

HOUSE OF COMMONS

Tuesday, November 6, 1990

The House met at 11 a.m.

Prayers

[*English*]

PRIVILEGE

DISTURBANCE IN GALLERY—SPEAKER'S RULING

Mr. Speaker: During Question Period on Wednesday, October 17, there was a demonstration in the gallery which occasioned a number of heated exchanges. The Chair undertook to consider carefully what had been said and to come back to the House and report if it were appropriate to do so.

On the following day, Thursday, October 18, the hon. member for Peace River, the Parliamentary Secretary to the Leader of the Government in the House of Commons, rose on a question of privilege, in his own words:

—specifically to argue that certain members of the New Democratic Party participated in an action which demonstrated a clear contempt against yourself personally and this House generally.

The hon. parliamentary secretary then proceeded to charge that since the hon. member for Windsor—St. Clair knew of the demonstration, and did nothing to stop it, he was in fact an accessory to the contempt. He laid several items before the House and indicated that should the Chair conclude that this matter should be accorded privilege treatment, he was prepared to move the following motion:

That the entire matter of the demonstration held in the public gallery on Wednesday, October 17, 1990, during Question Period, and the prima facie evidence that the hon. member for Windsor—St. Clair had prior knowledge of this demonstration be referred to the Standing Committee on Privileges and Elections.

[*Translation*]

The Chair has had the opportunity to reflect at some length on this matter and has found it convenient to

organize its thoughts about three aspects of the matter. First, the disturbance itself is a prime concern and it is one which the Chair should like to pursue a little later on in these remarks, in order to focus initially on the more immediate concerns of whether there was involvement by a member or members of this House in the perpetration of this unacceptable demonstration and if so whether the conduct of an honourable member may be brought into question by means of a question privilege.

[*English*]

At the outset the Chair would like to make it very clear what is to be decided here. In ruling on a question of privilege the Chair does not ultimately decide upon the matter. The Chair can only decide whether, on the basis of the material presented to the House, it appears likely that there has been a breach of privilege, which is so grievous that we set aside all other business before this House to consider the alleged breach. To be more specific, in this particular instance, the Chair must be satisfied that from the evidence presented it is reasonable to conclude that the hon. member for Windsor—St. Clair had in some way participated in or aided in some manner the offensive demonstration.

The hon. parliamentary secretary has presented to this House what he described as prima facie evidence. There were, I believe, five pieces of such evidence. Perhaps it would be advantageous to consider what prima facie evidence is. Black's *Law Dictionary*, Fifth Edition, at page 1071 defines prima facie evidence as "evidence which suffices for the proof of a particular fact until contradicted and overcome by other evidence". Although the sufficiency of the evidence put forward was the subject of some comment during our discussion of the question of privilege, it does not appear necessary to delve further into that aspect because in any event it has been denied or explained or challenged and the Chair is of the opinion that those denials and explanations outweigh the evidence submitted which is largely circumstantial.