

Question of Privilege

the near future of taking over some part of the east block, the jurisdiction with regard to the privileges of members of the house is going to have to be defined, and legitimately has been legally defined on several occasions, to be parliament hill.

I think the motion should be broadened to take in the question of jurisdiction and the area in which it applies; otherwise we will not be arriving at a solution to the particular problem with which we are faced today. Any decision reached may not apply specifically to another occasion. I would appeal to the President of the Privy Council to include in his motion the matter of defining the jurisdiction in which privilege applies, so this problem may be settled by the committee on privileges and elections.

Right Hon. J. G. Diefenbaker (Leader of the Opposition): Mr. Speaker, the matter of the privileges of the house is always one that should command the attention of all members of the house. Indeed, it is of foremost importance that none of our prerogative privileges that have been gained through generations of experience should be petered away in any way, interfered with or abrogated. The manner in which the hon. member for Lapointe presented his case, however, gave to his question of privilege a more humorous turn than otherwise would be the case. He pictured himself as a small Goliath in this situation, fighting the mighty forces of the law.

Some hon. Members: Oh, oh.

Mr. Diefenbaker: I am speaking of a pocket edition of a Goliath meeting the terrible onslaught of the Royal Canadian Mounted Police. I hold no brief for them, although throughout the years their reputation has been such that any suggestion of interference with the rights of individuals or tyrannical conduct has not been well based.

The hon. gentleman has raised a question of privilege covering the peculiar circumstances under which he met what appeared for the moment to be an untimely end but which, with the assistance of the Minister of Justice, achieved a degree of equanimity to which I am sure all of us will congratulate both parties for having made their contribution.

As far as the motion is concerned, I think the motion of the President of the Privy Council covers the matter. We are not going to ask this committee to indulge in a lot of obiter dicta as to what the rights of members are, should be or ought to be. We are going to ascertain whether the rights of the hon.

member for Lapointe were interfered with. If they were, parliament must assert that such interferences shall not be allowed; but to set up a committee for the purpose of going into all kinds of angles regarding rights is, I think, unnecessary in every way.

[Translation]

Mr. Rodolphe Leduc (Gatineau): Mr. Speaker, I have a suggestion for the Minister of Justice (Mr. Favreau).

I have heard my colleagues complaint about the brutality with which the R.C.M.P. made his arrest.

I would suggest to the Minister of Justice to appoint a few women to the R.C.M.P. so that, if necessary, weak men of the House of Commons be put under arrest gently and not with brutality.

Some hon. Members: Oh, oh.

Mr. Réal Caouette (Villeneuve): Mr. Speaker, if the suggestion of the President of the Privy Council affords the committee on privileges and elections the opportunity to examine more thoroughly the question raised this afternoon, that is, the range of parliamentary immunity and where it applies, then his suggestion is acceptable. But I cannot agree with the Leader of the Opposition (Mr. Diefenbaker) when he says that we should merely consider the time when or the circumstances where the hon. member for Lapointe was put under arrest.

In my opinion we must find out whether the R.C.M.P. has the right to put someone under arrest on parliament hill, inside as well as outside the building. On Wellington street, yes, but as regards parliament hill itself, I feel the matter should be examined by the committee on privileges and elections and a solution found, so that the R.C.M.P. personnel could be advised accordingly and stop making blunders as they did when they arrested the hon. member for Lapointe.

Hon. Guy Favreau (Minister of Justice): Mr. Speaker, either the hon. member for Lapointe has a question of privilege or he has not.

Mr. Caouette: He has one.

Mr. Favreau: If the hon. member feels that one or more privileges of hon. members has been infringed upon, he should point them out to the committee so that the latter may determine whether there has been an encroachment. It is only if the committee which will be entrusted with this question knows all the facts that it will be able to decide