

*Question of Privilege*

edition. At page 124 he specifically refers to reflections on members in the following terms:

Analogous to molestation of members on account of their behaviour in parliament are speeches and writings reflecting upon their conduct as members.

If we look for relevant precedents with special reference to the action or remedy now proposed by the aggrieved member in the revised motion to which he has spoken today, we must consider two recent cases where the conduct of journalists was questioned by way of privilege. The first, to which the hon. member for Edmonton West has alluded and in which he took a very active part at the time, was when on November 29, 1962 the hon. member for Mégantic raised a question of privilege relative to a newspaper article critical of a parliamentary delegation. Mr. Speaker Lambert, after taking the motion under advisement, ruled as reported at page 2132 of *Hansard*:

—the Chair has come to the opinion that there is a prima facie case of privilege. It is then up to the house, under the circumstances, to determine what shall be done.

Then on June 18, 1964 a question of privilege was raised by the hon. member for Edmonton-Strathcona in respect to a complaint about an article in the *Ottawa Citizen* which he represented contained what he termed wholesale attacks on all members of the house. In his ruling my immediate predecessor, Mr. Speaker Macnaughton, expressed the following view, as reported at page 4434 of *Hansard*:

It seems to me that if this editorial referred in general terms to members of parliament none of us, I suppose, would be so thin skinned that we could not accept some rather healthy criticism, but this editorial does cite the name of one hon. member once or twice, together with someone who is not a member. In other words it focuses attention on a certain member, and to that degree in a not very favourable light.

Later on:

—it is for the house to decide whether there is a breach of privilege but it is for me to decide whether there is a prima facie case—

In both instances, the Speaker allowed the motion to be put to the house.

Taking into account the opinion of the authority I have quoted, and in the light of the precedents to which I have just referred, is the question of privilege which was raised last Thursday by the hon. member for Edmonton-Strathcona a prima facie case of privilege? It may be held that the article complained of contains certain imputations

and reflections. If so, are these imputations and reflections of such a nature that the Speaker is justified in deciding that a prima facie case of privilege exists?

Doubts arise in my mind as to whether or not that is so. In considering this matter I ask myself, what is the duty of the Speaker in cases of doubt? If we take into consideration that at the moment the Speaker is not asked to render a decision as to whether or not the article complained of constitutes a breach of privilege—a responsibility which rests with the house alone—but rather that he has to decide on a mere point of order, and considering also that the Speaker is the guardian of the rules, rights and privileges of the house and of its members and that he cannot deprive them of such privileges when there is uncertainty in his mind, more especially when the motion presented to him would have the effect of seeking more clarification, I think at this preliminary stage of the proceedings the doubt which I have in my mind should be interpreted to the benefit of the member.

For these reasons I think I should accept the motion, which I will now read to the house.

The hon. member for Edmonton-Strathcona, seconded by the hon. member for Provencher, has moved:

That the question of breach of privilege raised on Thursday, October 20, 1966 by the hon. member for Edmonton-Strathcona dealing with the article in *Le Droit*, Ottawa, Friday, October 14, 1966 under the by-line of Marcel Pepin, (English *Hansard* page 8890) be referred to the standing committee on privileges and elections for investigation and report.

Is the house ready for the question?

**Mr. Nugent:** Mr. Speaker, I believe this is a debatable motion, and I should like to point out a few of the reasons why I believe the house should pass it. Certainly in speaking to the point of order which was raised earlier some members advanced reasons why they felt the motion should not pass.

First and foremost among them, of course, is the question of the freedom of the press. I for one do not want anybody to believe for one moment that I want to restrict in any way or form the freedom of the press. Were this an article which merely made fun of me I would merely do what I have done in similar cases in the past, namely get a little annoyed; but I would not attempt to make a case out of it. However, sir, I feel that this particular instance goes far beyond that sort of comment.