



Parliamentary Privilege and Contempt
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Cabinet Office
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The first of these is the *Book of the Law*, which is a collection of laws and customs of the people of the Lord. It is a book of great importance, and is the foundation of the law of the Lord. The second is the *Book of the Prophets*, which contains the prophecies of the prophets of the Lord. The third is the *Book of the Psalms*, which contains the psalms of David and other prophets. The fourth is the *Book of the Gospels*, which contains the life and teachings of Jesus Christ. The fifth is the *Book of the Acts*, which contains the history of the early church. The sixth is the *Book of the Epistles*, which contains the letters of the apostles. The seventh is the *Book of the Revelation*, which contains the prophecy of the end of the world.







FOR SALE

Queen Elizabeth
{#}











....

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively...and by Members of each House individually, without which they could not discharge their functions

O'Brien & Bosc, House of Commons Practice and Procedure, 2nd Edition, 2009 at p. 60

Privileges

The privileges of individual members are:

- Freedom of speech
- Freedom from arrest in civil actions
- Exemption from jury duty
- Exemption from being subpoenaed to attend in court as a witness; and
- Freedom from obstruction, interference, intimidation and molestation.

The collective privileges of the House as a whole include:

- Regulation of its own internal affairs
- Authority to maintain the attendance and service of its members
- Power to discipline, including for breaches of privilege or contempt
- Right to institute inquiries and to call witnesses and demand papers
- Right to administer oaths to witnesses appearing before it; and
- Right to publish papers without recourse to the courts relating to the content

....

How The House Protects Its Privileges

One of the rights of the House is to punish breaches of privilege or contempt

- a breach of privilege is a violation of one of the recognized rights of the House*
- Contempt is a broader concept that includes any action, including a breach of privilege, that undermines the authority and dignity of the House or the ability of its members to perform their work*

The House can exercise this right any time its authority has been ignored or whenever any of its members have been obstructed in the performance of their duties

The House is asked to exercise this right by a Member rising on a “Point of Privilege”

Points of Privilege

- When a point of privilege is raised, the Speaker determines only whether a prima facie case has been made out – in other words, if the substance of the allegation is proven to be true, would it constitute a breach of a privilege or a contempt?
- If the Speaker finds no prima facie case, the matter ends
- If the Speaker decides a case has been made out, it is then a matter for House debate and decision

Ultimately, only the House can decide whether a breach of privilege or a contempt has occurred and what punishment, if any, should be imposed



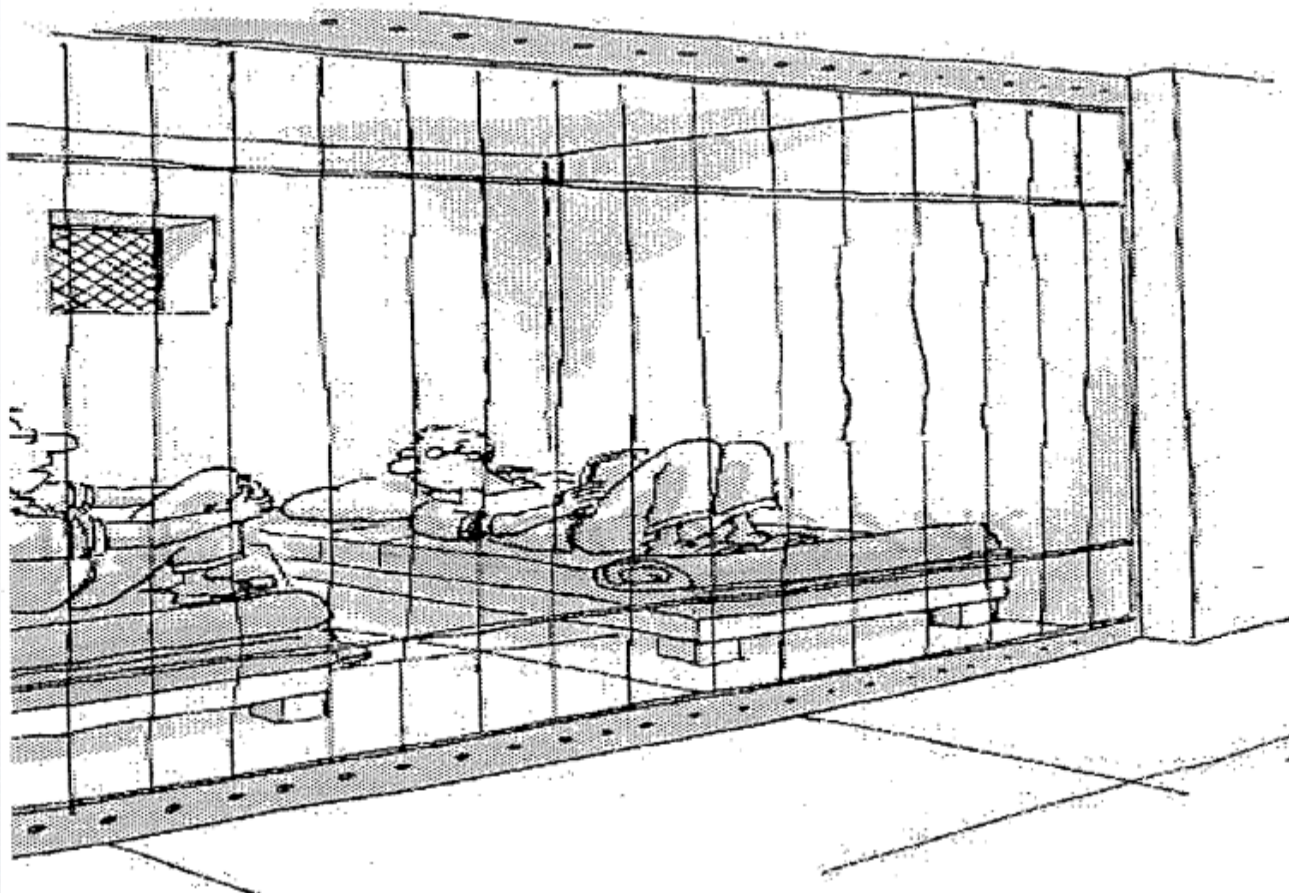
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Government Activity and Announcements About Bills



- The House has a preeminent role in the passage of Legislation
 - *The government can introduce a Bill, but the ultimate decisions on the content of the Bill and the timing of its passage are up to the House*
- Any activity that interferes with or ignores the role of the House in passing legislation can be raised as a “point of privilege”
- Announcements of government policy that requires legislation, including announcing the content of a Bill before introduction, are among the most common points of privilege

WHAT SHOULD I REMEMBER?



Personally Minister, I thought it was a pretty good press release

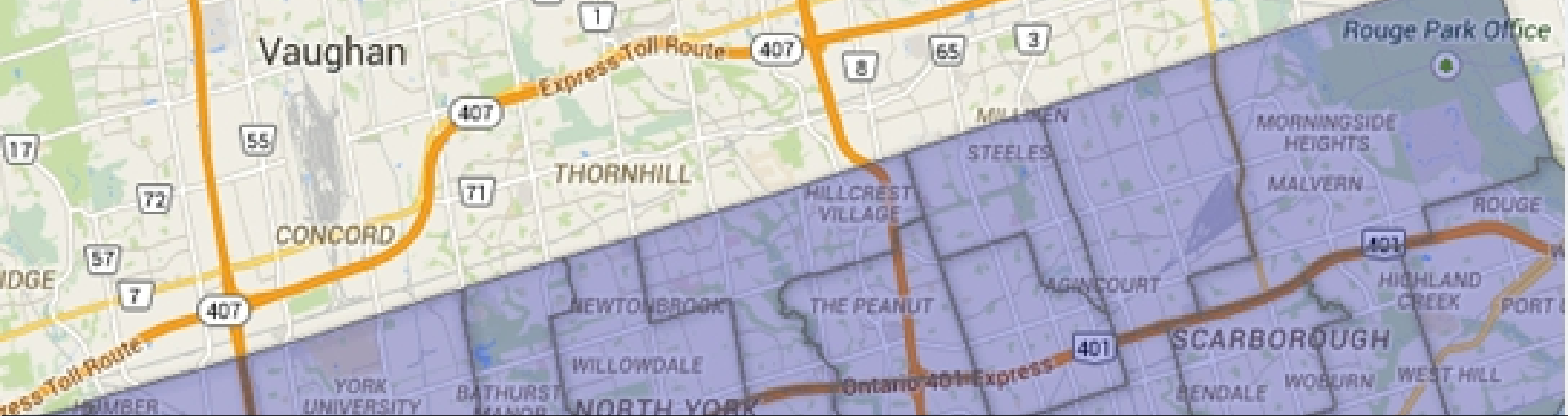
THE GOVERNMENT CAN

- Announce an intention to introduce legislation
- Communicate the policy content of its legislation
- Distribute material for consultation, including properly prepared draft legislation; and
- Undertake reasonable planning measures in advance of the passage of legislation

PROVIDED THAT

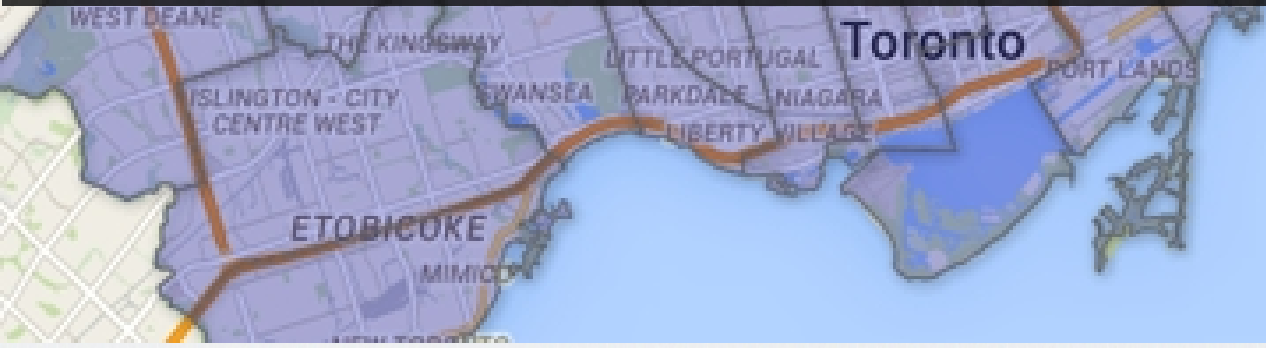
- The language is properly qualified
- The communications or activities do not otherwise adversely impact the legislative process or the rights of members in the legislative process

EXAMPLES



“THE ACT WILL CREATE NEW CITY WARDS AND REDUCE THE NUMBER OF MUNICIPAL POLITICIANS.”

“WORK ON BUILDING THE NEW CITY WILL START IN 1997.”



May, 2017

Audio, Facebook and Twitter Ads: “Your household hydro bill won’t increase beyond the rate of inflation for at least four years” and “25% off starting this summer—Ontario’s Fair Hydro Plan” and “Starting this summer, households will receive an average of 25% off their bill.”

BUT

Ads included separate link to the “Fair Hydro Plan” website:

“Ontario has introduced legislation that would, if passed, reduce electricity bills ... etc.; and, “In addition, if the proposed legislation is passed, your bill”



....

“I have no authority over when and where those announcements are going to be made. However, I would also say to the government and to the specific minister that the tradition of the place is always to make those announcements here in the House.”

“Whether it be the government’s financial plan, or any other measure or announcement, Speakers have repeatedly looked unfavourably upon it when the House has not been the first to receive such information. There are rulings almost too numerous to compile in which Speakers have admonished governments for doing this, and defending the Legislature’s claim to be the first recipient of major announcements.”



Common Issues to Deal With

LANGUAGE OR PROPOSAL	ADVICE
This legislation will... These amendments will...	Qualify need for passage: If passed, the legislation will.....
Later today, I will introduce the Great Lakes Protection Act....	The use of a Bill's title prior to First Reading has not been the focus of a point of privilege, but it may be prudent to refer to the Bill in general terms. <i>Later today, I will introduce a Bill to protect the Great Lakes</i>
The changes will be in effect by January 1, 2015	The statement should be qualified unless the Bill has passed. <i>If passed, the changes will be in effect. I will work with the Legislature to ensure....My hope is the changes...We are planning for.....</i>
We passed this legislation because....	Recommend: We introduced this legislation because.....This legislation was part of the government's commitment to.....
Briefings of stakeholders or the opposition	• Best practice is to ensure stakeholders see "consultation" drafts • Reflect the need for the Legislature to pass the Bill • Advance briefings of the Opposition, even on the actual Bill, are unlikely to be problematic as this supports their legislative duties