

This is also a matter in which I have been heavily involved over the last three or four years, a fact which I think is generally known to most members of the House. Therefore, I believe a breach of my privileges occurred on Tuesday when I was unable to contribute the evidence which I had before me at that time on the matter on which you were about to rule. In some ways it seemed to me that the situation was somewhat like a court where judgment was being given before all the evidence had been heard.

● (1630)

Parliament, as has often been pointed out, is the highest court in the land, but surely such a situation does not apply here. To give just one example, I was in a position on Tuesday to offer absolute evidence that the hon. member for Durham-Northumberland was quite correct in stating that he had initiated an investigation into the withholding of the Taschereau file, but I did not have that opportunity. I agree with the view the Chair expressed on Tuesday.

Madam Speaker: Order. I must interrupt the hon. member. He is offering more comments on precisely the question on which I said the Chair was sufficiently informed. I remind him, as I did the other day, that even if the hon. member feels he has new evidence to bring forward with regard to the substance of the subject, the reason I did not hear him was that he was bringing evidence with regard to the subject being discussed and not to the direct matter of privilege. Today he is offering to bring new evidence as to what the minister did or did not do. That is not pertinent to the question of privilege and I cannot allow him to speak further on the matter. I said I was sufficiently informed. What he must do is raise a new substantive question of privilege. Otherwise I cannot hear him since I cut off debate on that question the other day.

Mr. Cossitt: Madam Speaker, I am not trying to introduce evidence pertaining to something that has happened. I am trying to base my question of privilege on the right of members to speak in this House. I merely cited that as an example. I can cite many other examples. My question of privilege has to do with the right of members to speak in this House.

Madam Speaker: There is a right to speak in this House, but at that particular time the right of the hon. member to intervene had to be frustrated. It was my duty then to terminate the debate on that particular question because argument had been sufficient. The first intervener had not convinced me there was a question of privilege. Therefore, I thought that other interveners not directly affected by the question of privilege could not further inform me as to where the privilege lay.

Freedom of speech is not absolutely unrestrained in this House. At some point other rules come into play in order to at some point limit the right to speak of an hon. member. That is the way the procedures of this House are organized. Therefore, it is not a right completely unrestrained. If that is what the

hon. member is telling me, I have to tell him that I am under a duty to restrain members when I feel that other members' privileges are being impeached.

Mr. Cossitt: Bearing in mind the remarks you have just made, Madam Speaker, I feel that when a member has been mentioned in the House as being connected with a very serious matter before the House, that member has the right to take a stand on the matter and be heard.

I am not referring specifically to what happened on Tuesday. In another question of privilege before this House a moment ago, the hon. member for Winnipeg North Centre (Mr. Knowles) exercised his right to be heard as a result of having been mentioned. I think I have that same right.

The former member for Prince Albert, the late Right Hon. John Diefenbaker, gave us our present bill of rights. Section 1, subsection (d), guarantees freedom of speech. I agree that freedom of speech does not of itself give us a licence to do anything. However, in the charter of rights resolution before the House, after guaranteeing freedom of speech, Section 31(1) reads:

This charter applies

(a) to the Parliament and Government of Canada and to all matters within the authority of Parliament—

They may not seem appropriate, but I think the words of Thomas Jefferson are appropriate. He said, "For God's sake, let both sides of the question be heard." That statement really sums up what I am trying to say. I stand to be corrected, but I know of nothing in the rules of the House that prevents me from taking part in a question of privilege in which I have been specifically mentioned.

I cited only one example and perhaps I should not have used that one. However, it is very clear from British parliamentary practice and the traditions of this House that it is the duty of the Chair to protect the rights of members. Part of the protection that should be extended to us is the right to defend ourselves or to reply when our names are mentioned in a question of privilege or point of order, and to say what we think is the truth if we think that something that has been stated is inaccurate.

If we are deprived of that right, we may come to the point where freedom of speech is gone in this chamber. I am certain that is not the wish of the Chair. I am sure it is not the wish of most members in this House, although I can think of a few who would wish that that was so, without mentioning any names or specifics.

I believe I have a legitimate question of privilege. I see nothing in the rules or in Beauchesne which says that a question of privilege should be cut off by the Speaker at a specific point. The Speaker has to make a judgment as to when it should be cut off. However, I have been in this House approximately nine years when two of your predecessors, Mr. Speaker Lamoureux and Mr. Speaker Jerome, were in the chair. When a question of privilege arose pertaining to specific members, pretty well all those members were allowed to comment. There was no restriction.