

The Chair, of course, is grateful to all honourable Members who have taken part in the discussion. The particular point at issue at this time is whether there exists a *prima facie* case of privilege.

The honourable Member for Calgary North raised the point as to whether this matter had been raised at the first opportunity, and I would think it was raised at the first opportunity. When the honourable Member brought the question up on Friday without prior notice, I had some doubt for a moment as to whether he might not have been required to give the usual notice. At the same time I gathered that the question was being raised as a result of a question or questions asked of the Prime Minister (Mr. Trudeau), which to some extent at least made it proper and procedurally correct for the honourable Member to move the motion. In any event I assumed that the hour's notice would have expired rather quickly and the motion could have been put at a later hour in the afternoon and taking this aspect and other aspects into consideration I felt that the honourable Member should be heard then.

Honourable Members who are interested in the procedural aspects of this matter raised by the honourable Member will be reassured to know that the Chair has not taken this matter lightly indeed, and that many hours have been devoted since Friday to the consideration of the many complex aspects of parliamentary law and procedure as they apply to privilege. It is on the strength of this analysis, as well as on the basis of opinions expressed during the discussion in the House on Friday, and of course today, that I am prepared to make a ruling now.

I should say once again, as I indicated earlier today, that my ruling deals only with the technical and procedural aspects of the matter and not in any way with the merits of the situation or the allegations. As the honourable Member for York South (Mr. Lewis) stated earlier today the question before the House is not whether there were leaks—as he called them—or not. I add that the question is not whether or not in fact there was ministerial impropriety but whether the situation or allegations should be considered as a matter of privilege and be referred to the Standing Committee on Privileges and Elections.

The President of the Privy Council (Mr. Macdonald) has given the standard definition of privilege as defined in May's 17th edition at page 42. Later on the learned author adds: "...The privileges of parliament are rights which are 'absolutely necessary for the due execution of its powers'. They are enjoyed by individual Members, because the House cannot perform its functions without unimpeded use of the services of its Members; and by each House for the protection of its Members and the vindication of its own authority and dignity."

These definitions are very general; it is perhaps on purpose that a clear and logical definition has never been given of parliamentary privilege. However, authorities on the subject argue that privilege includes freedom of speech, in the sense of immunity against suits in defamation; freedom from arrest in certain very limited circumstances; exemption from court duty as a witness or as a juror; protection against undue influence, and reflection on Members.

There are also the collective privileges of the House dealing with the control of its proceedings and publications; the calling and protection of witnesses; reflections and indignities affecting the House as a body or as an institution; the right to set up its own rules, and the traditional privileges claimed by the Speaker on behalf of the House at the opening of Parliament.

It will be seen, thus, that parliamentary privilege is concerned with the special rights of Members not in their capacity as Ministers or as Party Leaders,