

*Seal Hunt Consideration by Committee*

I indicated this afternoon that when one considers the matter of parliamentary privilege in relation to newspaper comments, two conflicting interests must be taken into account. The first is the privilege of hon. members to exercise their duties free from undue interference. The second is the freedom of the press in relation to its reporting of parliamentary activities. On this point I should like to refer to a ruling of Mr. Speaker Macnaughton reported at page 4434 of *Hansard* of June 18, 1964. This ruling reads, in part, as follows:

It seems to me that if this editorial referred in general terms to members of parliament none of us, I suppose, would be so thin-skinned that we could not accept some rather healthy criticism—

At the same time I would suggest that the language used is very strong and might well be considered to constitute contempt of parliament. Against this, there has to be weighed the requirements of a free press reporting and commenting objectively on parliamentary activities. In view of the language used in the article in question there might have been some support for a finding of a prima facie case of breach of privilege. This would allow the hon. member for St. John's East to have his motion put to the house. However, there are, to my mind, two serious procedural difficulties which stand in the way of such action.

In this presentation, the hon. member acknowledged that the matter has to be raised at the earliest opportunity. On this point I refer him and hon. members to May's 17th edition at page 378 as follows:

A matter of privilege which claims precedence over other public business should be a subject which has recently arisen.

By way of example, the learned author quotes the following:

A matter which occurred during the recess was refused precedence as a matter of privilege because it was not raised at the commencement of the session.

Similarly a matter concerning an article in a newspaper published on 6 May was refused precedence because it was not raised till the 14th and a speech reported on a Saturday because it was not raised until the following Tuesday. On the other hand, when special circumstances justified it, the Speaker has permitted a Member to raise a matter on the day following the date of issue of the newspaper containing the article complained of.

In this instance, the article appeared in the *Montreal Star* of Tuesday, June 3. The question was raised today, Monday, June 9, nearly a week later.

[Mr. Speaker.]

In my view, the fundamental rule that a question of privilege should be raised immediately and without delay should be enforced. I appreciate that in some cases there might be extenuating circumstances, as where a newspaper is published in a remote section of the country, or if the offending article is published in a language other than that of the aggrieved member. In such circumstances a delay might be permitted. Such mitigating circumstances do not seem to exist in the case now before the house.

The second procedural difficulty comes from the form of the motion proposed by the hon. member for St. John's East. In my view, the motion should follow the question of privilege as a logical sequence. Such a motion cannot merely ask that the committee investigate whether or not there has been a breach of privilege; it must allege a breach of privilege. It should not simply propose that a matter be investigated to determine if there is or is not a breach of privilege.

This proposed motion is in fact a simple reference of a newspaper article to the committee, asking the committee to make a finding. That is not a motion of privilege but, in my view, an ordinary substantive motion which, of course, can only be moved in the usual way with the appropriate notice.

In view of the procedural difficulties to which I have alluded, and in spite of my serious misgivings about the allegations contained in the article in question, I have to conclude that the hon. member's proposed motion cannot be put to the house.

• (8:10 p.m.)

**THE BUDGET****ANNUAL FINANCIAL STATEMENT OF THE MINISTER OF FINANCE**

The house resumed consideration of the motion of Hon. E. J. Benson (Minister of Finance) that this house approves in general the budgetary policy of the government and the amendment thereto of Mr. Lambert (Edmonton West) and the amendment to the amendment of Mr. Saltsman.

**Mr. Harold E. Winch (Vancouver East):** Mr. Speaker, since I have only ten or eleven minutes left, I will not refer again to the two subjects I raised prior to the dinner recess. It seems to me, to judge from the facial expression of the Minister of Finance (Mr. Benson) and the way he nodded his head, that he does