

Administration of Justice

until they are found guilty, and like other citizens they must be charged before they are obliged to stand trial in the courts. Parliament is a court with respect to its own privileges and dignity and the privileges of its members. The question arises whether the house, in the exercise of its judicial functions with respect to the conduct of any of its members, should deprive such member of any of the safeguards and privileges which every man enjoys in any court of the land.

Further, at page 584, and I repeat what I quoted yesterday:

In my view, simple justice requires that no honourable member should have to submit to investigation of his conduct by the house or a committee until he has been charged with an offence.

In the case before us no hon. member has taken the responsibility of making a specific charge against the minister. I repeat that in my view the responsibility devolving upon the Speaker under our practice in a case of alleged privilege is to ascertain whether there has been a prima facie breach of the privileges of the house, or of any member thereof.

May I refer hon. members to Abraham and Hawtreys' Parliamentary Dictionary, at page 40, where it is stated:

What the Speaker has to decide is whether, assuming that the facts are as stated, the conduct complained of could reasonably be held to be a breach of privilege.

• (11:10 a.m.)

As hon. members know, it is for the Speaker to determine points of order as they arise, and in the situation before the house, even though a prima facie case did obtain, for the reasons I have explained I cannot come to the conclusion that any of the motions moved yesterday are in order.

[Translation]

MUNSINGER INVESTIGATION—MOTION FOR JUDICIAL INQUIRY

Mr. Gilles Grégoire (Lapointe): Mr. Speaker, since we are still considering the question of privilege and a motion might still be accepted on the question of privilege, I move, seconded by the hon. member for Villeneuve (Mr. Caouette):

That the house recommend to the government that the substance of the statements made by the Minister of Justice to the House of Commons on Friday, March 4, 1966, his subsequent statements made on Thursday, March 10, 1966, regarding the Munsinger case and the complaint of the hon. member for Calgary North (Mr. Harkness), made subsequently, be referred to a judicial inquiry for consideration and report.

Hon. Marcel Lambert (Edmonton West): Who is the author?

[Mr. Speaker.]

Mr. Grégoire: Mr. Speaker, I hear the hon. member for Edmonton West ask who is the author. Let him stop making insinuations and if he has any charges to make, let him rise and make them. If he is brave enough, let him rise and make them.

Mr. Lambert: I ask who is the author of the motion.

Mr. Grégoire: Mr. Speaker, if he has a charge to make, let him do so. He is too scared to do that.

[English]

An hon. Member: Seconded by Mr. Pickersgill.

Mr. Starr (Ontario): You mean written by him.

Mr. Speaker, I move an amendment to the motion to the effect that the words, after the word "that" in the first line of the amendment of the member for Lapointe, be deleted.

Mr. Speaker: Order. The Chair would like to have an opportunity to rule on the admissibility of the motion before considering an amendment.

[Translation]

Mr. Grégoire: Mr. Speaker, may I make a few remarks about the validity of this motion? Before an amendment is moved or accepted, I should like to deal with my own motion. If you wish to render a decision on the validity of my motion, I shall speak afterwards.

[English]

Mr. Erik Nielsen (Yukon): Mr. Speaker, if I might speak on the question of the admissibility of the motion, I would suggest to Your Honour that it is an acceptable motion. The question of privilege still is before the house, is still before Your Honour, and has not been disposed of.

I might refer Your Honour to page 382 of May's sixteenth edition where it is set forth that a question of privilege is one that can only be decided by the house itself. Your Honour has seen fit to rule out the three previous motions that were raised on the question of privilege. If this motion is not accepted, then of course the situation will resolve itself again into what we had yesterday.

I would suggest, in order to allow the debate that is necessary on this question, because of its urgency, that the motion be accepted and any amendments thereto.