (Nepean-Carleton):** He has made a good case but it is in the wrong court.

**Madam Speaker:** That is right. The case might be a good one but it is not a question of privilege. Unless the hon. member can demonstrate to me that he has a question of privilege as defined by our rules, I am afraid I will not be able to recognize him further. I would ask him not to pursue the line of argument he has started because that indicates to me quite clearly that he does not have the basis for a question of privilege.

**Mr. Deans:** Then let me ask, Madam Speaker, whether it is a privilege of a Member of Parliament to be able to deal with