

PRIVILEGE

DISTURBANCE IN GALLERIES

Mr. Albert Cooper (Parliamentary Secretary to Leader of the Government in the House of Commons) Mr. Speaker, I rise on a question of privilege because I believe a *prima facie* case of contempt of the House can be and must be made against the hon. member for Scarborough—Agincourt. If you so find, Mr. Speaker, I am prepared to move the necessary motion.

All members were subjected to a contempt yesterday, and I mean contempt as described in our authority, Maingot's *Parliamentary Privilege in Canada*, when two visitors to a gallery here, vouched for by a card signed to the Sergeant-at-Arms by the hon. member, disrupted proceedings and threw objects onto members in their places. I understand that has been confirmed by the Sergeant-at-Arms, as well as evidence from talking with other people that would confirm that as well.

I refer you, Sir, and remind all members that one of the 13 categories which Maingot sets out as "acts or conduct constituting breach of privilege or contempt" is stated very clearly at page 203 of the 1982 edition. He said:

All kinds of misconduct in the presence of the House or of a committee may be treated as contempts on the ground that they partake of an affront to the dignity of the House.

Then he is more specific when he states:

Misconduct or misbehaviour in the traditional sense would include acts that disrupt or have a tendency to disrupt or interrupt the House or committees by such acts as shouting, throwing objects, waving placards.

As I said, Sir, at least two of these three things happened here yesterday, done by, among others, guests signed for by the hon. member.

The question, which I think is one of natural justice, to ask next is one which, of course, only the member can answer: Did he have any knowledge that these guests intended to so behave, when he signed for them? I submit that the already broadcast testimony of one of them—which made it clear he did not come here from a distance to observe but, rather, to make a last desperate and disruptive display of opposition to what the House was doing—indicates the hon. member owes the House at least an explanation, then an apology and, as I ask for,

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an appearance at the Standing Committee on Privileges and Elections.

I conclude by asserting that the House cannot do its work, or maintain essential dignity, if what we call "strangers" disrupt proceedings in an abusive way. In such cases, there is both a *prima facie* breach of privilege and a *prima facie* contempt. In this case the responsibility must lie with the hon. member whom I have indicated.

If the House does not, or is not given the opportunity, to assert itself on this principle which has now been called into question, then we have all failed to take appropriate steps to assert and protect our privileges. I do not relish the future and the consequences in such an event.

This House would get disreputable treatment which it had deserved, which it had tolerated before and which it had authorized by its own inaction in the present case.

Mr. Jean-Robert Gauthier (Ottawa—Vanier): Mr. Speaker, we were all very upset yesterday. We all deplore incidents such as disorder in the House, with people throwing things to the floor of the House.

After the incident which took place in the opposition west gallery, I immediately asked the Clerk of the House and the Sergeant-at-Arms for a report on the incident as to how the people got into the gallery and who had authorized their entrance.

The Sergeant-at-Arms came to my office at about 5.30 p.m. and showed me the admission passes which were stamped with the name of the member of Scarborough—Agincourt, J. Karygiannis, MP.

As Whip, I proceeded then to call the member of this caucus and asked him, first, if he had knowledge that these people were in the gallery. He said yes. I asked then if he had been aware that they were going to demonstrate. He said no.

I take the man to be an honourable person and therefore I believe that he had no knowledge that these people were going to cause a disturbance.

If we are to send something to a committee we must have a *prima facie* case before us. We must have evidence that damage or disorder was planned. In this case I think it would be unfair at this time, given the member's statement to me, to send such a matter to a committee of this House for examination.