

Penitentiaries

right of Members of Parliament to inquire into and visit these institutions in the course of their obligations.

I consider the action on the part of the Solicitor General—I am commenting on the basis of the information given to us by the warden; if that information is incorrect, then, of course, I am in error, but there is no reason to think so—to be highly affronting to the privileges of this House, highly affronting to the general public and an abrogation of a privilege which is basic in character. Parliament must always be very jealous of its rights, because the preservation of these rights is directly connected with its ability to carry out its duties and responsibilities. Particularly in areas such as penitentiaries where the general public is denied the right and the opportunity to visit and see what is happening, it is even more important in the public interest that the public should have knowledge about the administration of penitentiaries, both in terms of their proper administration and of influencing public policy. Every time Parliament loses a right it loses part of the freedom of this nation in the process.

Without going further into the matter, let me say I believe there is a prima facie question of privilege. If, in Your Honour's estimation, this is the case, I would move, seconded by the hon. member for Broadview (Mr. Gilbert):

That the matter of the right of Members of this House to visit penitentiaries under the jurisdiction of the Parliament of Canada during business hours be referred to the Standing Committee on Privileges and Elections.

Some hon. Members: Hear, hear!

Mr. Speaker: If there is to be no reply to the suggestion made by the hon. member for Skeena I am prepared to express an opinion on whether there is a prima facie case of privilege in the circumstances alluded to by the hon. member for Skeena. He has, of course, given the Chair the required notice and that has afforded the Chair an opportunity to reflect on the situation and to consider whether there is, indeed, a prima facie case of privilege involved.

The hon. member suggests that the refusal on the part of the government, or of a representative of the government, or of the Solicitor General to allow him access to a penitentiary constitutes a breach of the parliamentary privileges. The question to be determined is, whether included in the rights and privileges belonging to the House and to its members individually is a right or a privilege to visit certain institutions, including penitentiaries.

On a number of occasions I have defined what I consider to be parliamentary privilege. Privilege is that which sets hon. members apart from other citizens giving them rights which the public do not possess. I suggest we should be careful in construing any particular circumstance which might add to the privileges which have been recognized over the years and perhaps over the centuries as belonging to members of the House of Commons. In my view, parliamentary privilege does not go much beyond the right of free speech in the House of Commons and the right of a member to discharge his

[Mr. Howard (Skeena).]

duties in the House as a member of the House of Commons. It seems to me that the fact that the Penitentiary Act in the past, until 1961 I believe, did provide for a right on the part of members to make visits is an indication that if it were part of parliamentary privilege, it would not have been included in the statutes.

• (2:20 p.m.)

Mr. Peters: That is why it was taken out.

Mr. Speaker: The hon. member for Timiskaming suggests that this is why it was taken out, but there is nothing anywhere it seems to me which will indicate that is the reason for removing that provision.

I suggest to hon. members that if there is cause for complaint it ought to be in the form of a grievance against the minister or against the government. I would hesitate very much to suggest to hon. members that there is included as part of our special rights as members of this House the right to visit certain institutions, including penitentiaries. The hon. member says that this right does apply to penitentiaries but he has not said what other institutions might be covered by this suggested special right. I do not think that our special privileges should be deemed, construed and interpreted as including that particular right.

I recognize that there is a very special problem here. It seems to me that if there is not a question of privilege, as I am inclined to conclude, there is a problem which might very well be considered by the House in some other way or form, but it seems to me that the motion proposed by the hon. member is in the form of a substantive motion rather than a question of privilege. He has suggested that a very important problem, which has been brought to the fore by the fact that he and other of his colleagues in the House of Commons have been denied what they consider to be a traditional right, and the question should be investigated. It is my thought that the matter might be looked into not under the guise or cover of a question of privilege but perhaps by or as a result of a substantive motion.

I fully recognized the importance of the matter and the seriousness of the situation brought to the fore by the hon. member. I would hope it might be cleared up in one way or another, but it should not be dealt with through the agency of a question of privilege.

[Translation]

MR. LAPRISE—CORRECTION OF STATEMENT BY
PARLIAMENTARY SECRETARY TO SECRETARY
OF STATE FOR EXTERNAL AFFAIRS

Mr. Gérard Laprise (Abitibi): Mr. Speaker, I am rising on a question of privilege to set the record straight concerning an erroneous and misleading statement made by the Parliamentary Secretary to the Secretary of State for External Affairs (Mr. Ouellet), before the Sherbrooke Optimist Club, last Monday, April 26, 1971, when he said, and I quote the newspaper *La Tribune*:

—the position of the Créditistes is most regrettable. He called the latter mean, miserly and heartless because they object to