

with the telephones of members of this House? There is no question that if they can do the one they can do the other. I think this is an extremely important issue to be decided.

• (2:20 p.m.)

If the facts raise a reasonable probability of a prima facie case, then I suggest to you as Mr. Speaker and as a lawyer that the implications of a prima facie case are not such that we have to establish the point beyond a reasonable doubt and not even by a preponderance of evidence. If the facts indicate to Your Honour there is a doubt, that there is a possibility that the actions of the government and of the police authorities suggest there has indeed been maintained some form of scrutiny or some form of dossiers on Members of Parliament in the exercise of their legislative capacity as representatives of the people, that is a prima facie case. I would go further and suggest that if there is any doubt a parliamentary committee might well make an examination and assist Your Honour on that point. The matter is one which is entirely for Your Honour to decide and in doing so I think Your Honour is entitled to ask for assistance either in the form of advice from individual members or from a committee. I suggest further that if Your Honour should conclude there is a prima facie case on these facts, I would be prepared to consult with Your Honour and the House leaders concerning the form of the motion which might be put.

Mr. Speaker: I have listened with much interest and attention to the hon. member for Peace River. I do not wish to suggest that no reply should be made by someone on behalf of the government in respect of the hon. member's question of privilege, but in view of the prescription of the new rules the Chair has had an opportunity to give the matter serious thought, to look into the precedents and to consider the background of such questions. Therefore I believe I am in a position now to give my view, right or wrong, but I can assure hon. members that the conclusion to which I have come has been reached after listening very attentively to the hon. member and particularly after considering the matter since yesterday when it was first raised by the hon. member for Peace River.

The hon. member has, according to the provisions of section 2 of Standing Order 17, given notice to the Chair of his intention to raise the question of privilege he has now stated to the House. In his written notice the hon. gentleman stated that it was his intention to raise the same issue in relation to which he endeavoured to propose a motion during yesterday's sitting. That point may not be material at this time but I do suggest to the hon. member that what he raises today is a new and much broader question than the one he raised yesterday. In the notice given by the hon. member it is stated:

The issue involved of course is the breach of privilege involved in the extent to which there is likely to be intimidation of Members of Parliament to the extent to which they are subjected to scrutiny and inspection, and have records kept of them in their capacity as Members of Parliament by the RCMP or others on behalf of the government.

RCMP Files on Members of Parliament

This morning I had occasion to look back over the records of the House beginning with the year 1946 and I find that the question of alleged dossiers on Members of Parliament as such has been raised on a number of occasions. I might even say that it has been raised regularly and that there are many citations or quotations which hon. members might want me to bring to their attention. In particular, I might refer hon. members to *Hansard* for July 5, 1946, the first year in which my search began, at page 3201, when the then Minister of Justice stated in part:

The hon. member also asks if there are any dossiers on Members of Parliament. There are no dossiers on Members of Parliament as such.

Again, on January 29, 1958, as recorded at page 3948 of *Hansard*, the matter was renewed in relation to a question on the order paper. The then Minister of Justice provided an extended reply to the question. A similar reply has been made in answer to similar or related questions on a number of other occasions. In the time at my disposal I have come across the following examples: *Hansard* for October 29, 1962, at page 1011; *Hansard* for November 4, 1963, at page 4341; *Hansard* for November 28, 1963, at page 5210; and *Hansard* for May 3, 1966, at page 4632. Additionally, hon. members may be interested in reading the debate of some length on the very same subject which is recorded at pages 5161 to 5166 of *Hansard* for June 25, 1959.

The conclusion to be drawn from the questions asked and the answers given over an extended period of years is that hon. members have had reason to believe that dossiers might well exist in relation to individual Members of Parliament in their capacity as citizens at least, if not in their capacity as members as such. Also, in the same period the suggestion has come from successive ministers that if such files exist they relate to individuals in their personal capacity and not in their capacity as Members of Parliament.

The question is whether there are any special circumstances which might indicate that what was not considered privilege in previous years might be made the subject of such a question at this time. In my view there could be a prima facie case of privilege only if there were specific allegations or special circumstances leading to the conclusion that police or other activity is of such a nature as to interfere with a member in the discharge of his responsibilities in Parliament.

Hon. members may refer to Erskine May's classic definition of privilege often quoted in this House as it appears at page 42 of May's seventeenth edition. Parliamentary privilege is defined as the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the high court of parliament, and by members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals. Thus privilege, though part of the law of the land, is to a certain extent an exemption from the ordinary law.

According to this definition, privileges are those special rights recognized as belonging to Members of Parliament