

Question of Privilege

particular riding was held on November 15 and the writ returned on November 22, it would appear that the 60 day time limit within which a return of election expenses must be filed expired on January 21 last.

Mr. Speaker, there were three votes taken in the house; two on January 27, one respecting a motion to hear a member in priority to others and the other respecting the 11 per cent sales tax, and the third on January 25 concerning an amendment to increase old age pensions. The hon. member for Montmagny-L'Islet is on record as having voted on all three occasions, the dates of which are subsequent to the date on which the return of election expenses should have been filed.

I raise the matter now simply to draw the attention of Your Honour and the members of this house to the probable breach of privilege that exists. I believe this is important, particularly in a house composed as this one is where such a vote might assume quite important proportions.

The hon. member concerned has brought an application which has been adjourned to February 24 because of the imperfection of the application. In the meantime it was my intention on Friday, as it is this afternoon, to leave this matter with Your Honour. If it should be your direction, and I seek Your Honour's guidance in this connection, I should be prepared to move a motion that the matter of privilege raised by me this day be referred to Your Honour for such disposition as Your Honour may see fit.

Mr. Speaker: I suggest to the hon. member that the matter might be held in abeyance for the time being until such time as the Chair has had an opportunity to study the matter raised by the hon. member for Yukon. In the light of the views later expressed by the Chair he will decide whether a motion should be actually moved. I do not want to cut off discussion in this regard. I gather that the hon. Minister of Public Works has comments to make, and I would certainly be pleased to hear them.

Hon. G. J. McIlraith (Minister of Public Works): Mr. Speaker, just before you consider this matter I want to say that I support the view that it should be studied by Your Honour before a decision is given as to whether or not it involves a question of privilege. I say this because section 63 of the act quoted by the hon. member for Yukon provides that all election agents, official

[Mr. Nielsen.]

agents as they are commonly called, must file returns. Then it adds a separate provision affecting members of parliament, or candidates who are elected. The case now under discussion is one in which a candidate has been elected.

It is regrettable maybe, but none the less a fact, as has been revealed by an order for return tabled in each parliament, I think, or in all the parliaments I can remember, that great numbers of candidates have not filed these returns. For instance, there was a return made in the last parliament. I have the reference here to that return and it shows, for example, that some 51 of the candidates of the party to which the hon. member for Yukon belongs failed to file a return in that election.

Some hon. Members: Oh, oh.

Mr. McIlraith: Some 22 of those were from the province of Quebec. There is nothing unusual in that; it is a circumstance—

Mr. Starr: Were they elected members?

Mr. McIlraith: The returns will speak for themselves.

Mr. Starr: You are camouflaging your argument.

Mr. McIlraith: The point I wish to make is that in dealing with elected candidates the subsection of section 63 provides that if they fail to carry out the provisions of the act there is a remedy provided in the courts and it is a matter for the courts. If the hon. member feels that this case warrants such action, he has his remedy set out in that section of the act, by virtue of which parliament dealt with this subject matter.

If the hon. member wants to avail himself of that remedy then, of course, he is quite entitled to do so. My point is that it is not a matter of privilege affecting the usages in the house, but rather it is a case where the remedy has been provided by statute, by parliament, for dealing with this subject, and it is set out in that section of the act which governs this matter.

Mr. Nielsen: Mr. Speaker, I had not intended to—

Mr. Speaker: Order, please. I quite appreciate the position of the hon. member for Yukon. I appreciate the fact that he has allowed the matter to rest in the hands of the Speaker. I also appreciate the views expressed by the Minister of Public Works. All these views will be taken into account. I