

*Privilege—Mr. Robinson*

consider whether this situation creates a *prima facie* case of privilege that should be brought before the House.

[*English*]

The first question before you, Mr. Speaker, is whether the conduct of the Hon. Member for Chambly, which has led to him pleading guilty to a number of serious charges, all of which I submit relate directly to his work as a Member, raises a *prima facie* case of privilege.

I have not had the opportunity to complete research I have undertaken in this matter, but I do want to draw your attention to Citation 16 of Beauchesne's which states:

Parliamentary privilege is 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.

It might well be argued as to whether the House as a whole could function properly if, among its Members, there continues to be someone who has himself admitted guilt on and been found guilty by the courts of a number of serious charges relating, I submit, directly to his work as a Member.

One case has been cited in the House, and that is the case of a Member of Parliament by the name of Fred Rose who, after being convicted of treason, was, on resolution of this House, expelled from it. I would submit that this is a precedent for Your Honour to take into account, both with respect to the question of whether conduct by Members can be a *prima facie* case of privilege, and also whether the House has the power by resolution, where a *prima facie* case of breach of privilege has been found as the result of the conduct of a Member, to expel that Member from the House.

I would also draw to your attention, Mr. Speaker, that in the United Kingdom Parliament, according to Erskine May at page 139, there is the power of expulsion from that Parliament. Erskine May states:

Members have been expelled as being in open rebellion; as having been guilty of forgery; of perjury; of frauds and breaches of trust; of misappropriation of public money; of conspiracy to defraud; of fraudulent conversion of property; of corruption in the administration

of justice, or in public offices, or in the execution of their duties as Members of the House;—

To the extent that the proceedings and rulings resulting therefrom of the United Kingdom House of Commons are a precedent for us, then we certainly have precedents which involve Members of the United Kingdom House of Commons being expelled from that House as a result of convictions for such matters as conspiracy to defraud, misappropriation of public money, corruption in the administration of justice, or in public offices, or in the execution of their duties as Members of the House.

I also wish to point out that as Beauchesne makes clear at page 27 in Citations 90 to 92, in the past this House has, in addition to the case of Fred Rose, taken action, I presume by resolution, to expel Members for their conduct.

I would submit that the House certainly has the power, if you should find a *prima facie* breach of privilege, Mr. Speaker, to adopt a resolution, the effect of which would be to provide for a Member who has been found guilty of offences of the type to which the Hon. Member for Chambly pleaded guilty, to be expelled from the House.

I also want to draw your attention to Standing Order 20 which states:

If anything shall come in question touching the conduct, election or right of any Member to hold a seat, that Member may make a statement and shall withdraw during the time the matter is in debate.

From that I would take it that it is certainly open to you to find that the matter of the conduct of a Member with respect to the issue of the right of that Member to hold his seat can be found to be a *prima facie* case of breach of privilege which can be the subject of a motion, which motion could not only be debated but voted upon.

• (1140)

I think that whatever else can be read into or taken from Standing Order 20, I would submit that what I just said about the effect of the Standing Order being based on the presumption that the conduct of the Member can be linked with his right to hold a seat, and this can result in a motion which is debatable can be voted upon, and can result in that Member not being allowed to hold a seat as a result of the vote on the motion.