

HOUSE OF COMMONS

Friday, October 30, 1964

The house met at 11 a.m.

PRIVILEGE

MR. DEACHMAN—REFERENCE TO COMMITTEE OF PRESS RELEASE RESPECTING FLAG COMMITTEE

Mr. Grant Deachman (Vancouver Quadra): Mr. Speaker, in view of the publication of a story by me in the *Ottawa Citizen* yesterday a few minutes before the report of the flag committee was tabled, and in view of what was said about that in the house yesterday, I respectfully request Your Honour to have this matter referred to the committee on privileges and elections.

[Later:]

Mr. Speaker: The hon. member for Vancouver Quadra made a suggestion to the house, but it would require an order of the house to carry out that suggestion. Before any action is taken one way or the other I feel it my duty to make one or two points.

It is undoubtedly a very serious thing to attack the conduct of any member of the House of Commons, and in that respect a specific charge should always be made, not a general charge. I am confirmed in this opinion by an excellent ruling, it seems to me, given by Mr. Speaker Michener on June 19, 1959, which appears at pages 583 and 584 of the *Journals*. I should like to refer to two short sentences in that ruling. I read from page 583:

It has been strongly urged by some members that the house should not set in motion its power to try and to judge the conduct of a member unless such member is charged with a specific offence. It is urged further that not only must he be charged, but that he must be charged by a member of the House of Commons standing in his place.

These are the words of Mr. Speaker Michener:

In my view, simple justice requires that no honourable member should have to submit to investigation of his conduct by the house or a committee until he has been charged with an offence.

Later on the same page, 584, I read:

In the case before us no honourable member has taken the responsibility of making a specific charge against the honourable member for Peel.

The practice in the Canadian House of Commons, up to the present, has been to give notice of intention. Of course a true question of privilege can be raised at any time, but it should be raised immediately. It seems to me that the matter was referred to yesterday in fairly strong terms, and under the heading of "earliest opportunity" I think it conforms, in view of my statement that I was taken by surprise and would look into the matter.

The role of the Speaker is outlined in Beauchesne, citation 104, subsection 2. I must say that, accordingly, if the house wishes to refer this matter to the committee on privileges and elections, so be it. In my opinion it should not be concerned with the conduct of the member but should be more of an investigation into the matter. However, that is up to the house to decide. Since there is nothing before the Chair, I suggest that if it is the desire to look into this matter an order of the house should issue.

Is it the pleasure of the house to refer this matter to the committee on privileges and elections?

Some hon. Members: Agreed.

Some hon. Members: No.

[Translation]

Mr. Gilles Grégoire (Lapointe): Mr. Speaker, if a motion were introduced to that effect, I would move an amendment to it. Unfortunately, there is none before the house.

If you simply ask that the matter be referred to the committee on privileges and elections, I would like to move an amendment; it would be my own suggestion regarding a motion designed to refer other related matters to the committee on privileges and elections.

[Text]

Mr. Speaker: Order. There is no motion before the house at the moment, so obviously there cannot be any amendment. If the hon. member wishes to do anything he will have to take the responsibility of moving his own motion.

Mr. Donald MacInnis (Cape Breton South): May I be permitted to say something, Mr. Speaker, concerning your reference to your