

Question of Privilege

was to refer to a political party, and then it becomes clear that the alleged libel would be one affecting the party itself rather than a single member of that party who at the time was responsible for the public relations of a department. As May has stated in the sixteenth edition, at page 459:

Expressions which are unparliamentary when applied to individuals are not always so considered when applied to a whole party.

On August 1, 1958—*Hansard*, page 2981—the Speaker on a similar question of privilege stated the following:

I think the hon. member for Vancouver East is taking more out of what was said than was implied. I remember quite distinctly that although the hon. member for Victoria began talking about the hon. member for Vancouver East, when he made the statement about a policy of shooting capitalists it referred rather generally to a group or party. It has been the practice in the house, as the hon. member will recall, that unless an allegation is made specifically against a member I have not felt it to be my responsibility to compel the hon. member to retract beyond what he himself feels he should retract.

In the present case it is quite possible that the hon. member for Medicine Hat used a metaphor to the effect, as he stated, that money out of public funds had been used in order to advertise a political party. I imagine that in the case of an alleged libel made in the house against a member of the house the test would be whether such declaration would be considered serious enough to give rise to an action for libel before a court, if such declaration had been made outside the house.

Beauchesne in the first lines of citation 108 states that:

—anything which may be considered a contempt of court by a tribunal is a breach of privilege as perpetrated against parliament—

And to repeat paragraph (3) of the same citation as quoted by the hon. member for Yukon:

(3) Libels on members have also been constantly punished: but to constitute a breach of privilege they must concern the character or conduct of members in that capacity, and the libel must be based on matters arising in the actual transaction of the business of the house.

May I quote here the first part of citation 113 by the same author:

Members often raise so-called "questions of privilege" on matters which should be dealt with as personal explanations or corrections, either in the debates or the proceedings of the house. A question of privilege ought rarely to come up in parliament. It should be dealt with by a motion giving the house power to impose a reparation or apply a remedy. There are privileges of the house as well as of members individually. Wilful disobedience to orders and rules of parliament in the exercise of its constitutional functions, insults and obstructions during debate are breaches of the privileges of the house. Libels upon members and aspersions upon them in relation to parliament and

[Mr. Speaker.]

interference of any kind with their official duties, are breaches of the privileges of the members. But a dispute arising between two members, as to allegations of facts, does not fulfil the conditions of parliamentary privilege. An attack in a newspaper article is not a breach of privilege, unless it comes within the definition of privileges above given, and then a member is bound to lay on the table the newspaper in which the article complained of appears.

Here, if the house will allow me, I would like to refer to a citation in May's sixteenth edition, page 140:

Where the committee recommended that, in view of the explanation offered by the offender, and of his expression of regret for the offence he had committed, the house should take no further action in the matter, or that the conduct complained of was not such a breach of the privileges of the house as called for any further action on its part or that, in the opinion of the committee, the house would best consult its own dignity by taking no further notice of the libel, or that no further time should be occupied in the consideration of the offence, further action was not taken by the house.

In another instance after the committee of privileges had reported that in their opinion a breach of privilege had been committed but that in the circumstances the house would best consult its own dignity by taking no further action in the matter, the house resolved that it agreed with the committee in their report.

Having brought the above comments to the attention of the house, may I now say that the words quoted at the beginning, namely:

Never before in our history has any member spent so much out of public funds in order to advertise a political party—

—are not words that should have been used, but on the contrary, those words might give rise to a question of privilege. However, in view of the explanations offered by the offender and of his understanding of the matter as declared when the discussion took place, the house would best consult its own dignity by taking no further action in the matter.

Mr. Frank Howard (Skeena): Mr. Speaker, through the usual channels I have ascertained that there might be accorded unanimous consent to move a motion, and in a desire to wind up the session and strike a blow for liberty and freedom I move, seconded by the hon. member for Medicine Hat (Mr. Olson), with unanimous consent:

That the Sergeant-at-Arms, pursuant to standing order 88, be instructed to grant *pro tem* a card admitting Raymond Rodgers to the facilities of the press galleries of this house.

Mr. Pickersgill: I wonder if I might be permitted to say a word on this. I feel I should take the responsibility, notwithstanding the offer I made—I do not think the hon. member for Skeena (Mr. Howard) will accuse me