

Members' Acceptance of Fees from C.B.C.

Section 17 of that act provides for a penalty to be imposed on a member, who has become disqualified but continues to sit in the house, of \$200 for each day on which he so sits. There are two qualifications here, however. Section 17 provides that the fine is not automatic; a suit for the forfeit would have to be taken. Section 23 provides that such proceedings have to be taken within 12 months of the date when the forfeiture or penalty was incurred.

It is also clear that only parliament itself can determine who is qualified or not qualified to sit as a member, and that disqualification in one parliament has no effect on a subsequent parliament. Indeed a disqualification to sit in one parliament does not bar a member from subsequently being a candidate and, if elected, from taking his seat unless there was a continuing contractual relationship with the crown, or an agency of the crown, that might disqualify him.

When a member of parliament has asked the Department of Justice for an opinion, as has been done on more than one occasion in the past, about his position in respect of the Senate and House of Commons Act, the deputy minister of justice has merely indicated his informal or personal view on the subject. The view of this kind, given of an M.P.'s position if he accepts a payment from the Canadian Broadcasting Corporation is that this is a payment by the crown, of which the C.B.C. is an agent, and therefore would appear to come within the provisions of the act which I have just quoted.

In February of this year the deputy minister of justice wrote to the C.B.C. to the effect that the corporation should "consider the appropriateness of offering to a member of parliament an honorarium or out of pocket expenses for his participation in a program".

The facts of the situation are that 17 members of the present parliament have accepted payment from the C.B.C. for participation in programs while members of the previous parliament between May, 1963 and September, 1965. This is the period covered by the question on the order paper. It covers of course the previous parliament.

In any event, Mr. Speaker, it would be difficult to go back much further than that because for each year an exhaustive search has to be made of C.B.C. accounting records. The 17 members that I have referred to included 5 Liberals, 5 Conservatives, 5 New Democratic Party members—

Some hon. Members: Oh, oh.

[Mr. Pearson.]

Mr. Monteith: There is where the money goes.

Some hon Members: Shame.

Mr. Pearson: —1 Cr ditiste and 1 Social Credit.

An hon. Member: What about the Independents?

Mr. Pearson: And no Independents.

Mr. Ricard: There were none at the time.

Mr. Pearson: No action was taken against any member of the previous parliament to invoke the penalty clause of the act because of the acceptance of such a payment. As I have said, in relation to the present parliament which was elected in November, 1965, no member has been offered or has accepted such a payment.

No payment has ever been made to a cabinet minister, so far as I have been able to ascertain. One of the 17 members of parliament I have mentioned later became a cabinet minister in a later parliament, and one had been a cabinet minister previously. In short, Mr. Speaker, no member of this parliament has done anything to disqualify himself from such membership because of any relationship to the C.B.C. However it seems to me that the legal position is a little uncertain and doubtful, and perhaps at an appropriate time it should be cleared up.

Right Hon. J. G. Diefenbaker (Leader of the Opposition): Mr. Speaker, this is a matter that greatly concerns the respect that Canadians should hold for parliament. It is one that is causing considerable difficulty in the minds of Canadians. I refer to the acceptance by members of parliament of payments from the C.B.C. The Prime Minister has referred to certain sections of the Senate and House of Commons Act. He did not refer to one other section. He referred to section 15. Section 16 of the Senate and House of Commons Act reads:

If any member of the House of Commons accepts any office or commission, or is concerned or interested in any contract, agreement, service or work which, by this act, renders a person incapable of being elected to, or of sitting or voting in the House of Commons, or knowingly sells any goods, wares or merchandise to, or performs any service for the government of Canada, or for any of the officers of the government of Canada, for which any public money of Canada is paid or to be paid, whether such contract, agreement or sale is expressed or implied, and whether the transaction is single or continuous, the seat of such member shall thereby be vacated, and his election shall henceforth be null and void.