

Question of Privilege

has been committed, and also that the matter is being raised at the earliest opportunity.

These references are to be found at page 4140 of *Hansard* and, of course, in the original texts. Later on I referred to Abraham and Hawtrey, page 40, which says:

To constitute a breach of privilege a statement reflecting on the conduct of a member in his capacity as a member need not be untrue but it must tend to lower the house in the eyes of the public.

Then again, Bourinot's third edition page 152:

To constitute a breach of privilege such libels must concern the character or conduct of members in that capacity.

Then Beauchesne's fourth edition, citation 104, paragraph 2:

It has often been laid down that the Speaker's function in ruling on a claim of breach of privilege does not extend to deciding the question of substance whether a breach of privilege has in fact been committed—a question which can only be decided by the house itself.

Lastly, Abraham and Hawtrey at page 41:

If the Speaker decides that the member has made out a prima facie case, the member must make some motion in reference to the matter. He usually moves that the matter of the complaint be referred to the committee on privileges...

I have had the advantage of reading the editorial in question and I have a copy in front of me. 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, but this editorial does cite the name of one hon. member once or twice, together with someone who is not a member. In other words it focuses attention on a certain member, and to that degree in a not very favourable light.

It seems to me it is my duty to determine, first of all, whether there is a prima facie case, and whether it has been raised at the earliest opportunity. On the second point, this is the earliest opportunity. As to the first point, it is for the house to decide whether there is a breach of privilege but it is for me to decide whether there is a prima facie case, and in my opinion there is.

Mr. Nugent moves, seconded by Mr. Rhéaume:

That this editorial be referred to the committee on privileges and elections so that the editorial writer and/or the editor of the paper responsible for this editorial may be given an opportunity to appear before that committee to explain their conduct and for the committee to report back to this house their recommendations as to what action should be taken in this regard.

[Mr. Speaker.]

The question will, I hope, be decided by the house. Is it the pleasure of the house to adopt the said motion?

Mr. Fisher: Mr. Speaker, I want to argue against this motion.

Some hon. Members: No.

Mr. Fisher: I can certainly put my views forward. This is now a debatable motion. I want to argue against accepting the motion, and I want to make my reasons quite clear. I agree that the editorial is very scurrilous, but I want to point out to hon. members that there is implicit in what has already taken place in this matter, particularly with regard to the hon. member who is impugned by the editorial, a contradiction in relation to the evidence submitted to the committee between the evidence given by that hon. member and that of another hon. member.

I do not see how we can possibly deal sensibly with the issue brought forward on the question of privilege until this house as a whole has decided on this other fundamental point which I suggest lies right at the heart of that matter and at the heart of this comment. For that reason I put it to the house that we should not accept this motion.

Mr. Speaker: Is the house ready for the question? Is it the pleasure of the house to adopt the said motion?

Some hon. Members: Yes.

Some hon. Members: No.

Mr. Speaker: Those in favour will please say yea.

Some hon. Members: Yea.

Mr. Speaker: Those against please say nay.

Some hon. Members: Nay.

Mr. Speaker: In my opinion the nays have it.

And more than five members having risen:

Mr. Speaker: Call in the members.

The house divided on the motion (Mr. Nugent) which was negatived on the following division:

YEAS

Messrs:

Aiken	Chapdelaine
Alkenbrack	Chatterton
Baldwin	Churchill
Beaulé	Cooper
Bélanger	Côté (Chicoutimi)
Bell	Crouse
Boutin	Danforth
Cadieu (Meadow Lake)	Diefenbaker
Caouette	Dionne