

# HOUSE OF COMMONS

Thursday, December 19, 1974

The House met at 2 p.m.

## ROUTINE PROCEEDINGS

[English]

### JUSTICE AND LEGAL AFFAIRS

Third, fourth, fifth and sixth reports of Standing Committee on Justice and Legal Affairs—Mr. Poulin.

[Editors Note: For text of reports referred to above see today's Votes and Proceedings.]

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● (1410)

### PRIVILEGE

MR. LA SALLE—REMARKS OF HON. MEMBER FOR  
TÉMISCAMINGUE—RULING BY MR. SPEAKER

**Mr. Speaker:** Order, please. Yesterday or the day before I indicated that I would endeavour to come to a decision today about the alleged question of privilege that was raised concerning remarks in two recent presentations made by the hon. member for Témiscamingue (Mr. Caouette). I have listened very carefully to the arguments that have been presented and I have examined again and again the record of the remarks made. In addition, I have consulted the precedents respecting applications for consideration by the Chair that a prima facie question of privilege has arisen and I find certain difficulties in connection with the precedents and their relationship to the present situation.

I have some grave concern about the nature of the practice that was referred to and about whether the kind of conduct referred to is in fact a breach of the law or amounts to an immoral or illegal activity. On the other hand, the allegations were not made simply against one member of the House, and on two different occasions. Particularly on the second of such occasions, which was last Thursday evening, they were directed against members of all other parties in the House except the one led by the hon. member who was then speaking. He implicated himself in the practice to which he had referred.

I have additional concern about the fact that the allegations relate to the relationship between the members of this House and the members of the press gallery here, or at least some of the members of the press gallery, because to a certain extent the press gallery is an extension of the

functioning of the House in bringing before the Canadian people, the electorate, the events of the House through the faithful and objective reporting of such events. This is not the sole responsibility of the press gallery but is a matter over which this House wants to exercise some interest, if not some direction, and to take some responsibility therefor. In view of this particular fact, and because, as I say, I have serious questions on both sides, I must bear in mind that my decision is not on one side or the other of the various technical questions involved but is simply a decision whether or not a prima facie case of privilege exists.

I would remind hon. members that the decision hereafter as to whether or not the matter ought to be investigated further by a standing committee is not the decision of the Chair but the decision of the House. If I do find there is a prima facie question of privilege, it is for the House to decide whether or not the motion of the hon. member for Joliette (Mr. La Salle) would carry and the matter referred to a standing committee.

Because the allegations directed against hon. members are so broad, and because they relate to the press gallery, in view of the reasons I have outlined and the doubts that I have on both sides of the question I feel I ought to resolve those doubts in favour of having the matter cleared up and investigated by a committee, so that whatever allegations have been outstanding can either be verified or denied. Accordingly, I propose to find that under the circumstances a prima facie case of privilege does exist, and in my view the question contained in the motion of the hon. member for Joliette that this matter ought to be examined by the Standing Committee on Privileges and Elections ought to be put to the House. I therefore put that question to the House at this time. Is it the pleasure of the House that the motion of the hon. member for Joliette carry?

**Some hon. Members:** Carried.

**Some hon. Members:** No.

**Mr. Speaker:** On division?

**Some hon. Members:** No.

**Mr. Speaker:** Are the members agreed that it is satisfactory to have the recorded vote now without the necessity of the bells calling in the members?

**Some hon. Members:** Agreed.

**Some hon. Members:** No.

**Mr. MacEachen:** Mr. Speaker, I do not know whether other members are in the same position as I am, but I did not hear the motion being put. If it has been put, it is obviously debatable, but it is a bit unusual to put a motion relating to the privilege of a member of the House when