

Private Members' Business

First, I was in the House some years ago when an incident of molestation was raised. It was a dispute between the member of Parliament for York South—Weston and the then member of Parliament from Winnipeg, the late Mr. Dan McKenzie. The Speaker will perhaps recall that incident, or the records of the House will remind him of it. Essentially, it was a debate that eventually ended in one member physically attempting to do something to another member, which is certainly not in conformity with our usual practices in the House.

There are, not only in Beauséjour but as well in Erskine May, a number of cases of what are referred to as the molestation of members while in the execution of their duties. Not only is there the case of 1780, which has been mentioned, but perhaps more importantly for the Speaker is the following. There is reference in Erskine May's 19th edition at page 149 to cases of punishment of members and others for molestation of members. In other words, these are cases of members against members within the precincts of the House. I could name a series of these cases, but I will name the Franklyn case, the Mompesson case, Holt, Gourlay, and so on, which refer to disputes between hon. members inside the Chamber itself.

The point I am making, without judging this case, is that the Speaker has in the past determined that this kind of an incident, depending on the severity of it, was deemed to be punishable by an action of the House. Therefore, it is, at least *prima facie*, something for the Speaker to consider as being important, and it falls under the general rubric, in Erskine May's 19th edition, not only of breaches of privileges but also under the rubric of contempt of Parliament. I bring this to your attention because of these two important points.

Finally, there is the whole issue of privilege generally, which is what enables us to function, not only as parliamentarians individually, but collectively. This definition of privilege is found on page 67 of Erskine May's 19th edition. In other words, all of us as parliamentarians have a fundamental right and a fundamental expectation that we will all be able to stand in the House and say whatever we feel we must say on behalf of those who sent us here, without fear, worry or concern that anything will stop us, threaten us, or otherwise make it such that we would be hampered in that capacity. That is a fundamental principle, which is necessary for all of us to be able to represent our fellow constituents in this highest court in the land, the Parliament of our country.

• (1835)

[Translation]

So, if we are to all enjoy this privilege and represent not only properly but without fear of reprisal all that may be said in this House, it goes without saying that the threat cannot be tolerated.

[English]

The best case to be made for that is surely the fact that no member of Parliament could ever be brought before a court of law for saying anything in the House. The reason that is there is to ensure that there is no libel chill, to ensure that no one can threaten to sue an MP for something said in the House. The reason that is there is to give any member of Parliament the total freedom from fear of any kind in order to represent constituents.

For the same reason, it is important, and I would argue essential, that we be able to speak not only in the House in a way that does not have in it libel chill, but free of any kind of molestation or retribution on the part of anyone within Parliament as well as coming to and leaving the Parliament. That has been established, as I indicated previously, for centuries.

I do not want to belabour that point. I thought it was an important consideration for the Chair to take into account. I hope it will assist the Speaker in deliberating on this important issue.

The Acting Speaker (Mr. Kilger): Colleagues, certainly the matter raised before the House is a serious matter.

I begin by acknowledging and thanking all those members who participated in the sharing of information and precedents. That will assist the Chair in arriving at a decision.

I will take this matter under advisement. Again, I thank the members for their information and their participation. We will deal with the matter in the most respectful and the most just fashion possible.

I would like now to return to the business of the House during private members' hour. I believe the hon. member for Edmonton Southwest was seeking the floor.

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CRIMINAL CODE

The House resumed consideration of the motion that Bill C-301, an act to amend the Criminal Code (violent crimes), be read the second time and referred to a committee.

Mr. Ian McClelland (Edmonton Southwest, Ref.): Mr. Speaker, for the benefit of those viewers tuning in who thought they had somehow switched into the O.J. trial, we are talking about a private member's bill that would have the effect of saying that for serious violent crimes perpetrators would have three strikes and they are out.

Again for the benefit of those just viewing, it is interesting to see how confrontations brew and exist and happen in life. They can happen right here. They can happen everywhere in life, some more violent than others.