

Auditor General

ously on the point raised by the hon. member, to study precedents and look at the authors of the original decisions, and to prepare for a decision in light not only of the notice but of the arguments now presented to this House by the hon. member for Nanaimo-Cowichan-The Islands.

The hon. member knows that the ruling which the Chair has to make at this time is a procedural one, that is, to determine whether, according to our rules of practice and precedents, in these circumstances alluded to by the hon. member there is a prima facie case of privilege. Hon. members are aware, of course, of the traditional definition of parliamentary privilege. It has been my privilege from time to time to give what I thought was the proper definition of this very important aspect of the rights, duties and responsibilities of members in both houses, and my definition has always been based on the one reported in May's Parliamentary Practice.

According to May, Parliamentary privilege is the sum of peculiar rights enjoyed by each House collectively and by members of each House individually without which they could not discharge their functions and which exceed those possessed by other bodies or individuals. Perhaps I should stress here that the reference by May is to the discharge of their functions by Members of Parliament themselves, not by an officer of Parliament or an official of the House of Commons. Thus, privilege, although part of the law of the land, is to a certain extent an extension to the ordinary law and an exemption in a way from the ordinary law of the land. In the words of the learned author, it is when these special and exclusive rights of members appear to have been impeded that a prima facie case of privilege, and a motion founded thereon, can be considered either by the House or by a committee.

Is criticism of an official responsible to Parliament, such as the Auditor General, in the terms allegedly used by the President of the Treasury Board or earlier by the President of the Privy Council, tantamount to a breach of parliamentary privilege?

In attempting to answer this question one must remind hon. members that if it is the conduct of a minister or ministers of the Crown that is under question, then the matter can be considered by this House only by way of a substantive motion. I do not believe this is what the hon. member for Nanaimo-Cowichan-The Islands had in mind. But if this were the approach he presented to the House and

[Mr. Speaker.]

if he wanted to bring before the committee on Privileges and Elections the conduct of members of the government or individual members of this House in respect of the Auditor General's discharge of his responsibilities, then this could be done only by way of a substantive motion.

Hon. members are aware of the well-known decision of Mr. Speaker Michener reported in the *Journals* of the House of Commons for June 19, 1959 at pages 581 and following, which I think is relevant and has been quoted by subsequent Speakers on numerous occasions. If it is a grievance which the hon. member has against the administration, then the matter might be raised more properly by way of a censure motion against the government.

The third point I should like to propose for the consideration of hon. members has been made in a sense by the hon. member himself in his presentation of a moment ago. It relates to the fact that the Auditor General's report is now before the Standing Committee on Public Accounts. It may well be that the Committee on Public Accounts rather than the Committee on Privileges and Elections is the proper forum for the consideration of the matter raised by the hon. member for Nanaimo-Cowichan-The Islands. This, I would think, is a conclusion to which I would like to come. All things considered, and without in any way minimizing the importance of the matter raised by the hon. member, I do not think it should be considered by the House in the form of a question of privilege.

ROUTINE PROCEEDINGS

AUDITOR GENERAL

CRITICISMS BY MINISTERS—REQUEST (MR. BALDWIN) FOR UNANIMOUS CONSENT TO MOVE MOTION UNDER S.O. 43

Mr. G. W. Baldwin (Peace River): Mr. Speaker, I intend to ask unanimous consent under Standing Order 43 for the purpose of putting a motion to the House. In doing so I am fortified by the excellent presentation by the hon. member for Nanaimo-Cowichan-The Islands (Mr. Douglas) who has laid the first foundation for my motion.

The continued attacks on the Auditor General in the exercise of his duty by members of the government, including the statements made by the President of the Treasury Board (Mr. Drury) in a television interview on April