

PRIVILEGE

TAKING OF VOTES

Mr. Jim Hawkes (Calgary West): Mr. Speaker, I rise today on a question of privilege which arose from the objections I made yesterday when it appeared to me that one or more New Democratic Party members of the House had voted twice on a single formal division taking place in this House.

Mr. Speaker, I submit to you now, after having looked at the television, our electronic *Hansard* tape of those divisions, that two members did in fact vote twice, and that such actions constitute a prima facie case of privilege. If you so find, Mr. Speaker, I will be prepared to move the usual motion for referral of the matter to the Standing Committee on Elections, Privileges, Procedure and Private Members' Business.

I cannot imagine anything that is more serious to the rights and privileges of members. It begins with the electoral process where it is against the law for citizens to attempt to vote twice in a single election. Certainly in this chamber it is against our traditions and against our privileges.

I think the grounds for this question of privilege are indisputable and pure. I cannot do my job as a member of this House. I cannot vote and be unimpeded in having my vote lead to a legitimate decision if any or several members vote twice on a single question.

The highly unusual nature of such actions probably makes them a contempt of Parliament rather than a breach of privilege, but that is for the House to determine at a later point.

The television tapes will show that in the recorded division on the motion of the member for Kamloops for first reading on his Magna Carta day bill, the member for Regina—Lumsden voted twice, first in the affirmative and then in the negative.

On page 7438 of *Hansard* you will find, Mr. Speaker, that this problematic behaviour was further compounded when the member stood in this chamber and clearly denied having voted twice. That was in this chamber where we take the word of a member on important issues. He clearly denied it.

The Lord gives us eyes to see and ears to hear. Mr. Speaker, if you review the tape you will find that the

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member's name was called in the affirmative and called in the negative. You will see, Mr. Speaker, that the member rose in his place in the affirmative and was recorded in the negative.

Later in the recorded division on the motion of the member for Kamloops for leave to introduce his National Housing Act amendment bill, the member for Windsor—St. Clair voted twice: first in the affirmative and then in the negative. His name was called in the affirmative. When you view the tape, Mr. Speaker, you will see him rising in the affirmative and again in the negative.

I cannot state more emphatically the unacceptable consequences for all members if such actions are not stopped. Every member's vote here would become devalued without their being able to do anything to stop the debasement.

The consequences to each and every member's right and duty to make a decision on questions are unthinkable and unacceptable. This is a profoundly basic matter of privilege.

I refer you, Sir, to Maingot's *Parliamentary Privilege in Canada* at page 199 where the privilege grounds of intentional misleading are discussed. He states: "It must be shown that the member was obstructed in his work relating to a proceeding in Parliament".

At page 205 in the section dealing with raising complaints against members in the House of Commons, he states: "A member of the House of Commons who, for example, has admitted to have deliberately misled the House would probably forthwith be the subject of a motion for contempt".

He also states that 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 have indicated to you already, Mr. Speaker, that I am herewith making the charge with the television tapes as evidence.

Further I point you, Sir, to page 194 under the heading "Member Gets Benefit of Doubt" where a 1978 precedent of ruling is cited to indicate that if the member making the claim to privilege or objecting to a possible contempt has an arguable point and the Speaker feels any doubt on the question, then he should leave it to the