

*Privilege—Mr. Jourdenais*

[English]

The Hon. Member for La Prairie maintains that the Hon. Member for LaSalle misled the committee by stating that he had relinquished the position of Parliamentary Secretary to the Minister of Public Works on the day of his election, namely, October 7, 1987, when he offered his candidacy as Chairman of the Standing Committee on Labour, Employment and Immigration. He furthered claimed that the Hon. Member for LaSalle was being paid an additional amount of salary awarded to Parliamentary Secretaries as shown in the Public Accounts of 1986-1987 on page 12.9 for the period covering October 15, 1986 to October 16, 1987. The Hon. Member for La Prairie seems to imply that this somehow made the Hon. Member for LaSalle ineligible for that chairmanship.

[Translation]

The Hon. Member for LaSalle replied that he had told the Minister of Public Works and other people about his resignation from the position of Parliamentary Secretary at a meeting on October 6, 1987, and that, that same day, he had written a letter of resignation to the Prime Minister indicating his intention to seek the chairmanship of the Standing Committee on Labour, Employment and Immigration. He also pointed out that, as he was Parliamentary Secretary to the Minister of Public Works and not to the Minister of Labour or the Minister of Employment and Immigration, even if he had kept his position of Parliamentary Secretary, there would clearly have been no conflict in his seeking the chairmanship of the Standing Committee on Labour, Employment and Immigration. However, he formally stated that he had resigned and gave as evidence of this fact his letter to the Prime Minister.

[English]

The receipt of the additional amounts of money as Parliamentary Secretary did not cause concern to the Hon. Member for LaSalle because, he argued, adjustments will be made as soon as the change in his status affecting his salary is made known to the appropriate authorities.

I wish to underline to all Hon. Members the role of the Speaker with respect to a question of privilege raised by any Member of the House. The Speaker simply determines whether a *prima facie* case of breach of privilege has occurred. If he so finds, the motion moved by the Hon. Member raising the matter is immediately proposed to the House by the Chair and thus all other business is set aside until that motion is disposed of by the House. It is for the House to decide the matter and not the Speaker.

[Translation]

After examining the reports carefully, for several reasons, I cannot find a *prima facie* case of privilege.

[English]

As to the issue of the Hon. Member for LaSalle being a Parliamentary Secretary and whether or not he was eligible to be the Chairman of the Standing Committee on Labour,

Employment and Immigration, Standing Order 89(2) has a note which was adopted by the House in June of this year. That note reads:

[Translation]

For the purpose of this Standing Order, a Parliamentary Secretary shall not be a member of a standing committee which has in its mandate the review of a department to which the said Parliamentary Secretary is attached.

This note should be sufficient to settle the matter as the Hon. Member for LaSalle was Parliamentary Secretary to the Minister of Public Works and not to the Minister of Labour or the Minister of Employment and Immigration. There was therefore no objection to his being elected chairman of the Committee.

[English]

Further, the Hon. Member for LaSalle has told the House that he had in any case resigned his parliamentary secretaryship. We have so much tradition in this area that I do not need or intend to cite the authorities about accepting the word of an Hon. Member.

[Translation]

I note on page 10687 of *Hansard* for November 3, 1987, that the Hon. Member for La Prairie moved the following motion:

That the question of the behaviour of the Hon. Member for LaSalle (Mr. Lanthier) be referred to the Standing Committee on Elections, Privileges and Procedure, and in the meantime I would ask you to invite the Hon. Member for LaSalle to relinquish the chairmanship.

• (1520)

[English]

May I point out that it is not sufficient to make a charge in general terms with regard to the conduct of another Member. Such charges should contain specific accusations. I would like to remind all Members of the long established traditions of the House, and its committees, that an inquiry with respect to the conduct of a Member can only take place provided that he has been charged with a specific offence or offences.

[Translation]

I think that it is especially important to remind all Hon. Members of the comments made by Speaker Michener in his often-quoted ruling on the Pallett case on June 19, 1949. These comments can be found on page 584 of the *Journals*:

[English]

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

Such a procedure or requirement is the only means of ensuring fairness, and Speaker Michener was clear that Members are as entitled to such protection as is every ordinary Canadian citizen.

Therefore, I must rule that there is no *prima facie* case of privilege in this matter.