

Privilege

ROUTINE PROCEEDINGS

[English]

PRIVILEGE

MR. NIELSEN—REFERENCE TO PRESS INTERVIEW GIVEN
BY SOLICITOR GENERAL—RULING BY MR. SPEAKER

Mr. Speaker: Is it the wish of the House that the Chair give the ruling, which I indicated earlier today would be made at the first opportunity, in relation to the point of order which was raised earlier today?

Some hon. Members: Agreed.

Mr. Speaker: Earlier today the hon. member for Yukon (Mr. Nielsen) rose on a question of privilege relating to statements made by the Solicitor General (Mr. Allmand) in a press interview where questions were asked about a matter previously referred by the House to the Standing Committee on Privileges and Elections. The duty of the Chair is to rule whether there is a prima facie case of privilege that would make it possible for the hon. member for Yukon to put a motion of censure against the minister.

The hon. member made a well researched presentation to the House. He cited a number of authors and precedents which the Chair agreed to study before making a ruling.

I should apologize to hon. members. Looking at my notes, I feel it might be an imposition on the House to continue at this time. On reconsideration, perhaps the House might allow the Chair to postpone the ruling. I am thinking, in any event, about the absence of the hon. member for Yukon, and it occurs to me it might be a matter of courtesy to have him in the House when the ruling is made. So having read the introductory paragraph, perhaps I might continue when we reconvene at eight o'clock. Is this agreed?

● (1800)

Some hon. Members: Agreed.

At 6 p.m. the House took recess.

AFTER RECESS

The House resumed at 8 p.m.

Mr. Speaker: Earlier today, the hon. member for Yukon (Mr. Nielsen) rose on a question of privilege relating to statements made by the hon. the Solicitor General (Mr. Allmand) in a press interview where questions were asked about a matter previously referred by the House to the Standing Committee on Privileges and Elections. The duty of the Chair is to rule whether there is a prima facie case of privilege which would make it possible for the hon. member for Yukon to put a motion of censure against the minister.

The member made a well researched presentation to the House. He cited a number of authors and precedents which the Chair agreed to study before making a ruling. I have now had an opportunity to do so and am prepared to give hon. members the doubtful benefit of the knowledge

[Mr. Dupras.]

gained from a study of the precedents cited by the hon. member as well as other precedents and citations.

Hon. members will appreciate, I am sure, that it is an extremely serious matter for the House even to debate a motion of censure against one of its members. My information is that the last instance of such a debate goes back to 1925. This in itself is an indication that the House does not lightly embark on such a course of action and the Chair itself must exercise extreme caution before allowing such a debate to take place under the guise of an alleged breach of parliamentary privilege.

The submission is that statements made by a member outside the House, contrary to an order of the House about matters currently under investigation by a committee, constitute a breach of privilege and a contempt of Parliament. In support of his claim the hon. member has quoted citations from Beauchesne, Bourinot and May. He refers firstly to a citation in Mays 17th edition at page 119. The author states that:

... by the ancient custom of Parliament no act done at any committee should be divulged before the same be reported to the House.

However, this principle clearly deals with in camera sessions and I find it difficult to relate that citation to the present circumstances. The hon. member has cited Bourinot's 4th edition at page 474. The same principle is quoted to the effect that it is a breach of privilege to publish the proceedings of a committee before they are formally reported to the House. As I have said, this citation does not appear to be applicable to the present case.

The hon. member then refers to Beauchesne's Fourth Edition at page 429. The author quotes the following doctrine:

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.

It should be pointed out, however, that this is an excerpt from a report of a committee of the British House dealing with the British Official Secrets Act. Again I suggest respectfully that the citation is not applicable to the case now before us.

I think the essential procedural point to be considered is the distinction between statements made in the House and statements made outside the House. It is a well known rule that members ought not to comment in the House about proceedings in a committee until such committee has reported to the House. This cannot possibly apply to statements made outside the House. The distinction is consistent with the ruling made by the Chair yesterday during the question period, and consistent also with a ruling made by Mr. Speaker Macnaughton on June 5, 1964. On that earlier occasion the Chair agreed with the argument put forth by the hon. member for Yukon that, when breach of privilege is claimed, a distinction must be made between words spoken in the House and words spoken outside the House.

The hon. member has referred finally to a citation found in May's 18th edition at page 132, as follows:

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