

Member for Ottawa-Vanier (Mr. Gauthier) who has often stated in the House that in his opinion, and in the opinion of others, a law appears to be deficient in terms of its application to the House of Commons.

I believe there are two necessary elements required when one raises a question of privilege. First, we must be speaking of the privileges of the House itself, and second, there must be at least an allegation that the privileges have been breached. I do not believe that inquiring as to whether a statute of the Parliament of Canada is binding on the House of Commons is a question of privilege in itself.

[Translation]

However, I would like to say, Mr. Speaker, having expressed the opinion that this is not a question of privilege, that it might be appropriate to enquire as to whether this legislation supports the Standing Orders of this House, not necessarily the privileges of this House but the Standing Orders.

[English]

In other words, while there may not be a question of privilege, an interesting question could be raised on a point of order if one of the services that is customarily available, according to the Standing Orders of the House, was suddenly not available to a Member of Parliament. The Member could then make a case that there would be a point of order.

[Translation]

Let me explain, Mr. Speaker, that according to the Index of our Standing Orders, Standing Orders 59, 70, 77, 96, 77(2), 110 and 135 specify what procedure is to be followed or what rule concerning official languages in this House is to be enforced.

Therefore, I think that if at a given time the Hon. Member for Charlevoix found out that some services available or which should be available to the members of this House under our Standing Orders are unavailable to him, he could then rise on a point of order rather than on a question of privilege.

This is why I would like to make a distinction, because as I said earlier, inquiry about our Standing Orders or about whether an Act of Parliament applies to this House would not be a question of privilege *per se*. On the other hand, as far as services available to this House are concerned, under the Standing Orders, this would be, in my humble opinion, a point of order rather than a question of privilege affecting this House.

[English]

**Mr. Dave Nickerson (Western Arctic):** Mr. Speaker, what you have to decide is whether, in fact, according to the narrower rules of the House, a *prima facie* case of privilege exists. You are not called upon to find whether it is good, bad or indifferent that the Official Languages Act may or may not apply to the Parliament of Canada. I would suggest that if the Hon. Member for Charlevoix (Mr. Hamelin) feels strongly that that Act should apply then, of course, he is quite free to

pursue that through the normal channels, to try to effect the necessary, in his opinion, change to that particular statute.

● (1540)

I would point out, Your Honour, that there are several other statutes of otherwise general application which exempt Parliament from the full force of that particular statute or part thereof. One which immediately comes to mind is, of course, the Canada Labour Code. I would suggest that it is incumbent upon the Hon. Member to demonstrate that some actual and not some hypothetical breach of privilege has actually occurred.

Even if the Hon. Member was able to demonstrate that in some way his ability to act as an Hon. Member of this House has been taken away from him because, like myself, he is only able to properly function in one of the official languages, the remedy for that might be through the normal rules and practices of this House rather than by a change or amendment to the Official Languages Act. Therefore, as much sympathy as I might have for the point made by the Hon. Member, I would suggest that no actual breach of privilege has been demonstrated and, therefore, there is no *prima facie* case.

**Mr. Prud'homme:** Your Honour, I thought we could leave that to you, but if the Hon. Member brings in new argument, of course, I think I am bound to answer some of his argument. I did not expect it, I must admit. I would prefer though, not to open up debate yet on the Official Languages Act, but Your Honour may find—and I do not want to go that way—that there is indeed a *prima facie* case of privilege. Perhaps Your Honour will look into it and be of the opinion that the Hon. Member for Charlevoix is right. That may present an anomaly.

Your Honour may say that indeed you have discovered, to your surprise, that to the best of all legal advice the Official Languages Act does not apply technically or legally to the House of Commons. The Hon. Member for Ottawa—Vanier (Mr. Gauthier) year after year wanted to present a special Bill on this question. Your Honour may come to the conclusion that indeed the Official Languages Act does not apply to the House of Commons so, therefore, the Hon. Member was right to raise the question. The Hon. Member would be then satisfied that Your Honour has said, no, it does not apply. Then the Hon. Member will know which other course he would have to follow.

Therefore, I would prefer to leave this for the reflection of the Speaker. If the Chair says there is no *prima facie* case of privilege, well, then we can find arguments not to contradict, but so that we may not leave the Chair on the one track we would not like it to take.

[Translation]

**Mr. Speaker:** I think perhaps the Chair should consider the comments made by each Member. The Hon. Member for Charlevoix (Mr. Hamelin) had some very interesting things to