

HOUSE OF COMMONS

Monday, October 24, 1966

The house met at 2.30 p.m.

PRIVILEGE

MR. NUGENT—MOTION RESPECTING ARTICLE
IN "LE DROIT"

Mr. Speaker: On Thursday last the hon. member for Edmonton-Strathcona rose on what he termed a question of personal privilege which he said affected not only himself but other hon. members, arising out of an article published in *Le Droit* on October 14 last. The hon. member said the article imputed an improper motive to himself and that it was a gross distortion of the facts. He then gave notice of a motion that Mr. Marcel Pepin be called before the bar of this house to be dealt with as having breached our privileges.

As hon. members know, the article in question was read into the record by the Clerk of the House, after which I asked the house to give me an opportunity to analyse the article in question and to study the motion proposed by the hon. member for Edmonton-Strathcona.

As far as I have been able to ascertain there have been only two cases in the history of the Canadian House of Commons when journalists, whose conduct has been complained of by hon. members, have actually been brought to the bar. The first case arose in 1873 and is referred to in the *Journals of the House of Commons* for that year at page 133. The second case is the well known attack on a member of this house by Mr. E. E. Cinq-Mars in 1906.

A cursory consideration of the facts in both these precedents show that they were cases of flagrantly libellous allusions to members of the house.

Earlier today in my chambers I discussed with the hon. member for Edmonton-Strathcona this aspect of his motion, and I brought to his attention the following annotation contained at page 466, volume 28 of

Halsbury's Laws of England, third edition, which reads as follows:

It is now the usual practice of the House of Commons to refer complaint of breach of privilege or contempt to the committee of privileges for investigation and report before summoning an offender to the bar—

And later on:

—a flagrant and obvious contempt would still, however, be considered by the house itself without reference to the committee of privileges.

In the light of all the circumstances the hon. member has agreed that perhaps the motion might be changed. Since a motion can be amended by an hon. member at any time before it is formally put to the house I suggest there is no procedural obstacle to the hon. member for Edmonton-Strathcona being allowed to alter the proposed motion, the one of which he gave notice last week, and I suggest to hon. members that he might be given an opportunity of doing this now.

Mr. Terence Nugent (Edmonton-Strathcona): Mr. Speaker, I am grateful to the Chair for pointing out the difficulty with the method I had proposed, in that that method presupposed a notion of guilt which carried with it a connotation of unfairness to the newsman.

• (2:40 p.m.)

I therefore suggest I should like to withdraw that motion and move that the question of breach of privilege raised on Thursday October 20 by myself dealing with an article in *Le Droit* of October 14, under the by-line of Marcel Pepin be referred to the standing committee on privileges and elections for investigation and report.

Mr. Speaker: Before proceeding to give my further views concerning the matter that is before the house, I think I should be fair to all hon. members and give any member the opportunity to make additional comment if this is required.

Mr. McIlraith: Mr. Speaker, I had some difficulty hearing the form of the motion. Could we have it read?