

Privilege—Mr. Guilbault (Saint-Jacques)

The chief characteristics attached to the office of Speaker in the House of Commons are authority and impartiality.

Further on in the same paragraph it says, and I quote:

Confidence in the impartiality of the Speaker is an indispensable condition of the successful working of procedure, and many conventions exist which have as their object, not only to ensure the impartiality of the Speaker but also, to ensure that his impartiality is generally recognized. He takes no part in debate in the House. He votes only when the voices are equal—

I also would like to bring to the attention of—

[English]

Mr. Speaker: With great respect, I hesitate to interrupt the Hon. Member. When a matter is being raised that is not a point of order but a question of privilege, which is a very serious claim, I believe he knows that it is my practice to ask the Member to give, very early, the case of privilege that is being claimed.

I believe the Hon. Member knows full well that it is improper at this time to argue the case that one would like to argue if the matter were before the House. Presumably, at this time one is simply trying to put the matter which I must decide is a *prima facie* question of privilege, without comment about the behaviour or actions of any Member.

[Translation]

Mr. Guilbault (Saint-Jacques): Mr. Speaker, I indicated right at the beginning . . . There is a lot of noise in the House. I admit it is difficult for you to hear me, but right at the beginning of my remarks I indicated the two points on which I rest my argument to the effect that, in his capacity as Assistant Deputy Chairman of Committees of the Whole House, the Hon. Member for Sherbrooke has breached the privileges of Hon. Members.

I said he did so, first by taking part in a partisan debate on the floor of the House and, second, by making remarks—and I should want to quote them, otherwise Your Honour will find it hard to appreciate the crux of the problem—which were clearly partisan with respect to some Members of this House.

[English]

Mr. Speaker: Order, please. The Hon. Member knows that he may not make any comment whatsoever about the behaviour or activity of any Member, save on a substantive charge.

I take it that the Hon. Member wishes to rise on a question of privilege to present a case to me with regard to the general capacity of a deputy Speaker to participate in debate.

If the Hon. Member is attempting to raise a question of privilege about what another Member said in the House, then he is beginning to comment about another Member. He knows that I would have to find him out of order when making any comment about a Member and I must ask him to stay with the generalities of his question.

Mr. Guilbault (Saint-Jacques): Mr. Speaker, let me try it in another way and in the other language. I believe it is a basic principle of any Member of the House to make sure that an occupant of the Chair is impartial. If I am not able to

demonstrate that this principle has been breached, what am I trying to do here? The privilege of Members has been breached.

Mr. Speaker: Order, please. I am trying to help the Hon. Member, not be difficult. The Hon. Member may have an opinion and wish to make a charge about what another Member has done. He may do that with any Member. However, I believe he knows our practice with regard to the route one takes for making that allegation.

I take it that he wishes to raise a question of privilege as to whether a Deputy Speaker may participate in any debate in any way. I understand that that is the only issue he would want to raise under a question of privilege in order to make a *prima facie* case that there may or may not be a question of privilege.

However, if his concern is with the content or behaviour of a particular Member and not with the general application, I suggest that he is verging on the area of comment about a Member that would make it more than a question of privilege.

I am prepared to hear his question of privilege but I believe he knows that I cannot hear it in the context of a personal comment on the behaviour of another Member.

Mr. Guilbault (Saint-Jacques): Mr. Speaker, I thought that I was remaining general by quoting parliamentary jurisprudence. That is where I was stopped, with all due respect. I was proposing, after quoting jurisprudence, to explain to the Chair how an Hon. Member has gone contrary to this jurisprudence. I would then let Your Honour judge whether there was a *prima facie* case of a breach of privilege. If Your Honour were to agree, I have a motion which I would then like to move.

In my opinion, that appears to be the normal procedure for dealing with these cases. I would ask for the indulgence of the Chair because my comments will only take one or two minutes more. I believe I would be able to shed some light on what I am attempting to do.

[Translation]

Mr. Speaker, I was about to prove that, in light of parliamentary case-law, Acting Speakers who replace Your Honour in the Chair must also abide by the rules of impartiality.

For your information, I should like to quote Citation 133 of Beauchesne's Fifth Edition:

Deputy Speakers have not taken a consistent position with respect to attendance at their political party's functions. During divisions they have voted but—

—and I draw your attention to this sentence—

—but have not attempted to participate otherwise in the debates of the House.

● (1510)

[English]

Now I would like to add, Mr. Speaker, that we inherited this legacy from the mother of Parliament and that the same policy has been adhered to in England. For example, let me quote from Erskine May's Twentieth Edition, page 240. It refers to the Chairman of Ways and Means, which is the equivalent of