

An hon. Member: No, it does not.

Mr. Winch: Unless you bring in the argument that the federal government has imposed income tax, which some provinces still say is unconstitutional. But this was the result of an agreement made during the first world war.

Mr. Gray: May I ask the hon. member a question?

Mr. Winch: Not at the moment. My time is limited. A tax on aircraft tickets is a tax applied to the consumer at the time he buys his ticket. Then again, why should there be a tax on one form of transport? We subsidize the railways on a mileage basis when they build railroads. I think it runs to about \$25,000 a mile. We have been paying millions in subsidies to the railroads. We also grant subsidies with respect to highway construction—the Trans-Canada highway is an example. In one way or another we subsidize road travel and railway travel. Of course, I realize that we spend a lot of money on airport facilities, too, but why should we discriminate by imposing a tax on one form of transport and not on another? So both from a questionable constitutional angle and on the grounds of discrimination I do not like this tax and I think it should be entirely reconsidered.

May I call it six o'clock, Mr. Speaker?

At six o'clock the house took recess.

AFTER RECESS

The house resumed at 8 p.m.

PRIVILEGE

MR. McGRATH—COMPLAINT RESPECTING PRESS ARTICLE DISCUSSING COMMITTEE CONSIDERATION OF SEAL HUNT—MOTION TO REFER

Mr. Speaker: Order. Before we resume the business at hand I thought that with the consent of hon. members I might give a ruling on the question of privilege raised earlier today by the hon. member for St. John's East (Mr. McGrath). Over the dinner hour I have had an opportunity to consider the matter very closely, to look at precedents and to consult learned advisers, whose wealth of experience and knowledge is always of great assistance, as it was in this particular instance.

It is clear that parliamentary privilege includes the right of hon. members of the

Seal Hunt Consideration by Committee

House of Commons to exercise their responsibilities and to discharge their duties as members without undue interference. The question is whether the newspaper comments referred to by the hon. member for St. John's East constitute such undue interference as to be tantamount to a breach of privilege.

Privilege has been defined as the sum of the fundamental rights enjoyed by each house collectively, and by members of each house individually, without which they could not discharge their functions and which exceed those possessed by other bodies or individuals. May, in the 17th edition of his *Parliamentary Practice*, page 43, states:

When any of these rights and immunities, both of the Members, individually, and of the assembly in its collective capacity, which are known by the general name of privileges, are disregarded or attacked by any individual or authority, the offence is called a breach of privilege, and is punishable under the law of Parliament.

Generally speaking, newspaper articles considered to exceed the bounds of fair comment on parliamentary activities have been judged over the years as being in the nature of contempt of court and have been held to constitute breaches of parliamentary privilege. The question is to determine whether in this particular case the article quoted by the hon. member for St. John's East goes beyond the limits of fair comment, whether it offends the privileges of parliament, or whether it interferes with the rights and immunities of individual members in the exercise of their parliamentary duties.

Citation 113 of Beauchesne's fourth edition states that:

An attack in a newspaper article is not a breach of privilege, unless it comes within the definition of privileges—

Beauchesne then gives the following examples of breaches of privilege:

Libels upon members and aspersions upon them in relation to Parliament and interference of any kind with their official duties, are breaches of the privileges of members.

In paragraph (3) of citation 108 Beauchesne says:

—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.

Paragraph (4) of that same citation:

Scandalous charges or imputations directed against members of a Select Committee are equivalent to libellous charges brought against the House itself—