

The motion presented by the honourable Member for Edmonton-Strathcona has now been changed. I read it into the record a moment ago. Although it has not been put formally to the House, it purports to have the matter complained of referred to the Standing Committee on Privileges and Elections. I should like to quote from Beauchesne's fourth edition, citation 104(5): "As a motion taken at the time for matters of privilege is thereby given precedence over the prearranged program of public business, the Speaker requires to be satisfied, both that there is a *prima facie* case that a breach of privilege has been committed, and also that the matter is being raised at the earliest opportunity."

The above citation will also be found in May's seventeenth edition, page 377. At page 248 of the same edition of May, we read the following: "Under usage when a complaint of breach of privilege is raised he [this refers to Mr. Speaker] has to decide whether a *prima facie* case has been made out which would justify such proceedings taking precedence over the other business of the House."

The Speaker's function is not to decide whether a breach of privilege has been committed because this question can only be decided by the House itself.

The role of the Speaker is limited—and this has been pointed out by the honourable Member for Edmonton West—to deciding, on a question of order raised, whether (a) the complaint has been raised early enough, and (b) if it can reasonably be held to be of the nature of a breach of privilege so as to give priority to the matter.

Has the matter been raised at the earliest opportunity? The article was published on Friday, October 14 and the question of privilege was raised only on the following Thursday, October 20. Some may hold the view—although this objection was not taken in the course of the argument that we had earlier today—that the matter was not raised at the first opportunity. However, I have taken into account the explanation and the reasons for such delay, given by the honourable Member for Edmonton-Strathcona last Thursday and I do not think that his complaint should be set aside on that particular ground.

The matter remaining to be decided by the Chair is not, I insist again, whether a breach of privilege has been committed or whether there is a *prima facie* case that can reasonably be submitted to the House for adjudication. In citation 113 of his fourth edition, Beauchesne refers to libels upon Members and aspersions upon them in relation to Parliament as breaches of the privileges of the Members. At page 303 of Bourinot's fourth edition we read as follows: "In the Canadian House, questions of privilege take a wide range, but it may be stated in general terms that they refer to all matters affecting the rights and immunities of the House collectively, or to the position and conduct of Members in their representative character."

He places in this category reflections or libels in books and newspapers on the House or Members thereof.

May deals with breaches of privilege or contempt in chapter VIII of his seventeenth 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 one, to which the honourable 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