

*Privilege*

any ordinary, acceptable way, the co-operation of a member of the House, and he has to pay the price for it.

**Some hon. Members:** Hear, hear!

**Mr. Speaker:** Order, please. Much has been said this afternoon about the position of the Chair in respect of search warrants. The hon. member for Winnipeg North Centre (Mr. Knowles) made some reference to the practice that had taken place in an earlier case. That was a situation in which the circumstances were somewhat different from this, and I want to outline to the House the procedure that I followed on that occasion.

In that situation we were dealing with an investigation that had been ordered by me into allegations of misconduct on the part of a member. It was evident that, certainly if the Chair was not about to take action in that respect in the face of public allegations of misconduct, the matter would have been raised in the House in some way and some resolution or decision of the House would have been sought to take the same step. Therefore the action was seen to be one that was warranted on behalf of the House in the circumstances. In the face of public allegations of that sort an investigation was immediately ordered. Therefore, when the conclusion of that investigation was that a search of a member's office seemed to be in full keeping with the proper course of the investigation, and since it was at our request that the investigation had been made, it seemed to me to be rather untoward to suggest that the investigation should be thorough to that point only but should not be thorough enough to complete the search, if that was sought.

However, as the hon. member for Winnipeg North Centre indicated, I did require, if it was the intention to proceed with a formal charge, that a formal charge be laid and that, in conjunction with that charge, a search warrant be obtained and that I then be presented with those two things as a *fait accompli*. Having done that, after the first request I consulted the House leaders to advise them that the request had been made and of the step I had taken in telling the investigators to complete their work, and if they felt a search was necessary in the circumstances, to come back. They completed their work and came back with the information, and a search warrant accompanied the sworn information or the charge. Again I called the House leaders into consultation and asked them. "We are faced with this as a *fait accompli*, what do we do now?" I think I am being fair in saying there was a consensus that it would be improper to prevent in any way the execution of that search in the given circumstances. I say that as an indication that in a situation in which an investigation was ordered by the Chair, that was the attitude I took.

I would certainly think that my attitude, in attempting to safeguard the rights of members in the same way, would at least be the same, in the face of the situation where a warrant was being sought under circumstances in which it was contested, or in a controversial situation. May I therefore say for the benefit of the House that the procedure I would follow, if the option is pursued, would be precisely the same.

[Mr. Jarvis.]

It is not for the Chair to decide, as has been suggested, nor indeed for the House to decide, if matters of national security are at issue, because we have no mechanism for making that decision, and it is not for the Chair to decide if an offence is suspected or being committed. It is not a decision that the Chair can make. However, if I am advised by the Prime Minister (Mr. Trudeau), upon his best advice, that a matter of security is at issue and that, in conjunction with that matter of security, an offence of some sort is suspected, and also that a search of premises in these buildings is indicated, I would certainly immediately call the House leaders together to indicate to them that I have been advised by the Prime Minister of the circumstances and that, unless somebody could persuade me otherwise, it would be very difficult for me to indicate that the matter should be turned back.

However, we are in a hypothesis because the step has not been taken. Having taken that step and followed that course in the past, I would insist on that kind of assurance in the first place before I called the House leaders together. What would happen then remains to be seen. This is for the guidance of the House, and it is by no means a definitive decision or a precedent by way of laying down practice for other Speakers. It is the way I would proceed in the circumstances.

As I indicated earlier, many of these questions remain unresolved. They will have to be researched further to determine whether or not there is authority for any of the several other propositions that were advanced here today or whether in fact I am acting properly if I follow those steps. Precedents tells me that I have acted properly in the last instance. I would want to be quite sure, because of the controversial nature of this matter, that I am acting according to precedents, were I to follow the same course. Certainly that course would be the minimum that I would want to follow in endeavouring to safeguard the long-standing right that no member's premises are subject to search in this building without the permission of the Speaker. Whether or not an order of the House is required is a new proposition which will have to be investigated. However, it will take some research and some time.

On the arguments that have been put forward by both sides today, obviously the Chair will have to take some time to come to a resolution. Again I come back to the fact that, so far as the Chair is concerned, we are in a hypothetical situation. However, the hon. member for Leeds (Mr. Cossitt) raised a question today and said he was visited by the Solicitor General (Mr. Blais) in his office. I suppose that theoretically it is possible to suggest that an uninvited visit by anybody, including another member of the House of Commons, might be a matter of privilege. I do not know that; I suppose that argument can be put forward. There is no motion attached to the hon. member's question of privilege at this time and no matter is before me at this time for a definitive decision.

What the hon. member for Leeds asked today was for permission to raise the matter, which indeed has been well contributed to on all sides of the House, and the reservation of his right, which of course is unquestioned, to carry the matter further depending on what circumstances take place. There-