

*Privilege—Mr. Robinson*

Mr. Speaker, I believe that a Member who pleads guilty to charges of fraud and breach of trust no longer has the right to sit in this Parliament.

[*English*]

I would note as well that if we were to accept the logic of the Minister of Justice and perhaps suggest that if in fact an appeal were launched this House would be paralyzed in inaction, let us consider the affect of that. An appeal could take years to wend its way through the courts—the Court of Appeal, the Supreme Court of Canada.

Is he suggesting seriously that this House would be paralyzed, that we would be unable to move, if in fact an appeal were launched? Meanwhile, September 1990 would roll around and the Member would become eligible for his life-time pension. That would be a discredit to this House.

I want to close by pointing out to Your Honour how profoundly important it is that Your Honour allow this motion to be put to the House, to recognize that indeed there is a *prima facie* case of privilege here, privilege that affects all Members of the House.

Unless a matter of this nature, admitted corruption by a Member of this House, can be brought forward in this way, what alternatives are left to Members of this House?

Effectively there are two. One would be to give notice of motion under Private Member's Business. I have done that, but Your Honour is well aware of the limitations, to say the least, of that approach. A motion goes on the Order Paper, but it cannot even be debated for one hour unless it makes the luck of the draw. If indeed it makes the draw, of course it can be talked out by any Member of this House. Effectively, obviously, that is not an appropriate or adequate mechanism to leave Members of this House to raise serious questions of privilege of this nature, to raise questions of corruption.

The other possibility of course would be to put forward a motion under Routine Proceedings. If that were acceptable, and given the urgency of the matter, it could be debated and could be the subject of a vote.

I thank the Clerk of the House for his guidance and his assistance. I have consulted with the Clerk and with the

parliamentary counsel. I understand that it is felt that a motion under Routine Proceedings in these circumstances would not be in order.

I have had drawn to my attention a decision of the Speaker of June, 1959. It has been cited as a precedent. It is important to distinguish very clearly the circumstances before the House today from the circumstances in the ruling of the Speaker in June, 1959.

That ruling arose because of certain comments made by Mr. Justice Thorson in the course of a judgment given in an action to which the Member of Parliament in question was not a party at all. During the course of his ruling the Speaker pointed out clearly that a breach of privilege could arise when a Member had used his public office for private gain, had compromised his independence by taking money, or had been found guilty of some scandalous crime. In the particular instance before the Speaker of 1959, that was not the case. In fact, the Speaker at the time said, and I quote: "Did the learned judge in commenting on the evidence say or imply that the Member for Peel had been guilty of a criminal offence?"

Certainly not. He said: "The Hon. Member did not stand to gain or profit for himself by anything he did. No public funds were improperly paid out. The Hon. Member's conduct was not of that order".

This case is fundamentally different. In that case there was no abuse of public office. This case affects each and every Member of this House. It affects the privileges of each Member of this House, and it goes directly to contempt of this House.

We have the right as Members to put a motion before this House. I would plead with Your Honour to recognize that that right is a right which in practice is non-existent unless, in the serious circumstances which are before the House now, the Speaker recognizes that precedence must be given to this motion, that a *prima facie* case has been established and then leaves it to the House to determine what action it will take. It cannot be done under Private Members' Notices of Motions. I would argue, and I am not going to make the argument now, that perhaps it should and could be done appropriately under Routine Proceedings, but I have been advised that that is not the course which would be acceptable.