

Privilege—Mr. Nielsen

the heading "Premature Publication of a Committee's Proceedings or Evidence" I quote:

By the ancient custom of Parliament "no act done at any committee should be divulged before the same be reported to the House." Upon this principle the Commons, on 21 April 1837, resolved, "That the evidence taken by any select committee of this House, and the documents presented to such committee, and which have not been reported to the House, ought not to be published by any member of such committee or by any other person." Where the public are admitted this rule is usually not enforced. The publication of proceedings of committees conducted with closed doors or of draft reports of committees before they have been reported to the House will, however, constitute a breach of privilege.

An example of indignities offered to either House is cited at page 120 where there is reference to "sighting and contemning an order of either House." If that be the case it is even more strongly a matter in support of my question of privilege, because if it be contemptuous for a member to disclose evidence of a committee, it is even more contemptuous for a member to disclose evidence before it is given by a very probable witness who would be called before the committee to give that evidence—

Some hon. Members: Hear, hear!

Mr. Nielsen:—as to the involvement of an agency of the government coming directly under his jurisdiction, namely, the RCMP.

I have a further citation from Beauchesne's Fourth Edition, 1958, at page 429 as follows:

The House of Commons has disciplinary powers over its members, and a member who abuses his privilege of speech may be punished, not merely by suspension from the service of the House, but by imprisonment or expulsion from the House, or both.

I am certainly not suggesting that the House should go to those great lengths with respect to the Solicitor General, but I wish to assure hon. members that the matter I am raising is a very serious one indeed, and it simply cannot be equated to statements made on proceedings in this House by ministers outside the House while those proceedings take place. The fact remains that this very serious matter of privilege was referred to a standing committee of this House for investigation and report, and by his conduct the Solicitor General in effect has given evidence which should have been given before the committee, and therefore is contemptuous of the order of the House made on that occasion.

From Bourinot's Parliamentary Procedure, Fourth Edition, at page 474 I quote this citation:

It is, strictly speaking, a breach of privilege to publish the proceedings of a committee before they are formally reported to the House.

Again, Sir, this supports my contention that the evidence should be given properly before the committee and not before the media downstairs in the scum room.

Again, Sir, in his book "The House of Commons at Work" Eric Taylor, on page 68, says:

Most cases of "breach of privilege" are contempts of the House. The House must preserve its own dignity and authority, in order to carry out its functions.

On page 69 of the same work the method of punishment of a member is set forth. There are other references in May's to which I would refer Your Honour. At page 132 of

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the most recent edition under the heading "Contempt in General" appears the following:

It would be vain to attempt an enumeration of every act which might be construed into a contempt, the power to punish for contempt being in its nature discretionary. Certain principles may, however, be collected from the Journals which will serve as general declarations of the law of Parliament. It may be stated generally that any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence.

I contend, Sir, that the statements by the Solicitor General to the media were an attempt directly to impede and obstruct the work of the committee in reaching its findings and subsequent report to the House.

I contend also, that it was an act of disobedience for the Solicitor General, well knowing that he was likely to be called as a witness before the committee in this very important matter in which his department was involved, to have made these statements. At page 134 of May's under the heading "Disobedience to Rules or Orders of Either House" appears this statement:

Disobedience to the orders of either House, whether such orders are of general application or require a particular individual to do or abstain from doing a particular act, or contravention of any rules of either House is a contempt of that House.

The Solicitor General knew of the order of the House that the matter be referred to the committee, yet he flew in the teeth of that order and purported to give evidence before the media instead of before the committee itself.

Again, at page 140 of the most recent edition of May's under the heading "Other Forms of Misconduct" appears this example:

Giving evidence elsewhere in relation to any debates or proceedings in the House of which he is a member or officer, or any committee thereof.

That is an example of misconduct by a member amounting to contempt. Again, at page 142 of May's most recent edition under the heading "Premature Publication or Disclosure of a Committee's Proceedings or Evidence" is a statement I would refer to you.

But even more serious than the contempt of the House, or of equal seriousness, is the reflection which the Solicitor General indirectly cast on the hon. member for Kingston and the Islands when in his interview to the media downstairs on this occasion he said that the investigation was conducted at the request of a member of the staff of the hon. member for Kingston and the Islands. He is in effect saying that what the hon. member based her question of privilege on—that the investigation, the interrogation was conducted without her knowledge and consent—is false. It does not lie within the mouth of the minister, let alone a member, to say that sort of thing except before the committee. On page 148 of the same edition of May's this is made very clear. I quote:

Analogous to the molestation of members on account of their behaviour in Parliament are speeches and writings reflecting upon their conduct as members.

Now, Sir, the statement and the actions of the hon. member for Notre-Dame-de-Grâce would be bad enough if made merely as a member but he is a minister of the