

*Question of Privilege*

end of debate, Your Honour has time to rule on various motions and adopt any suggestions, and when the questions or privilege which have been raised are disposed of, I should like to have an opportunity to put my motion as well. I hope Your Honour will not feel that I was not trying to co-operate with the Chair when I spoke on this matter; I had that impression.

[Translation]

**Mr. Grégoire:** Mr. Speaker, since there are now three motions under consideration, I would like to move another one under standing order 24.

I move, seconded by the hon. member for Villeneuve (Mr. Caouette):

That the orders of the day be now read.

Let us proceed.

[English]

**Mr. Speaker:** We are already on the orders of the day. The hon. gentleman's motion might be a good motion for tomorrow, but not for tonight.

Does the hon. member for Rosthern wish to speak on a point of order?

**Mr. Nasserden:** No, Mr. Speaker, on the question of privilege itself.

**Mr. Speaker:** I am asking the question because there are two hon. members seeking the floor, and if they wish to speak on a point of order I would recognize them first. However, I will call on the hon. member for Rosthern.

[Translation]

**Mr. Alexis Caron (Hull):** Mr. Speaker, on a point of order about the same point of order raised a little earlier by the hon. member for Winnipeg South Centre (Mr. Churchill). The discussion is allowed to go on. The hon. member for Yukon (Mr. Nielsen) moved a motion which you took under consideration. You said that tomorrow you would probably give your ruling on it and since then the debate has been going on. If we are allowed to keep on discussing it, I think that the hon. member for Lapointe (Mr. Grégoire) also had the right to move an amendment. If you allowed the debate to continue on the motion, the hon. member for Lapointe had the right to move his amendment, so that it could be studied at the same time, and you could give your ruling tomorrow.

[Mr. Nugent.]

I think that the hon. member was perfectly right to move his motion, while the others had the right to discuss a point of order which you had taken under consideration.

[English]

**Mr. E. Nasserden (Rosthern):** In rising to say a few words on this matter before us today I think we should remember what is before us at this time. The question of the privileges of the House of Commons is not something to be taken lightly, not only because of the rights of hon. members but because of the dignity of the Chair, as well. I wish to refer to Beauchesne citation 105 on page 96 where it is stated:

—if a member should rise to complain of a breach of privileges of the house they have always instantly heard him. It seems that the first duty of parliament is to keep its privileges and no rule or standing order should restrain its conduct when it must vindicate its authority.

This refers not only to members of the House of Commons but to the Chair as well. Then on the following page we find in citation 106(2):

The dignity and independence of the two Houses are in great measure preserved by keeping their privileges indefinite. If all the privileges of Parliament were set down and ascertained, and no privilege to be allowed but what was so defined and determined, it were easy for the executive power to devise some new case, not within the line of privilege, and under pretence thereof, to harass any refractory member and violate the freedom of Parliament.

Today we have witnessed the spectacle of the Prime Minister and other members opposite pointing to the fact that the hon. member for Yukon has made charges in this house. This is one of the reasons they are raising their charges at this time. In other words, this citation is very applicable to what is taking place in the House of Commons today.

If we go on to consider citation 159(2) on page 134, we will find that it states:

A Minister of the Crown is not at liberty to read or quote from a despatch or other state paper not before the House—

**An hon. Member:** Read on.

**Mr. Nasserden:**

—unless he be prepared to lay it upon the table. This restraint is similar to the rules of evidence in courts of law, which prevent counsel from citing documents which have not been produced in evidence. The principle is so reasonable that it has not been contested, and when the objection has been made in time, it has been generally acquiesced in.