

Recruitment of Francophones

to assert that ministers have deliberately misled the House he ought to make his charge—

Mr. Speaker: Order, please. The Leader of the Opposition wishes to rise on a point of order.

Mr. Stanfield: I hesitate to interrupt the President of the Privy Council but it seems to me, Sir, that he is paying absolutely no attention to your directive.

Som hon. Members: Oh, oh!

Mr. Speaker: Order, please. It is my hope that the President of the Privy Council will take into account the suggestion I made to him. He will bring difficulties on his own side of the House if he pursues the course of action he is embarked upon at the present time.

An hon. Member: He is abusing the rules.

Mr. MacEachen: What I intended to do was really to agree with your formulation of the situation but at the same time—and I do not make any apologies to the Leader of the Opposition or any member of the House—because of the gravity of the situation to outline not what the course I am following will lead me to but what the course which the hon. member is following will lead him to.

Some hon. Members: Hear, hear!

Mr. Speaker: I thank the President of the Privy Council for his forbearance and again I suggest, with all due respect, that perhaps the practice we have been following has worked rather well. I think hon. members have appeared to want to co-operate with the Chair in following this practice. It seems so much better to consider questions of privilege, to hear the question stated as briefly and lucidly as possible by the hon. member who raises it and not to embark on a procedural argument. I think the practice has functioned rather well until now, and I hope the Chair will continue to have the co-operation of hon. members in following that practice which, I think for the benefit of the House in general, we should follow.

The hon. member for Nanaimo-Cowichan-The Islands has given the notice required by section 2 of Standing Order 17 in the following terms:

At two o'clock today I wish to raise a question of privilege arising out of conflicting statements of cabinet ministers which I consider a contempt of Parliament.

Should Your Honour decide that I have a prima facie case of privilege, I am prepared to submit a motion for the consideration of the House.

In a preliminary way, I should mention that since then I have given the matter the most serious thought and consideration. I have looked at precedents and citations and applied my mind as diligently and objectively as possible to the important matter raised by the hon. member. I have also listened with interest to the arguments submitted by the President of the Privy Council and, as I said a moment ago, I do not disagree with any

[Mr. MacEachen.]

of the points which he made from a procedural standpoint. I believe he stated correctly what the position is from a procedural point of view of procedure.

I should like to ask in a hypothetical way whether an assertion to the effect that certain proceedings are in contempt of parliament is inherently a matter of privilege as understood by our practice. I have some serious doubts about it. What the hon. member suggests in the notice he has given to the Chair is that being in contempt of parliament constitutes a question of privilege. If all hon. members will look at the definition of privilege which has been cited from time to time in the House and which is reported in May's 17th edition at page 42, they will find that this definition indicates that so-called contempt of parliament does not by itself constitute a question of privilege. It might be an element, of course, it might be part of the general picture, but by itself to say that there has been contempt of parliament and therefore there is a question of privilege is, I suggest to the hon. member, not the complete picture, and that when there is nothing more it does not constitute a question of privilege.

It seems to the Chair that the matter raised by the hon. member may be classified or categorized in one of three ways. First, an hon. member may allege wilful misconduct or wilful intention to mislead the House. As has been pointed out correctly by the President of the Privy Council, there is here a long-established rule which would apply, a rule to which the Chair has alluded from time to time. May I refer hon. members to the ruling of Mr. Speaker Michener, which again the President of the Privy Council quoted. It is reported at page 584 of our *Journals* for Friday, June 19, 1959:

In my view, simple justice requires that no hon. member should have to submit to investigation of his conduct by the House or a committee until he has been charged with an offence.

I fully recognize that the words uttered by the hon. member for Nanaimo-Cowichan-The Islands, as well as the words contained in his notice to the Chair, do not by themselves imply a charge of personal impropriety on the part of the minister. If they did, the hon. member knows as well as I do that by virtue of the long-established practice he would have to make a specific charge in the House and the matter would then be referred almost automatically to the Standing Committee on Privileges and Elections.

On the other hand, if the hon. member wishes to press a grievance or to censure a minister or a group of ministers, or the government in general, our practice provides specific procedures to effect such a result. In particular, the hon. member could move a substantive motion, after notice, in the ordinary way. I recognize that this may not be a very helpful suggestion, but it is one of the practices or procedures provided by our Standing Orders. In addition, I suggest that our supply procedures are designed at least in part to achieve such an object.

The third point is that the hon. member's notice is based on the suggestion that conflicting statements have been made by cabinet ministers. In his statement to the House a moment ago the hon. member was suggesting