

*Privilege—Mr. Witer*

can be no doubt that Mr. Flis is no longer entitled to the use of the title "Member of Parliament".

Maingot describes the subordinate nature of privilege on page 13 by stating:

In order to perform its functions as a legislative body, a legislature requires absolutely certain privileges, rights or immunities; that is to say, it cannot carry on unless it has them.

In order to establish a definition of privilege, I looked to Beauchesne's Fifth Edition, Citation 16, which defines privilege as the following:

—the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by Members of each House, individually, without which they could not discharge their functions—

The distinctive mark of a privilege is its ancillary character. 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—

I believe that usage of the title "Member of Parliament" is one of the rights required to carry out the responsibilities of such office and unless use of the title is restricted to individuals recognized as legally entitled to such a designation, a Member of Parliament cannot hope to execute his duties and responsibilities to his constituents. How can a constituent approach a Member of Parliament for the assistance to which he is entitled from his elected representative when he is being misled as to the identity of the Member? If the title of Member of Parliament is not restricted to Members of the present Parliament, then the reputation of the House is at risk and may fall into disrespect when any like-minded individual may lay claim to the title.

A similar instance arose in March of 1972 when the Hon. George McIlraith brought to the attention of the House the plan of a local hotel to use the name "Parliament Hill" to designate its property. At that time a Private Member's Bill was introduced to prevent the commercial use of the name. In that instance the House saw fit to act to protect its prerogative use of the name, and I believe the decision a wise one.

Finally, I should like to quote from page 158 of the Twentieth Edition of *Erskine May* which states as follows:

Conduct not amounting to a direct attempt to influence a Member in the discharge of his duties, but having a tendency to impair his independence in the future performance of his duty, will also be treated as a breach of privilege.

I wish to ensure that the privilege of use of the title of Member of Parliament is protected and so, should you find that I have presented evidence of a *prima facie* case of privilege, Mr. Speaker, I am prepared to move that the matter be referred to the Standing Committee on Privileges and Elections for examination. I submit here a copy of the newspaper in question. The advertisement complained of appears on page 10.

**Mr. Jean-Robert Gauthier (Ottawa-Vanier):** Mr. Speaker, I can understand that the former Member for Parkdale-High Park was such a popular Member that the media cannot forget his great contribution to this House.

**Mr. Speaker:** May I encourage the Hon. Member for Ottawa-Vanier (Mr. Gauthier) to stick to the question of privilege at the present time.

**Mr. Gauthier:** Exactly. However, I must set the tone, as did the Hon. Member, prior to discussing the subject at hand.

The speech made today by the Hon. Member for Parkdale-High Park (Mr. Witer) was an interesting one and probably put him on the map because it is the first one he has made in the House. I would like to state that—

**Mr. Thacker:** Withdraw!

**Mr. Gauthier:** Withdraw what? There is nothing to withdraw. I simply said he has put himself on the map by making the point that he indeed follows a very good and hardworking Member of Parliament, Mr. Jesse Flis.

I am sure Mr. Flis did not do this intentionally. It could be that the media has such a good memory of Mr. Flis that it forgot to put the word "former" before the name. The press forgets to print things correctly all the time. Mr. Flis will be paying the bill for this advertisement. If he was in any way trying to usurp the privileges of the Hon. Member, I am sure he will apologize to him. I know Mr. Flis to be a reasonable and very good man—

**Mrs. Killens:** A gentleman.

**Mr. Gauthier:** And a gentleman as well. I do not think he wanted to take away any of the privileges of the Hon. Member.

• (1510)

**Mr. Speaker:** With great respect, the Speaker is fully aware of the issue. The Hon. Member for Shefford (Mr. Lapierre) has a point to make on the question of privilege which, I think, he will make very briefly.

[Translation]

**Mr. Lapierre:** Mr. Speaker, I paid close attention to the arguments of our colleague and, to my mind, there is one omission in the advertisement—the word "future". I think that if you could—

[English]

**Mr. Speaker:** Order, please. I think the points have been made with regard to the question of privilege.

**Hon. Ray Hnatyshyn (President of the Privy Council):** I would like to make a brief intervention, Mr. Speaker. I think it is a serious question which the Hon. Member for Parkdale-High Park (Mr. Witer) has raised, and I do not think it is incumbent upon Liberal Members to trivialize a paid advertisement which was placed in the Ukrainian-Canadian newspaper.

**Mr. Gauthier:** Is he Ukrainian?