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HOUSE OF COMMONS

Second Session—Twenty-sixth Parliament

1964

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Acting Chairman: MR. LAWRENCE T. PENNELL

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1

THURSDAY, APRIL 23, 1964
FRIDAY, MAY 8, 1964
TUESDAY, MAY 12, 1964
WEDNESDAY, MAY 13, 1964

Matters raised by the honourable member for Labelle (Mr. Girouard) in the house Monday, April 27, 1964.

WITNESS:

Mr. Gérard Girouard, M.P.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20788—1

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Acting Chairman: Mr. Larry Pennell

Vice-Chairman: Mr. Jean-Eudes Dubé

and Messrs.

[10] Armstrong,
Balcer,
[14] Beaulé [18]
[2] Brewin,
Cameron (*High Park*),
[9] Cashin [15]
Crossman,
[5] Doucett,
Drouin,
Dubé,
Francis,
[1] Girouard,
Greene,
[3] Howard,
[19] Jewett (Miss),
[16] Lessard (*Saint-Henri*),
[7] Macquarrie,
Marcoux,
[8] More (*Regina City*),
[11] Moreau,
[12] Nielsen,
Nugent,
[13] O'Keefe,
Paul,
[4] Plourde,
[6] Rapp,
Rochon,
Valade,
Woolliams—29.

(Quorum 10)

Maxime Guitard,
Clerk of the Committee.

[1] Mr. Leboe replaced Mr. Girouard on April 28, 1964.
[2] Mr. Fisher replaced Mr. Brewin on April 29, 1964.
[3] Mr. Scott replaced Mr. Howard on April 29, 1964.
[4] Mr. Grégoire replaced Mr. Plourde on April 29, 1964.
[5] Mr. Martineau replaced Mr. Doucett on May 4, 1964.
[6] Mr. Pigeon replaced Mr. Rapp on May 4, 1964.
[7] Mr. Rhéaume replaced Mr. Macquarrie on May 4, 1964.
[8] Mr. Vincent replaced Mr. More (*Regina City*) on May 4, 1964.
[9] Mr. Pennell replaced Mr. Cashin on May 4, 1964.
[10] Mr. Chrétien replaced Mr. Armstrong on May 7, 1964.
[11] Mr. Cashin replaced Mr. Moreau on May 8, 1964.
[12] Mr. Fairweather replaced Mr. Nielsen on May 8, 1964.
[13] Mr. Mullally replaced Mr. O'Keefe on May 11, 1964.
[14] Mr. Gauthier replaced Mr. Beaulé on May 11, 1964.
[15] Mr. Basford replaced Mr. Cashin on May 12, 1964.
[16] Mr. Loiselle replaced Mr. Lessard (*Saint-Henri*) on May 13, 1964.
[17] Mr. Olson replaced Mr. Leboe on May 13, 1964.
[18] Mr. Beaulé replaced Mr. Gauthier on May 13, 1964.
[19] Mr. Morison replaced Miss Jewett on May 13, 1964.

ORDERS OF REFERENCE

HOUSE OF COMMONS,
FRIDAY, April 10, 1964.

That the following Members do compose the Standing Committee on Privileges and Elections:

Messrs.

Armstrong,	Francis,	Nielsen,
Balcer,	Girouard,	Nugent,
Beaulé,	Greene,	O'Keefe,
Brewin,	Howard,	Paul,
Cameron (*High Park*),	Jewett (Miss),	Plourde,
Cashin,	Lessard (*Saint-Henri*),	Rapp,
Crossman,	Macquarrie,	Rochon,
Doucett,	Marcoux,	Valade,
Drouin,	More (*Regina City*),	Woolliams—29.
Dubé,	Moreau,	

(Quorum 10)

WEDNESDAY, March 11, 1964.

That the said committee be empowered to examine and inquire into all such matters and things as may be referred to it by the House; and to report from time to time its observations and opinions thereon, with power to send for persons, papers and records.

FRIDAY, April 24, 1964.

That the Standing Committee on Privileges and Elections be empowered to print such papers and evidence as may be ordered by the Committee, and that Standing Order 66 be suspended in relation thereto; and that it be given leave to sit while the House is sitting.

TUESDAY, April 28, 1964.

That the matters raised by the honourable member for Labelle (Mr. Girouard) in his question of privilege as reported in *Hansard* for Monday, April 27, 1964, be referred to the Standing Committee on Privileges and Elections for consideration and report.

That the name of Mr. Leboe be substituted for that of Mr. Girouard on the Standing Committee on Privileges and Elections.

WEDNESDAY, April 29, 1964.

That the names of Messrs. Grégoire, Fisher, and Scott be substituted for those of Messrs. Plourde, Brewin, and Howard respectively on the Standing Committee on Privileges and Elections.

MONDAY, May 4, 1964.

That the names of Messrs. Martineau, Pigeon, Rhéaume, Vincent, and Pennell be substituted for those of Messrs. Doucett, Rapp, Macquarrie, More (*Regina City*), and Cashin respectively on the Standing Committee on Privileges and Elections.

20788—1½

THURSDAY, May 7, 1964.

That the name of Mr. Chrétien be substituted for that of Mr. Armstrong on the Standing Committee on Privileges and Elections.

FRIDAY, May 8, 1964.

That the names of Messrs. Cashin and Fairweather be substituted for those of Messrs. Moreau and Nielsen respectively on the Standing Committee on Privileges and Elections.

MONDAY, May 11, 1964.

Ordered,—That the name of Mr. Mullally be substituted for that of Mr. O'Keefe on the Standing Committee on Privileges and Elections.

MONDAY, May 11, 1964.

Ordered,—That the name of Mr. Gauthier be substituted for that of Mr. Beaulé on the Standing Committee on Privileges and Elections.

TUESDAY, May 12, 1964.

Ordered,—That the name of Mr. Basford be substituted for that of Mr. Cashin on the Standing Committee on Privileges and Elections.

WEDNESDAY, May 13, 1964.

Ordered,—That the name of Mr. Loiselle be substituted for that of Mr. Lessard (*Saint-Henri*) on the Standing Committee on Privileges and Elections.

WEDNESDAY, May 13, 1964.

Ordered,—That the names of Messrs. Olson, Beaulé, and Morison be substituted for those of Messrs. Leboe, Gauthier, and Miss Jewett respectively on the Standing Committee on Privileges and Elections.

THURSDAY, May 14, 1964.

Ordered,—That the names of Messrs. Prud'homme, Lessard (*Saint-Henri*), and Cashin be substituted for those of Messrs. Drouin, Loiselle, and Basford respectively on the Standing Committee on Privileges and Elections.

Attest

LÉON-J. RAYMOND.
The Clerk of the House.

REPORT TO THE HOUSE

The Standing Committee on Privileges and Elections has the honour to present the following as its

FIRST REPORT

Your Committee recommends:

1. That it be empowered to print such papers and evidence as may be ordered by the Committee, and that Standing Order 66 be suspended in relation thereto.

2. That it be given leave to sit while the House is sitting.

Respectfully submitted,

MAURICE J. MOREAU,
Chairman.

(*Concurred in on April 24, 1964*)

MINUTES OF PROCEEDINGS

THURSDAY, April 23, 1964.
(1)

The Standing Committee on Privileges and Elections met at 10.30 o'clock a.m. this day, for *organization* purposes.

Members present: Miss Jewett and Messrs. Beaulé, Brewin, Cameron *(High Park)*, Cashin, Drouin, Dubé, Francis, Lessard *(Saint-Henri)*, Macquarrie, Marcoux, Moreau, Nielsen, Nugent, O'Keefe, Plourde, Rapp (17).

The Clerk of the Committee attended the election of the Chairman.

Mr. Cameron *(High Park)* moved, seconded by Mr. Lessard *(Saint-Henri)*, that Mr. Moreau be Chairman of this Committee.

There being no other nominations, Mr. Moreau was declared duly elected Chairman of this Committee.

The Chairman thanked the Committee for the honour conferred upon him.

Mr. Lessard *(Saint-Henri)* moved, seconded by Mr. Rapp, that Mr. Dubé be Vice-Chairman of this Committee.

Thereon, Mr. Cashin moved, seconded by Mr. Cameron *(High Park)*, that the nominations be now closed.

Thereupon, Mr. Dubé was declared duly elected Vice-Chairman of this Committee.

On motion of Mr. Lessard *(Saint-Henri)*, seconded by Mr. Plourde,

Resolved,—That the Committee be empowered to print such papers and evidence as may be ordered by the Committee.

Mr. Beaulé moved, seconded by Mr. Cashin, that the Committee seek permission to sit according to its needs while the House is sitting.

And debate arising thereon,

The question being put on the said motion, it was resolved, on a show of hands, in the affirmative; yeas: 12, nays: 0.

On motion of Mr. Francis, seconded by Mr. Cameron *(High Park)*,

Resolved,—That the Steering Sub-Committee comprised of the Chairman, the Vice-Chairman and five other members of the Committee named by the Chairman, be appointed.

The Chairman informed the Committee that Mr. Rochon wished to excuse his unavoidable absence to this day's sitting.

At 10.50 o'clock a.m., Mr. Brewin moved, seconded by Mr. Lessard *(Saint-Henri)*, that the Committee adjourn to the call of the Chair.

FRIDAY, May 8, 1964.
(2)

The Standing Committee on Privileges and Elections met at 10:00 o'clock a.m. this day.

Members present: Miss Jewett and Messrs. Beaulé, Chrétien, Crossman, Drouin, Dubé, Fisher, Francis, Grégoire, Greene, Leboe, Lessard (*Saint-Henri*),

Marcoux, Martineau, Moreau, Nielsen, O'Keefe, Pennell, Paul, Pigeon, Rhéaume, Rochon, Scott, Woolliams (24).

In attendance: Dr. Maurice Ollivier, Parliamentary Counsel.

The Chairman, Mr. Moreau, opened the meeting and asked the Clerk of the Committee to read the first report of the Subcommittee on Agenda and Procedure of the meeting held on Tuesday May 5, 1964.

TUESDAY, May 5, 1964.

The Subcommittee of the Standing Committee on Privileges and Elections met at 3.50 o'clock p.m. this day.

Members present: Messrs. Dubé, Grégoire, Leboe, Moreau, Pennell, Scott, Woolliams (7).

The Subcommittee comprises of the following: the Chairman, the Vice-Chairman, and Messrs. Grégoire, Leboe, Pennell, Scott, Wooliams.

Your subcommittee recommends:

1. That the Chairman be permitted to leave the Chair and that an Acting Chairman be appointed for the time the Order of Reference concerning the matters raised by the honourable Member for Labelle (Mr. Girouard) is before the Committee. Messrs. Dubé and Pennell conferred thereon.
2. That a list of witnesses, to be called, be established by the Steering subcommittee at a subsequent meeting and to report to the main Committee.

At 4.10 o'clock p.m. the Subcommittee adjourned.

On motion of Mr. Drouin, seconded by Mr. Lessard *(Saint-Henri)*,

Resolved,—That the above report dated Tuesday, May 5, be adopted as read.

The Chairman made a statement by which he expressed the wish of leaving the Chair for the time the Committee is seized with the matters raised by the member for Labelle, as reported in *Hansard* of April 27, 1964.

Thereupon, Mr. Grégoire moved, seconded by Mr. Beaulé, that the elected Vice-Chairman, Mr. Dubé, take the Chair in these circumstances.

The Vice-Chairman declined in favour of Mr. Pennell who, during last session, presided over the same Committee having to deal with similar questions.

Thereupon Mr. Dubé moved, seconded by Mr. Lessard *(Saint-Henri)*, that Mr. Pennell be appointed Acting Chairman for the time during which the matters raised in the house, by the member for Labelle, are before the Committee.

And debate arising thereon,

Mr. Grégoire moved, seconded by Mr. Beaulé, that Mr. Fisher be appointed Acting Chairman in the same circumstances.

Mr. Woolliams moved, seconded by Mr. Paul, that the nominations do close. However, Mr. Fisher also declined the nomination.

Thereupon, before leaving the chair, the Chairman of the Committee, Mr. Moreau, declared Mr. Pennell duly elected as Acting Chairman for the time during which the matters raised, in the house, by the member for Labelle are before the Committee.

Mr. Nielsen moved, seconded by Mr. Scott, that the Subcommittee make a recommendation in respect of the witnesses to be called, with the order of priority in which they should appear before the Committee.

After debate thereon, the question being put on the said motion, it was resolved, by a show of hands, in the affirmative: Yeas: 20; Nays: nil.

Mr. Woolliams moved, seconded by Mr. Drouin, that all witnesses be sworn when they appear before the Committee.

And debate arising thereon,

The question being put on the said motion, it was resolved, by a show of hands, in the affirmative: Yeas: 16; Nays: 1.

On motion of Mr. Leboe, seconded by Mr. Grégoire,

Resolved,—That the Acting Chairman appoint a new member on the Subcommittee to replace himself who was sitting on the Subcommittee before being elected Acting Chairman.

At 10:45 o'clock a.m. the Committee adjourned until 10:30 o'clock a.m. Tuesday, May 12, 1964.

TUESDAY, May 12, 1964.
(3)

The Standing Committee on Privileges and Elections met at 10.30 o'clock a.m. this day. The Acting Chairman, Mr. Pennell, presided.

Members present: Miss Jewett, Messrs. Balcer, Cameron (*High Park*), Cashin, Chrétien, Crossman, Drouin, Dubé, Fairweather, Fisher, Francis, Gauthier, Greene, Grégoire, Leboe, Lessard (*Saint-Henri*), Marcoux, Martineau, Mullally, Nugent, Pennell, Pigeon, Rhéaume, Rochon, Scott, Vincent, Woolliams (27).

In attendance: Dr. Maurice Ollivier, Parliamentary counsel.

The Acting Chairman opened the meeting and directed the Clerk of the Committee to read the Order of Reference.

The Clerk of the Committee then read the Second Report of the Subcommittee on Agenda and Procedure of the meeting held on Friday, May 8.

FRIDAY, May 8, 1964.

The Subcommittee on Agenda and Procedure of the Standing Committee on Privileges and Elections met at 12.00 o'clock noon this day. The Acting Chairman, Mr. Pennell, presided.

Members present: Messrs. Dubé, Fisher, Grégoire, Greene, Leboe, Woolliams (7).

On motion of Mr. Dubé, seconded by Mr. Fisher,

Resolved,—That the member for Labelle (*Mr. Girouard*) be requested to appear as the first witness before the Committee and that in all fairness, and

as a mark of courtesy, Mr. Keith Davey be invited to attend the next sitting of the Committee to be held on Tuesday, May 12.

The Acting Chairman instructed the Clerk of the Committee to send the appropriate letters to both Messrs. Girouard and Davey.

The Subcommittee feels it is now too early to establish a schedule of the witnesses to be called according to priority and to the chronological order of the events that took place. However, the Subcommittee prefers to defer this decision after each sitting of the Committee.

Thereupon Mr. Greene moved, seconded by Mr. Francis,

That the above report dated Friday, May 8, be adopted as read.

And debate arising Mr. Pigeon moved, seconded by Mr. Balcer,

That the motion be amended and that the order in which the witnesses are to appear be changed and that Mr. Keith Davey be called first and Mr. Girouard second.

After debate thereon, the question being put on the said proposed amendment, it was, by a show of hands, negatived; yeas: 7; nays: 18,

and debate continuing on the main motion,

Mr. Nugent moved, seconded by Mr. Rhéaume,

That the said report be amended to include the following:

"That Mr. Keith Davey be summoned to appear before the Standing Committee on Privileges and Elections, as a witness".

After further debate, the question being put on the said amendment, it was resolved, by a show of hands, in the affirmative; yeas: 24; nays: nil.

And the question being put on the main motion as amended, it was resolved, by a show of hands, in the affirmative; yeas: 19; nays: 1.

Rising on a question of privilege, Mr. Drouin moved, seconded by Mr. Lessard (*Saint-Henri*),

(*Text*) Que les séances du Comité permanent des Privilèges et Élections soient suspendues tant que le Comité n'aura pas les services de sténographes de langue française.

The Acting Chairman declared the motion undebatable. However, since that motion, in writing, had not yet reached the Chair, the Acting Chairman announced that the Committee would recess for five minutes in order to have time to explore the sources which could supply the Committee with the services of either French or bilingual shorthand reporters. The Committee recessed.

After recess, at 11.20 o'clock a.m., the Acting Chairman informed the Committee of the unavailability of neither French nor bilingual shorthand reporters and asked for unanimous consent to adjourn until 4.00 o'clock p.m., or after the Orders of the Day, whichever comes later, and within that time, he would endeavour to find French or bilingual shorthand reporters.

At 11.45 o'clock a.m. the Committee adjourned to the call of the Chair.

AFTERNOON SITTING

TUESDAY, May 12, 1964
(4)

The Standing Committee on Privileges and Elections reconvened at 3:58 o'clock p.m. The Acting Chairman, Mr. Pennell, presided.

Members present: Miss Jewett, Messrs. Balcer, Basford, Cameron (*High Park*), Chrétien, Crossman, Drouin, Dubé, Fairweather, Fisher, Francis, Grégoire, Gauthier, Greene, Leboe, Lessard (*Saint-Henri*), Marcoux, Martineau, Mullally, Pennell, Pigeon, Rhéaume, Rochon, Scott, Vincent, Woolliams—(26).

In attendance: Same as at this morning's sitting.

The Chairman informed the Committee of the unavailability of neither French nor bilingual shorthand reporters.

And debate arising thereon,

Mr. Woolliams moved, seconded by Mr. Pigeon,

That the Committee adjourn, report back to the House of Commons and request the House to hire a staff of French shorthand reporters.

The Chairman ruled this motion out of order. Thereupon, Mr. Woolliams appealed to the Committee the acting Chairman's decision.

And the question being put by the acting Chairman:

"Shall the decision of the acting Chairman be sustained?"

It was decided, by a show of hands in the affirmative on the following division: Yeas: 16; Nays: 5.

And the question being put on the motion to adjourn, presented at this morning's sitting and allowed to stand, reads as follows:

Moved by Mr. Drouin, seconded by Mr. Lessard (*Saint-Henri*),

(*Text*)

Que les séances du Comité des privilèges et élections soient suspendues tant que le Comité n'aura pas les services de sténographes de langue française.

It was resolved, by a show of hands, in the affirmative; Yeas: 18; Nays: 3.

At 4.30 o'clock p.m., the Committee adjourned to the call of the Chair.

WEDNESDAY, May 13, 1964
(5)

The Standing Committee on Privileges and Elections met at 3.38 o'clock p.m. this day. The Acting Chairman, Mr. Pennell, presided.

Members present: Miss Jewett and Messrs. Balcer, Basford, Cameron (*High Park*), Chrétien, Crossman, Drouin, Dubé, Fairweather, Fisher, Francis, Gauthier, Grégoire, Greene, Leboe, Loiselle, Marcoux, Mullally, Nugent, Pennell, Pigeon, Rhéaume, Rochon, Scott, Valade, Vincent, Woolliams—(27).

In attendance: Mr. Girouard, M.P.

Also in attendance: Dr. Maurice Ollivier, Parliamentary Counsel.

The Acting Chairman invited Mr. Scott to raise the question he agreed to stand at the last Committee sitting, concerning the exclusion of the witnesses from the Committee room.

Thereupon, Mr. Scott moved, seconded by Mr. Nugent, that all witnesses be excluded from the sittings of the Committee except such witnesses as may be giving evidence before the Committee.

And debate arising thereon and continuing, the question being put on the said motion, it was negatived on the following division: Yeas: Messrs. Fairweather, Nugent, Scott.—3. Nays: Miss Jewett and Messrs. Balcer, Basford, Cameron (*High Park*), Chrétien, Crossman, Drouin, Dubé, Francis, Grégoire, Greene, Leboe, Loiselle, Marcoux, Mullally, Pigeon, Rochon, Valade, Vincent, Woolliams.—20.

Mr. A. Grandmaison, of the Board of Broadcast Governors, was sworn by the Clerk of the Committee in his capacity of acting shorthand reporter.

Mr. Girouard, M.P., first witness to appear, was sworn by the Clerk of the Committee and cross-examined.

The Acting Chairman ruled out of order a question posed by Mr. Grégoire to Mr. Girouard.

Thereupon, Mr. Grégoire appealed to the Committee from the decision of the Chair.

And the question being put by the Acting Chairman: "Shall the decision of the Chair be sustained?" It was decided in the affirmative on the following division including the Acting Chairman's vote: Yeas: Messrs. Balcer, Cameron (*High Park*), Dubé, Fairweather, Leboe, Nugent, Pennell, Pigeon, Rhéaume, Valade, Vincent, Woolliams—12. Nays: Messrs. Basford, Chrétien, Crossman, Drouin, Fisher, Gauthier, Greene, Grégoire, Loiselle, Mullally, Scott—11.

And the examination of the witness, Mr. Girouard, M.P., continuing, at 5.57 o'clock p.m. the Committee adjourned until tomorrow at 10.00 o'clock a.m.

Maxime Guitard,
Clerk of the Committee.

EVIDENCE

FRIDAY, May 8, 1964.

The CHAIRMAN: Order. I see a quorum.

I should like to ask the clerk to read the report of the steering committee.

(*See Minutes of Proceedings of May 8*)

The CHAIRMAN: Perhaps I should say a word in explanation of that report from the steering committee.

I indicated to the steering committee that the committee might wish to call me as a witness, and while it was suggested by one of the members of that steering committee that it would not be necessary for me to step down unless I was a witness and only while I was actually giving testimony. I personally felt that I would prefer not to act in this matter because not only should justice be done but it should also appear to be done.

I would appreciate very much the committee accepting the report of the steering committee and appointing an interim or acting chairman while this affair is being considered.

Is this committee agreeable to accepting the steering committee report?

Mr. DROUIN: I move the adoption of the report.

Mr. LESSARD (*St-Henri*): I second the motion.

The CHAIRMAN: All in favour indicate in the usual way?

Mr. PIGEON: Mr. Chairman, you indicate you want to give your position to another chairman. Does this mean you admit that you are at fault, or something like that?

The CHAIRMAN: Perhaps in my own defence I should state to the members of this committee that I do not admit any fault at all.

Mr. FRANCIS: Mr. Chairman, I do not think you need to comment in respect of a remark of that nature.

The CHAIRMAN: All those in favour of the adoption of the steering committee report please indicate in the usual way?

All those opposed please indicate in the usual way.

Motion agreed to.

I declare the motion carried.

I will now entertain motions for an acting chairman.

Mr. GRÉGOIRE: Mr. Chairman, I suggest that the person to fulfil the function of acting chairman is the individual who is the Vice-Chairman, Mr. Dubé. He was elected Vice-Chairman to replace the Chairman when the Chairman could not be present. Therefore I would propose the name of Mr. Dubé.

Mr. DUBE: (French)

INTERPRETATION: (The interpreter could not hear.)

Mr. DUBÉ: I should like to nominate Mr. Larry Pennell. Mr. Pennell presided over meetings of this committee last year in respect of a very challenging matter indirectly involving another member of the House of Commons and he did acquit himself in this task with great distinction. I think with his experience and his well known fairness he would be an asset to this committee and I therefore nominate him as Chairman.

The CHAIRMAN: I understand that Mr. Dubé has declined the nomination to act as the acting chairman, is that right?

Mr. DUBÉ: I do decline, Mr. Chairman.

Mr. GRÉGOIRE (*Interpretation*): Perhaps you would allow me to make another proposal, Mr. Chairman. It seems to me we might try to attain the highest level of impartiality possible. I would therefore submit the name of Mr. Fisher who is in no way, nor his party, involved. I think if we follow this procedure we will attain a very high level of discussion.

Mr. PIGEON: Are you sure he is impartial?

The CHAIRMAN: Does anyone wish to second that motion?

Mr. BEAULÉ: I second the motion.

Mr. WOOLLIAMS: Mr. Chairman, I move that nominations close. Perhaps I could be allowed to say something in reference to the motion nominating Mr. Fisher. I am afraid many of us may appear in his column.

The CHAIRMAN: Is there a seconder for the motion that nominations close?

Mr. PAUL: I second the motion.

Mr. PIGEON: Mr. Fisher is a member of parliament and a reporter as well.

The CHAIRMAN: Do we have a seconder for the motion to close nominations?

We have two nominees.

Mr. FISHER: Mr. Chairman, I can be nominated and the nomination can be seconded but I do not have to run.

The CHAIRMAN: Do you decline nomination?

Mr. FISHER: Yes. I think most members of this committee appreciate that Mr. Davey is a long time friend of mine from college days and I would not want to be in the position of trying to chair this committee.

The CHAIRMAN: In view of the withdrawal of Mr. Fisher, I declare Mr. Pennell as Acting Chairman of this committee.

(Mr. Pennell assumed the Chair.)

The Acting CHAIRMAN: Gentlemen, I should just like to express my appreciation to you for your vote of confidence and particularly to Mr. Dubé for his generous reference to myself.

It is obvious that there will be great co-operation from members of this committee. I am sure that if that co-operation continues the matter at hand can be dealt with in a very orderly and expeditious manner.

Perhaps I may be permitted to make one further comment. I respectfully suggest that we dispose of this matter as quickly as reasonably possible. I suggest that if possible the steering committee meet again today with a view to looking into requirements involved in holding hearings early next week.

If anyone wishes to raise a new point of business at this time I am prepared to entertain a motion.

Mr. FISHER: Mr. Chairman, are you suggesting that the steering committee decide on the witnesses to be called or do you feel we should have a preliminary discussion at this time?

The ACTING CHAIRMAN: Of course I am in the hands of this committee, but I merely suggest that the steering committee meet today to prepare a schedule of witnesses to be called and then report back to this committee. However, I am in the hands of the committee at this time and I am prepared to entertain any motion.

Mr. FISHER: Mr. Chairman, perhaps we should hear from other members of this committee regarding their feelings in this matter.

Mr. NIELSEN: Mr. Chairman, the usefulness of a steering committee lies in its ability to avoid as far as possible lengthy discussions such as that which is likely to take place at a full committee hearing if we consider in detail the procedures and methods which are going to be followed by the committee at subsequent meetings. I do not think any useful purpose could be served by throwing open the normal business of a steering committee to a meeting fully assembled as it is at this time, except perhaps to give the members an opportunity to enjoy an hour or two of discussion. My suggestion is that the steering committee meet and prepare recommendations regarding the witnesses to be called, the order in which they should be called, and then report to this committee at the earliest possible moment so that we can either adopt, reject or modify that report. I think it would be more expeditious for the steering committee to deal with these matters and bring in recommendations to the whole committee.

Mr. GREENE: I concur in what Mr. Nielsen has said. I think he has summed up the situation very properly and that his suggestion is the most effective one to follow.

The Acting CHAIRMAN: Are you making a motion to that effect, Mr. Nielsen?

Mr. NIELSEN: Yes, Mr. Chairman, I so move.

Mr. WOOLLIAMS: Mr. Chairman, there is just one further situation to which I should like to refer. I think it should be made clear, if the steering committee is going to accept this responsibility, that we understand our terms of reference. I think this might be the appropriate time to read those terms of reference into the record and the motion that was moved by Mr. Knowles on April 28, 1964 as it appears on page 2647 of *Hansard*. Mr. Knowles said at that time:

> That the matters raised by the hon. member for Labelle in his question of privilege as reported in *Hansard* for Monday, April 27, 1964, be referred to the committee on privileges and elections for consideration and report.

Mr. Chairman, I make this proposal because we should know our terms of reference before deciding on the witnesses who should be called, in order to fulfil all the obligations and responsibilities imposed upon us by the House of Commons. I assume that when that motion was moved Mr. Knowles was referring to a statement made by the member for Labelle as it appears at page 2583 of *Hansard* dated April 27, last. I do not intend to read the whole statement, but that hon. member did say in part as follows:

> I went to that office but my first words to Mr. Davey were to confirm my intention of joining the Conservative party. I told him that if I had come to the meeting, it was only to please my friends.
>
> Mr. Davey was rather suggesting at that moment that I join the ranks of the Liberal party. He said he would take care of the defeated Liberal candidate and as for unsatisfied Liberal organizers, I only would have to change them.
>
> The benefits: a party in power and a fat electoral fund for the next election.
>
> Mr. Davey suggested that I ponder those proposals.

The next paragraph has some importance.

> A week later, a Liberal member for parliament belonging to that same group approached me to tell me that he was very sorry but the Prime Minister (Mr. Pearson) had asked his chief organizer to cease all pressure because he, the Prime Minister, was sure to lose the

regular support of the Social Credit party if he ever stole members from that party.

If we analyse those words, and if we refer back to the words in the motion we find:

The matters raised by the hon. member for Labelle.

If the size and extent of our terms of reference are to be left to the steering committee, I think we should have some direction in that regard so that difficulties in the future could be avoided.

Mr. MOREAU: I was wondering if the statement made by the member from Bow River, which was both a lengthy statement and a motion, would be included in the terms of reference before the committee?

Mr. WOOLLIAMS: Might I speak to that? After all, we are to a certain extent confined in this matter. Surely our direction comes from the House of Commons and surely we are controlled by that direction in this matter. The motion reads:

That the matters raised by the hon. member for Labelle in his question of privilege as reported in *Hansard* for Monday, April 27, 1964, be referred to the committee on privileges and elections for consideration and report.

I have read the matter raised by the member from Labelle. Those are the terms of reference. The terms of reference are described by the motion; the motion describes what kind of a house we are confined to live in, in reference to this matter and how many rooms we have. I would say that surely the motion is very clear and we should not have too much difficulty, but I would like some direction on whether this matter should be left to the steering committee or discussed by the committee.

Mr. SCOTT: I think Mr. Woolliams has unduly limited the scope of the inquiry. I think the steering committee should consider that we are to investigate all of the circumstances surrounding the transfer of the member in question from one party to the other, and I think the terms of reference he has used are perhaps unduly limiting, taking into consideration that he would want to raise perhaps all matters surrounding this question.

Mr. FISHER: On the face of it, it would seem to me the steering committee should require the presence as witnesses of the three members of parliament who seem to be involved, that is Mr. Girouard, Mr. Pearson, Mr. Thompson as well as Mr. Davey. However, I hope, having said that, that it does not mean that if something comes up in evidence we are going to limit ourselves to the people in that group. There is no suggestion of that, is there?

The ACTING CHAIRMAN: So far nothing has yet been said definitely as to what the ground rules will be for the hearing. The suggestion that has been put forth, as I understand it, is that we define the list of witnesses. From what Mr. Woolliams said, I understand that he considers we should set down the ground rules for the hearing; that this be dealt with by the steering committee, be brought back, and thata the committee should either accept or reject it at that time. This has been the custom in the past. I am merely pointing out that it has been customary that the steering committee go into session, do these things which are now suggested, come back to the committee and that these things be either accepted or rejected in committee. I would suggest this might be the order to follow. When we know what the steering committee has suggested, then we will have grounds for argument on whether we are on the right track or not.

If Mr. Nielsen would be kind enough to include the suggestion put forth by Mr. Woolliams in his motion, confining the boundaries of the hearing plus the list of witnesses and so forth, I would put the question.

Mr. GRÉGOIRE (*Interpretation*): I wanted to give my impressions of the terms of reference of this committee. Mr. Woolliams seemed to want to limit them in a rather restricted manner. Now, I think the committee is intended to study first of all the text of the remarks made by Mr. Girouard, in the House of Commons, particularly because they were made in the house itself. We must also analyse the words which are attributed to Mr. Davey. We do not know whether he uttered them or not but we have to determine whether or not he uttered them. Thaat is certainly one of the most serious charges contained in the words of the member for Labelle. Words were also attributed to the Prime Minister. We do not know whether he uttered them or not, but they have been attributed to him and they are a serious matter.

Then there were words attributed to the member from Red Deer who threatened to withdraw his support of the Liberal party if they tried to get two members away from his group. We do not know whether or not he said that but still these words were attributed to him. Without wishing to prejudice the matter, it seems to me entirely within our terms of reference to verify whether or not such things were said, and in this way we will, ipso facto, verify the statement of the member from Labelle. Therefore, the first thing is a thorough examination of what was said by the member from Labelle, to determine what were his sources of information and everything that he knows regarding what he attributes to Mr. Davey, Mr. Pearson and Mr. Thompson. That, I think, comprises our terms of reference in this committee.

Mr. PIGEON (*Interpretation*): If it was asked in parliament that this matter be referred to this committee it was because Mr. Girouard made this statement in the House of Commons. The steering committee should, above all, consider and decide on the statement made by Mr. Girouard. What strengthened Mr. Girouard's statement was the fact that Mr. Davey stated that he did meet Mr. Girouard. I feel we cannot rely on what was said by Mr. Knowles but rather on what was said by Mr. Girouard. If Mr. Knowles rose following the statement made by Mr. Girouard, and Mr. Davey himself did admit to the press that he had seen Mr. Girouard, then I think it is necessary to stick to the statement made by Mr. Girouard.

Mr. NIELSEN: I want to put my motion in words. Before I do so I think that an observation should be made with respect to the remarks of the hon. member from Lapointe and the hon. member from Danforth. The first point I would like to make is that it is not the member for Bow River who has restricted the terms of reference within which this committee may confine its inquiry but rather the House of Commons. The matter of interpreting the extent of that reference may be another matter, but it is not the member from Bow River who is placing the restriction.

I believe that the reference is clear and I believe its boundaries are also clear by the very terms of the motion that was put by the member from Winnipeg North Centre. In applying that motion I believe one cannot help come to the conclusion that the reference is to the matter raised by the hon. member for Labelle in the manner in which it was raised on the 27th.

The second point I would like to make is this. To the best of my understanding, it has long been the custom and practice of the House of Commons to accept the word of a member of the house, whether it is the member for Labelle, the Prime Minister or any other hon. member. The Prime Minister has spoken in the house and so has the member for Labelle. It is not a question, as the member for Lapointe put it, of verifying the statement made by the member for Labelle because we, as members, must accept the hon. member's word on the matter, as we must accept the word of the Prime Minister and any other hon. member, but rather our inquiry is more properly directed

toward whether or not any privileges of the members of the house or of the house have been breached in respect of the matter raised by the hon. member for Labelle.

It is not a question of conducting an inquisition into the truth or otherwise of the statements made by anyone in the House of Commons because they must be accepted.

I would like to move that the steering committee consider the individual witnesses to be called and the priority they should be given in appearing before the committee, and then that the steering committee report back to this committee their recommendations in this respect.

I will not, sir, in my motion include any reference to the terms of reference this committee must consider. In my opinion, this is a matter we must decide ourselves, regardless of the recommendations of the steering committee. I am sure there have been two divergent views expressed already and, I hope, this indicates it would be useless for the steering committee to bring back a recommendation in this regard.

Mr. SCOTT: I second the motion.

The ACTING CHAIRMAN: Gentlemen, it has been moved by Mr. Nielsen and seconded by Mr. Scott that the steering committee make a recommendation in respect of the witnesses to be called, with the order of priority in which they should appear before the committee.

Mr. FISHER: Mr. Chairman, I will support the motion but I wish to state that I do not find acceptable one of Mr. Nielsen's arguments, the one he made in respect of statements made in the house because, obviously, the statements of Mr. Girouard and Mr. Pearson are in contradiction, or in apparent contradiction. It seems to me this is one of the things we will have to determine. I am not saying one is the truth and one is not; however, we do have to find out an explanation why they appear to be contradictory. It would seem to me if you accepted Mr. Nielsen's argument in respect of statements made in the house we could not proceed with the details here.

Mr. WOOLLIAMS: Mr. Chairman, if I may speak again—and I do not propose to keep harping on the matter—I have never seen a resolution clearer and plainer, and I am sure the hon. member for Port Arthur will agree; his colleague is often noted for his clarity. This does not say "some matters" but "the matters raised by the hon. member from Labelle". It does not say "the matter raised by the Prime Minister" or "the matter raised by the member from Winnipeg North Centre" but "the matters raised by the member from Labelle" as reported on April 27, 1964. It does not say what he said on the 26th or the 24th but on the 27th. Our terms of reference are very clear and I do not anticipate any trouble with them. If we go outside of what the house has directed, then I say we are acting beyond our jurisdiction as a standing committee of the House of Commons.

The ACTING CHAIRMAN: Mr. Greene.

Mr. GREENE: I intend to support the resolution which I think is quite proper and in order with regard to the question of the ambit of the inquiry. Might I suggest that while very cogent arguments have been brought forward both ways, what we are really doing is to attempt to anticipate rulings on the relevancy of the inquiry, and I do not think we should do so. Such matters will come up many times during the course of the inquiry, and such issues would have to be determined upon each occasion. I submit that to discuss in advance the relevancy of any particular aspect of the inquiry would be futile. While the argument is a very interesting one, it will no doubt come up many times, and I do not think we could add anything useful to help the inquiry by continuing the discussion at this time.

The ACTING CHAIRMAN: Are there any more questions? You have heard the motion. All in favour? Those contrary? I am sorry. All those in favour again. The clerk wishes to count you. And those contrary? I declare the motion carried.

Mr. FISHER: May I bring up something which has nothing to do with this case? There are two other matters which have been referred by the house to this committee. One has to do with the voting age, and the other is a subject matter of a bill brought in by Mr. Thompson regarding the appointment of an ombudsman. I wonder if it is the wish or intention of the committee, after we have cleared up this case, to proceed with these other matters? If so, I wonder if the steering committee might consider giving permission to consider just how we might set about leading into these two other matters?

The ACTING CHAIRMAN: I am just chairing the committee for the disposal of this specific matter.

Mr. MOREAU: The first matter has to do with Mr. McNulty's bill concerning voting age, and the second matter has to do with Mr. Thompson's bill concerning an ombudsman. I would expect that the committee would delve into these matters immediately so that we might conclude them.

Mr. DROUIN: Mr. Chairman, we are probably called upon to hear witnesses who are members of the house, and witnesses who are not. I am thinking particularly of Mr. Davey who does not benefit from the same privileges as those enjoyed by members of the house regarding parliamentary immunity. And to ensure that witnesses be treated on the same footing, it is my intention to ask each member of the House of Commons who will be appearing before this committee to give evidence, to give up his parliamentary immunity. I would like to ask our legal adviser if it is possible for a member of parliament to divest himself of his parliamentary immunity when he speaks either in the house or before a committee? Is it possible?

Dr. P. M. OLLIVIER (*Law Clerk, House of Commons*): I think this happened last year when some members were heard before this very committee and were sworn in just like anyone else. But as to witnesses who come from the exterior, they are protected before the committee with respect to the testimony which they will render here.

I think that members of parliament are in the same position as ordinary witnesses; they are sworn in, and they are protected just as an ordinary witness is protected. I do not see why a member of parliament should not be sworn in just like anybody else.

Mr. MARTINEAU: I do not think the question is whether or not a witness should be sworn in. I think everyone agrees that he should, whether he be a member of parliament or not. But a member of parliament in my view, occupies a position which is different.

Dr. OLLIVIER: I take it you mean a member of parliament cannot be sued for what he says in the house or in a committee. I think it is the same with an ordinary witness. He may ask for protection if he wants it, and even if he does not ask for it, he is protected. The Chairman might tell him that he is protected for what he says before the committee.

The ACTING CHAIRMAN: I do not know if it has been agreed that the witnesses should be sworn. I am prepared to entertain a motion one way or another on that matter.

Mr. MOREAU: What Dr. Ollivier said interests me because I was a member of this committee last year and I do not recall it. I do not want this to be interpreted that I do not wish to be sworn if called as a witness; but I do not recall any members of parliament being sworn as witnesses last year. I do not think there was that precedent.

Mr. NIELSEN: Oh yes, Mr. Riddell was sworn.

Mr. MOREAU: Yes, but he was not a member of parliament.

Mr. WOOLLIAMS: I move that all witnesses be sworn when they appear before the committee.

Mr. DROUIN: I second the motion.

The ACTING CHAIRMAN: Is there any discussion? All those in favour? Those contrary?

Motion agreed to.

I declare the motion carried.

Mr. GRÉGOIRE: Regarding the question, I would like to ask Dr. Ollivier if a member who comes as a witness before this committee on privileges and elections is going to be protected by his parliamentary immunity in any civil action? If he is sworn as we suggest, is he going to be protected against any action for perjury?

Dr. OLLIVIER: I would say that the Criminal Code was amended about two years ago to deal with perjury before a committee. I imagine that if a member of the House of Commons commits the crime of perjury, he would then become liable to appear before a court and be condemned for perjury. But that is something which is quite distinct from his immunity from being protected for what he says in the House of Commons in a speech or before a committee.

A member of parliament is not protected against committing a crime, whether it be that of perjury of even of murder. I do not think he would be protected by his immunity from committing murder. Therefore he would not be protected from committing perjury.

Mr. WOOLLIAMS: I think that is absolutely correct. I do not think that under any of our laws in Canada, even under the terms of the Canada Evidence Act, a witness is ever protected against a charge of perjury. If you appear under any conditions before any august body and commit perjury, of course there is no immunity from perjury. That surely arises from the essential significance of the oath. You have no immunity.

I suppose we are thinking about a question of libel. This, of course, may be quite different from any other crime. As the Chairman knows, if a person when giving evidence believes he might disclose that he is guilty of another crime—not that of perjury—he may have protection afforded to him under the Canada Evidence Act, but I do not think there is any immunity, just because one happens to be elected by some constituency in Canada and then commits perjury.

Mr. MARTINEAU: Or any other crime.

Mr. GREENE: I think we have put Dr. Ollivier on the spot by asking for a legal opinion on the ramifications of being a witness. Perhaps Dr. Ollivier could prepare a short brief with respect to immunity and whether there is any difference in this regard between a member and a lay witness, in both the civil and criminal aspects of it.

There is also an ancillary point which is of equal importance as it is highly possible that other procedures could emanate from these proceedings. We should also know whether or not the evidence is admissible in another court or under other auspices, judicial or otherwise. I think that is very important.

The CHAIRMAN: Will you check into that?

Mr. OLLIVIER: Yes. In the meantime, I can just give you something which is taken from "May" at page 669:

> When a member submits himself to examination without any order of the house, he is to be treated precisely like any other witness, and is not at liberty to qualify his submission by stipulating he is to answer only such questions as he pleases.

There is another quotation in "Beauchesne" to the same effect.

Mr. WOOLLIAMS: He needs not be under oath; Mr. Profumo found out what was his responsibility in public life when he said something wrong, when he said no when he should have said yes.

Mr. GREENE: You are not comparing Mr. Girouard to Mr. Profumo, are you?

The ACTING CHAIRMAN: I do not think we need any motion, Mr. Greene. Dr. Ollivier is prepared to present a brief.

Mr. PIGEON: If an outside witness, such as Mr. Davey, for example, lies to the committee is it possible, if the lie is proven, that the committee may take action against such a witness? What sanction is there?

Mr. OLLIVIER: There are cases such as perjury in which action can be taken in the courts, but parliament itself can take some action if anyone says anything in a committee that he should not say. For example, if he shows disrespect to the members or to the house, or anything of that nature, he can be reported to the house and a motion can be made in the house that he be cited at the bar of the house. Then he can be censured or reprimanded—or even sent to the tower or asked to kneel at the bar and make excuses to the House of Commons.

Mr. SCOTT: This is a fantastic area of discussion at the present time. We are discussing perjury and crimes and everything else, but we have not even begun our investigation.

The ACTING CHAIRMAN: The Chair is already getting a little warm! I do hope you will bring all your patience to the committee.

Mr. FISHER: I move adjournment.

The ACTING CHAIRMAN: Mr. Moreau has stepped down from the Chair. He was a member of the steering committee, and it is my understanding that he wishes to be relieved of this capacity also. Do you empower the Chair to appoint a replacement?

Agreed.

Mr. SCOTT: Do we need a report to the house for permission to print and permission to sit, etc.?

The ACTING CHAIRMAN: That has already been taken care of.

Mr. MOREAU: Permission to sit was taken care of but I do not think permission to print was requested.

TUESDAY, May 12, 1964

The ACTING CHAIRMAN: Gentlemen, I will call the committee to order. I will ask the committee clerk to read the order of reference first.

The COMMITTEE CLERK:

> That the matters raised by the hon. member for Labelle (Mr. Girourard) in his question of privilege as reported in *Hansard* for Monday, April 27, 1964, be referred to the standing committee on privileges and elections for consideration and report.

The ACTING CHAIRMAN: I will now ask the committee clerk to read the Second Report of the steering committee meeting.

(See Minutes of Proceedings of May 12.)

The ACTING CHAIRMAN: I would now ask for a motion for adoption of the steering committee report.

Mr. SCOTT: Might I ask a question? The steering committee report mentions having Mr. Keith Davey attend the sittings of the committee. I assume that means he will be here as a witness, but not present through all the proceedings.

The ACTING CHAIRMAN: It is my understanding that the committee will hear Mr. Girouard, and, having heard him, ask leave to sit again to hear the witnesses in order of priority. Mr. Davey merely was invited to attend at this stage so that he may understand the nature of the charges if he is called to give evidence.

Mr. SCOTT: It seems to me that in our hearings we may be called upon to judge on matters of credibility with regard to interpretations certain persons may have placed on other persons' words. It seems to me it is important throughout our deliberations that all the witnesses except the witness being heard should be excluded from the room. This is a normal procedure in matters of this kind. Should we be asked to compare views, statements or interpretations, it seems only fair that all the witnesses be absent while we hear the statement of evidence of the witness who is before us.

The ACTING CHAIRMAN: May I respectfully suggest that Mr. Scott's suggestion or motion is premature at this moment, because I am asking for adoption of the steering committee report. This matter is outside that. I certainly will give him the opportunity to bring this matter before the committee.

Mr. SCOTT: It seems to me the steering committee's report implied that Mr. Davey was to attend the sittings of the committee. It is for that reason I raise the matter at this point.

Mr. WOOLLIAMS: I would like to make it clear that my position as a member of the steering committee was that if Mr. Keith Davey, a distinguished Canadian and organizer of one of our national parties, wishes to come and give evidence first, so far as I was concerned along with some of my colleagues, we certainly would like to hear him give evidence. So, that invitation was extended. I did raise the question whether the witnesses should be present during the testimony of other witnesses. I did not object to the fact that Mr. Keith Davey may be present. I felt that it was a matter which the committee might like to raise.

Mr. GRÉGOIRE (*Interpretation*): The question raised by Mr. Scott was discussed at the meeting of the steering committee, and at that time the idea was that because there were so many journalists present at the meeting of the committee it would be impossible for Mr. Keith Davey, or any of our witnesses, not to know exactly what happened in the committee.

(*Text*)

I will translate in English what I said. We have discussed this question raised by Mr. Scott in the steering committee, and we feel that because there are so many reporters and people here it would be very easy for anyone to know what has been said by the previous witnesses. Therefore, to ask the witnesses to be excluded during the interrogations would be almost futile because afterwards they will be able to secure all the information regarding the previous witnesses.

The ACTING CHAIRMAN: Gentlemen, you have before you the report of the steering committee, and I am asking for a motion for its adoption. This does not rule out the matter raised by Mr. Scott.

Mr. BALCER: Mr. Grégoire had to translate what he said before. I think it would be wise if we checked the simultaneous translation system right now so that everybody knows where we stand.

The ACTING CHAIRMAN: It is not working.

Mr. WOOLLIAMS: A lot of the earphones are not plugged in.

The ACTING CHAIRMAN: I now have the motion, moved by Mr. Greene, seconded by Mr. Francis, that the steering committee report be adopted.

Some hon. MEMBERS: Question.

Mr. NUGENT: On this motion, I am wondering, when they say they want Mr. Girouard first, what the reasoning is behind it? To begin with, I am not sure what line the questioning will take; but it seems to me Mr. Girouard made a statement in the house which, of course, must be accepted by all members; that is, not just in this committee, but by the house. So, naturally it cannot be the purpose of this committee to cross-examine him on that statement. I am wondering what was the purpose in the minds of the members of the steering committee in deciding to have him called. Does he wish to make some amplification of his statement or rule out some inferences? Exactly what is the purpose of calling Mr. Girouard first?

The ACTING CHAIRMAN: Because I understand the steering committee desired to hear the witness, and ask him questions to elucidate his statement.

Mr. SCOTT: For example, in the statement he referred to four other members. We do not know who they are until we hear from him.

Mr. NUGENT: I wanted to be sure on that point. I do not think any member would dispute the point that a statement given by a member in the house must be accepted by all members.

An hon. MEMBER: Oh, no.

Mr. NUGENT: This cannot be questioned. It would be open at any time for any member of the public to make an allegation out of this house about a member in the house, and the member in the house could get up and deny he said any such thing. Then, for some other member to say that this should go to the privileges and elections committee would be ridiculous. You cannot now start to question this rule which has been accepted almost without question in the house. Never has there been any question when a member gets up to speak and make a statement but that that statement must be accepted by all.

I think we want to investigate fully, but I am sure this committee wants to remember the rules. Therefore, I feel it is very important we should define the line of questioning and remember that if any member of parliament is called and makes a statement, even to this committee, the cross-examination must only be for the purpose of bringing out further information with regard to that.

Mr. GREENE: Mr. Chairman, as I recall the deliberations of the steering committee, I do not think there was any thought of calling Mr. Girouard first in order to impugn anything he has already said. I believe the thinking was along these lines; that the statement made by Mr. Girouard in question was a very pert summary of what occurred, that the whole foundation of this inquiry must be based on Mr. Girouard's statement, and that, accordingly, he should be given the opportunity to enlarge upon the statement he made in the house to whatever extent he wishes to do so; further, that until he had done so, we were in no position to know what other persons should be called or in what order.

I believe it was our thinking—which likely should be the thinking of the committee as a whole—that we would want to call the other witnesses so that we might obtain their views of what transpired, and that we could not do because, as Mr. Scott has pointed out quite properly, we do not know who

should be called until we hear what Mr. Girouard has to say. I believe this is the only purpose in calling him. So far as the steering committee was concerned, there certainly was no thought of placing one statement against another and questioning the credibility.

Mr. PIGEON: Did the steering committee unanimously decide to have Mr. Girouard as the first witness, or Mr. Davey; was that unanimous?

An hon. MEMBER: Yes.

Mr. PIGEON: I think it is very important to ask Mr. Davey who he feels should be the first witness. He said to the press that he met Mr. Girouard and I think it is very important to us to have Mr. Davey first to ask him about this, because Mr. Girouard had an opportunity to make a statement in the house. This statement appeared in the debates, but the statement made by Mr. Davey did not appear in the debates because he is not a member of parliament. I think it is very important first to hear Mr. Davey, because Mr. Girouard's statement was made in the house and Mr. Davey's statement was made to the press. I think it is very important to have his statement.

Some hon. MEMBERS: Question.

The ACTING CHAIRMAN: There is a motion before the committee that we accept the steering committee's report. Should there be an amendment to it, I am prepared to entertain it, but I think a good deal of the discussion is not relevant unless it is directed to the motion.

Mr. PIGEON: Mr. Chairman, I want to put an amendment to the motion to the effect that Mr. Davey will be the first witness.

The ACTING CHAIRMAN: Have we a seconder to that motion?

Mr. BALCER: I will second the motion.

Mr. GREENE: Mr. Chairman, with respect I do not think that is a proper amendment. This constitutes a negation of the report and an amendment cannot negate the report.

The report says that Mr. Girouard will be the first witness, and an amendment which contradicts that completely is not an amendment. If Mr. Pigeon wants to take that stand he can vote against it and then bring in another one.

Mr. BALCER: The report states that Mr. Girouard shall be the first witness, followed by Mr. Davey; the amendment is to change the order of appearance because Mr. Davey is the one who has questioned the statement of a member of parliament. If he has questioned a statement, then he should come and tell us what is wrong with the statement, what are not facts in it, and so on.

Some hon. MEMBERS: Question.

The ACTING CHAIRMAN: Gentlemen, we must have order. Would you please direct your remarks to the Chair.

I am prepared to entertain an amendment to the motion at this time to substitute the name of Mr. Davey for Mr. Girouard.

Mr. BALCER: It concerns just the order of the appearance.

Mr. PIGEON: Mr. Davey first.

The ACTING CHAIRMAN: I will put the amendment.

Mr. GREENE: Mr. Chairman, I take it you rule that this is a proper amendment to the motion.

The ACTING CHAIRMAN: I rule that he can move an amendment substituting the name of Mr. Davey for Mr. Girouard.

Mr. DUBÉ: Mr. Chairman, since I made the motion myself in the steering committee I think I can speak on it with some authority.

The substance of the motion is to the effect that Mr. Girouard be called as a witness, whereas Mr. Davey is to be called only as an invitee to be

present. At this time we are unable to substitute a person who is only invited to attend for a witness.

I submit that the amendment to substitute Mr. Davey's name in place of Mr. Girouard is not in order because it negates the main motion.

Mr. WOOLLIAMS: Mr. Chairman, as I was a member of the steering committee, I would like to speak on this matter. I want to repeat to you that I made my position very clear. As I understand it, what took place in the steering committee was that there was a motion we should call Mr. Girouard first. I noticed that the members of the steering committee were in favour of calling Mr. Girouard first and at that time I did say I would not oppose that procedure. But, I want to make myself clear, as I said this morning and in the steering committee, that I would like to see Mr. Davey appear. As you know, he is a distinguished Canadian and an organizer of a national party. I think he should come forward and make a statement first. Perhaps some members think there is something which he should disclose first. I was not opposing the suggestion in respect of Mr. Girouard in steering committee in the sense of being difficult but, as I said, if others wished Mr. Girouard to be called first, I would not oppose it.

Mr. LEBOE: Mr. Chairman, as a member of the steering committee, may I say I think we have lost sight in this committee of what are the terms of reference. We have a motion that was put and this is what we have to deal with; it concerns a statement made by the member from Labelle. To me, it seems only right and in order that the member for Labelle be called to clarify anything he has in his statement in order that we know where we are going. We have to have some direction in this committee.

Some hon. MEMBERS: Question.

The ACTING CHAIRMAN: I am now going to put the amendment to the motion.

Mr. PIGEON: We think that Mr. Davey should be the first witness because Mr. Davey never has had a chance—

Some hon. MEMBERS: He will have his chance.

The ACTING CHAIRMAN: The amendment to the motion is that the name of Mr. Davey be substituted for the name of Mr. Girouard. All those in favour of the amendment to the motion? Contrary?

I declare the amendment to the motion defeated.

Now, we will deal with the motion. All those in favour?

Mr. NUGENT: Before the question is put, Mr. Chairman, I do not understand why there should be a difference between the two, Mr. Girouard and Mr. Keith Davey. It will be obvious, I am sure, we will wish to hear from both of them and I do not know why Mr. Davey should be referred to as an invitee.

I would like to move an amendment to the motion in respect of Mr. Davey, that he be also called as a witness and given the same status as everyone else.

Mr. GREENE: Might I explain that no one else has either be subpoenaed as a witness or requested to come as a witness. As you know, procedures are different in respect of attendances before a committee of members and non-members of the house. Lay people are subpoenaed and others requested to come.

No one has been subpoenaed or requested to come because the steering committee felt that as Mr. Girouard's story evolved and as the committee saw what the gist of his story was then the steering committee firstly and the committee as a whole would at that time like to review the matter to see who should be the next witness to call in chronological order. In this way we would have the story in a most concise, clear and lucid manner before the committee.

If we move now and suggest who should be called second this might have the effect of completely breaking the logical trend. It would be premature to decide who should be called before we have heard Mr. Girouard because, again, we do not even know officially who the members of parliament are who have been alluded to. I think we should proceed in a chronological order.

In a trial of a factual issue witnesses normally are called in the order in which they appear on the scene. It may be the committee will prefer to hear it this way but unless we follow a chronological and logical sequence of events we are not going to get very far. I am sure this was the reason behind the thinking of the steering committee when they left the matter open in respect of the order in which witnesses are to be called until such time as we heard Mr. Girouard.

Mr. GRÉGOIRE: I think the effect of the motion is to hear Mr. Davey during the sessions, not necessarily that he will appear in any particular order but that he will appear once during the sessions of this committee. I think everyone will approve of that suggestion, and if that is the effect of the amendment, then we will support it. If the effect of the amendment is that he will be the next witness, then we will not know what will be the statement of Mr. Girouard, as a result of which we cannot state actually what the order of the witnesses will be.

Mr. NUGENT: The purpose of my motion to amend is to clarify Mr. Davey's status as an invitee in order that when he is called he will be called in the same way as anyone else, as a witness.

The ACTING CHAIRMAN: If I might clear the air in this connection, it was the feeling of the committee we would start with Mr. Girouard; then the steering committee would meet thereafter and determine the order of witnesses. Everyone, I am sure, anticipates that Mr. Davey will be a witness. However, the steering committee decided to hear the story as it unfolds, with Mr. Girouard first, in order to keep it in chronological order. But, there is nothing in the report which does not deal with him as a witness.

Mr. NUGENT: Yes, there is; it says he be invited to attend. I do not want the motion to pass with Mr. Davey having the status of an invitee. I want Mr. Davey invited as a witness at some time. If you would put it that way I would not object to him being invited.

The ACTING CHAIRMAN: If I assured you this does not rule out Mr. Davey being called as a witness will you let me put the motion?

Mr. NUGENT: Yes.

Mr. PIGEON: I think we should have Mr. Davey as soon as possible.

The ACTING CHAIRMAN: Now, we have a steering committee representing every party in the house, which made and brought back a report. There is no suggestion anyone be excluded as a witness. This report was brought forward in the hope we could get some order and the hearings underway.

Mr. LEBOE: Mr. Chairman, may I say a word. I am sure others feel as I do, that Mr. Girouard's statement might be of such a nature that the need to proceed in this committee may be disposed of. It may not be beyond the realm of a position we should take at that time. I do not think this should be ruled out. This is one of the reasons we are in the position in which we find ourselves today.

Mr. SCOTT: Would Dr. Ollivier clarify for me what this special status in respect of Mr. Davey is? Could you tell me what an invitee is so far as this committee is concerned?

Dr. P. M. OLLIVIER (*Law Clerk, House of Commons*): I do not know but I understand he was invited so that he would be available as a witness.

Mr. RHÉAUME: My concern is that we do not get ourselves into a situation where we proceed by taking one witness at a time and at some later point exclude one of the principal witnesses in this whole business, Mr. Keith Davey. I can foresee—and perhaps you will excuse me for being cynical—a beautiful manoeuvre occurring in which we examine only one principal witness and then go on to several other witnesses who are not principal witnesses and then the committee, by a majority vote, saying: that is it, we are all through; that is fine.

The motion of Mr. Nugent, which I will second, is that the steering committee report be amended to include the summoning of Mr. Keith Davey to appear before the privileges and elections committee as a witness. It does not indicate the time but that at some point this committee will have him before us as a witness.

Mr. GREENE: Mr. Chairman, I do not know whether or not I have made myself clear. The steering committee's views, as I understand it, is that the moment Mr. Girouard's evidence is concluded we will then subpoena all witnesses who are not members of parliament and who should be called, and we will then request in writing, which I believe is the proper procedure, members of parliament who are to be called as witnesses in order that all witnesses will be treated alike. But, there was no thought of excluding anyone. It may be that it was an unfortunate thing that we have Mr. Davey as an invitee at all, but I believe Mr. Woolliams thought that should be done as a matter of courtesy.

Mr. WOOLLIAMS: Mr. Chairman, I would like to answer that. I do not think I suggested that. However, I do say that as I was the only one that held a contrary view I knew whatever I said would be outvoted and that Mr. Girouard would be called first. However, my feeling in the steering committee—you will recall an hon. member said there was a bit of manoeuvring going on; I refer to it as refined fishing—was that Mr. Davey would be called because of having made a statement outside the house, which is the reason we are here today. Mr. Davey made a statement to the press, as a result of which a certain motion was made and a certain privilege arose in the house. My impression was that Mr. Davey would be called as a witness followed by a slate of witnesses.

The ACTING CHAIRMAN: I will put the amendment to the motion first. Would you please give me your attention.

It has been moved that the motion be amended to read that Mr. Keith Davey be summoned to appear before the committee as a witness. The only change is incorporating him as a witness.

Some hon. MEMBERS: Question; question.

Mr. PIGEON: After Mr. Girouard.

Some hon. MEMBERS: No, no.

The ACTING CHAIRMAN: All in favour of the amendment? Contrary? I declare the amendment carried.

Now, the motion.

Mr. LEBOE: Mr. Chairman, before the motion is put may I say there were references made to manoeuvring. I object very strongly to this suggestion of any manoeuvring going on in this committee. As I say, I object very very strongly. We should be looking at this matter factually and with the interest of the House of Commons and parliament in mind. I object very strongly and at this time I would like to register my objection.

Mr. RHÉAUME: Since I used the phrase and since the hon. member of the Social Credit party objects to it I will withdraw it on the grounds that there is no political manoeuvring within that group.

The ACTING CHAIRMAN: It would appear to me that some members would like to raise some frivolity in respect of a matter of peoples' reputations which are being bandied back and forth and with which we have a responsibility to deal in a responsible way.

Now, I am going to put the motion as amended. All those in favour of the motion as amended? Contrary? I declare the motion as amended carried.

Mr. DROUIN (*Interpretation*): Mr. Chairman, on a question of privilege may I state that we have no French speaking reporters present today. As you know, there are several French speaking members who wish to use the French language during these discussions. As there are no French reporters here today I think it is very possible that something might be wrongfully translated—and I am not casting any reflection on the competence of the translating staff.

We would like to have Mr. Girouard speak in French. If we continue as we are what will happen is that the witness will give his evidence in French; it will be simultaneously translated, with all the risks involved, despite, as I said, the competence of our interpreters. The interpretation of the evidence will be taken down by the English reporters and then it will have to be translated back into French. As can be foreseen, there will be many risks involved in this translation.

I had some experience last year with the committee in this respect. I spoke several times in French and when the officials report appeared in French I just did not recognize what I had said.

I feel that the mistakes which can be made in the recording of the proceedings of parliamentary committees occur as a result of misinterpretation or mistranslation.

I asked at a meeting of this committee last year that a French reporter be provided. I feel that we should have French speaking or bilingual reporters taking down the evidence in both languages. I believe it may be difficult to find reporters of this kind at this time but I must say I have practised before the courts in Quebec and know there are reporters there performing this function. The stenographers in my own office are bilingual. I cannot understand why the head of personnel for the House of Commons cannot find bilingual reporters. I feel there should at least be two teams of reporters, one English and one French, to deal with the two languages.

Mr. Chairman, I object to this committee continuing its deliberations so long as we do not have a reporter to take down the evidence and deliberations in the original language which is used. I move that this committee on privileges and elections be suspended until we obtain the services of a French reporter.

Mr. LESSARD (*Saint-Henri*): (*French*)

INTERPRETATION: The interpreter cannot hear, I am sorry.

Mr. PIGEON: Mr. Chairman, the interpreter was unable to hear the last remarks.

The CHAIRMAN: Do we have a seconder for Mr. Drouin's motion?

Mr. LESSARD (*Saint-Henri*): I second the motion.

The ACTING CHAIRMAN: Does anyone wish to speak to the motion before I put the question?

Mr. GREENE: In view of what has been pointed out in respect of this matter, and in view of the fact that we are considering things which involve the characters and names of members of parliament, I feel that one word misinterpreted, or not clearly interpreted and incorrectly transcribed, may be very important. Under these circumstances, I think it very unfair to an individual whose mother tongue is French not to have a French reporter in attendance.

Mr. PIGEON: I think we should send a copy of this evidence to the authorities.

Mr. SCOTT: Mr. Chairman, is it possible to obtain a French reporter immediately?

The ACTING CHAIRMAN: Is it possible to get a French reporter at this time?

Mr. GRÉGOIRE: Can you take both languages, Mr. Reporter?

The ACTING CHAIRMAN: We do not wish to suspend our proceedings.

Mr. NUGENT: Mr. Chairman, perhaps the reporter could indicate whether there are any French reporters on the committee reporting staff who could handle these proceedings.

Mr. GRÉGOIRE: Perhaps we should ask the reporter whether there is someone available who can take these proceedings in French.

The ACTING CHAIRMAN: Perhaps before I put the motion we should recess in an attempt to find out whether there is a French reporter available.

May I suggest, so that we do not waste time, that once our first witness is called to testify I recognize a member and allow him to ask questions and complete his questioning without interruption by way of supplementary question and then recognize another member, and that a member who has already had an opportunity to ask questions be not recognized a second time until at least everyone has had an opportunity to question the witness.

This is the order I propose to follow.

Mr. DROUIN: Mr. Chairman, on a point of order, I have moved a motion which was seconded by Mr. Lessard and I should like this motion put to this committee and passed.

The ACTING CHAIRMAN: Your motion is not in writing and in the hands of your Chairman as yet.

Mr. NUGENT: Mr. Chairman, we are going to adjourn for a few minutes before you put the motion; is that right?

Mr. PIGEON: I think we should direct the question to Mr. Lamontagne.

The ACTING CHAIRMAN: We will recess for five minutes.

—Recess.

The ACTING CHAIRMAN: Gentleman before I put the motion I should like to inform you that it has been brought to my attention there are no French shorthand reporters, or bilingual reporters available for parliamentary committees. The French shorthand reporters are all engaged on *Hansard* reporting which is a separate duty. It is my understanding that Mr. Speaker, and I say this with considerable caution, has not seen fit to make French reporters available for any parliamentary committees. Therefore, there are no French reporters available.

Before going any further I should like to point out to you that a motion to adjourn is not debatable unless we have unanimous consent.

Mr. GRÉGOIRE (*Interpretation*): Mr. Chairman, I do not intend to speak to the motion, but in respect of the statement you have made to the effect that there are no French reporters available for the proceedings of a committee, I think this is an impossible situation. I think this committee should consider the circumstances and make a vigorous and official protest at this stage. This is the first time I have been made aware of this situation. I have participated in the deliberations of many committees, the reports of which have been prepared by English speaking reporters by employing the interpretation system. On checking these reports I have found that remarks and expressions of ideas which were not uttered have been attributed to certain members. I feel we should protest vigorously and officially in this regard and that this protest be included in

our proceedings. Before we deal with the motion to adjourn I move that this committee make an official vigorous protest against this state of affairs which has become apparent today.

Mr. SCOTT: Mr. Chairman, I should just like to ask a question and I hope that this is not misinterpreted. I wonder whether we could discuss this problem with unanimous consent before dealing with the motion to adjourn?

The ACTING CHAIRMAN: Mr. Drouin do you agree that we discuss this situation before I put your motion? Are the members of this committee in favour of this proposal?

Mr. PIGEON: Mr. Chairman, I think Mr. Drouin is absolutely right. I think it is very important to have a French speaking or bilingual reporter in attendance at committee proceedings, and I place the blame in this regard on Mr. Lamontagne.

Some hon. MEMBERS: Oh, oh.

The ACTING CHAIRMAN: Order.

Mr. GRÉGOIRE: On a point of order—

The ACTING CHAIRMAN: Order.

Mr. GRÉGOIRE: On a point of order, Mr. Chairman—

The ACTING CHAIRMAN: Order, please, gentlemen. We are not here today to place any blame in respect of the unavailability of a French reporter. That function is not ours to perform at this time. There is a problem which exists at this time which we must face in a responsible manner. I agree that this is an unfortunate situation. I suggest that we may make a recommendation in this regard but I do not think we should attempt to place any blame.

Mr. PIGEON: Mr. Chairman, if you promise to have a bilingual reporter in attendance at our next meeting I think we can agree to continue at this time. However, if it is impossible for you to promise to have such a reporter available I think we should now adjourn.

Mr. CHRÉTIEN (*Interpretation*): I should like to speak in regard to the unavailability of a French speaking reporter.

(The interpreter regrets he cannot hear Mr. Chrétien).

The ACTING CHAIRMAN: I am sorry the interpreter could not pick up your words Mr. Chrétien. I will have to ask you to repeat them.

Mr. CHRÉTIEN: I am just suggesting that I will refuse to sit on this committee until such time as we have a French reporter in attendance.

Mr. SCOTT: Mr. Chairman, I think everyone is in general agreement with the desire to have a French reporter in attendance. However, I should like to point out that it is important that we continue our hearings. I wonder whether as an alternative, if you absolutely cannot get a French reporter, we can install a tape recorder so that if anyone feels he has been misquoted or misinterpreted he will be able to refer to the recording.

Mr. PIGEON: A tape recorder is not official.

Mr. LEBOE: Mr. Chairman, we regret very much that this situation has arisen. We regret that we do not have a French reporter on hand. However, our proceedings are going to be reported to the House of Commons by way of the printed copy of our Minutes of Proceedings and Evidence. If there are any corrections to be made they can be made when our report is presented to the House of Commons. On that basis I think we should proceed with the hearings of this committee and, as has been suggested, vigorously protest against the unavailability of a French reporter. I do not think we should throw wrenches into the gears at this point, particularly in view of the existence of redress on the floor of the House of Commons.

Mr. MARTINEAU: Mr. Chairman, my only suggestion is that we proceed according to our plan, calling our first witness, and if he chooses to speak in French we can then stand him aside and go on to our second witness.

Some hon. MEMBERS: No, no.

Mr. MARTINEAU: I think that is a practical solution to the present problem.

Mr. DROUIN: This is the proper way to do it.

The ACTING CHAIRMAN: Order, order.

Mr. MARCOUX (*Interpretation*): It would be important that we have a transcription in French because a witness may wish to testify and it seems to me in certain cases there would be translations which would be completely erroneous. I do not think the time to make the corrections is after we have heard the statement, particularly because when the official versions have been printed they are bound together, and only certain libraries tend to have the corrected copies. I am strongly opposed to the suggestion that French speaking witnesses should be heard through an English translation, and vice versa.

Mr. DUBÉ (*Interpretation*): I feel the same way as Mr. Chrétien who preceded me. It is important and even vital that the witnesses speak in their own languages, particularly regarding the question with which we have to deal where reputations will be endangered. I therefore suggest that the committee on procedure should take the necessary measures to make it possible to provide us with a bilingual reporter.

The ACTING CHAIRMAN: In a moment I am going to ask whether Mr. Drouin wishes me to put the motion. Before I do so, I should say that the motion to adjourn will cut off further discussion.

Mr. PIGEON: We have here an English reporter and I think we might ask an English witness, Mr. Davey, what he prefers.

The ACTING CHAIRMAN: We have a motion and it is only by the good grace of the mover and seconder that we have any discussion at all. If this motion does carry, I would like to ask when the committee wishes to meet again.

Mr. FAIRWEATHER: I appreciate the dilemma, but is there not in this huge federal service somewhere a person who may be made available by tomorrow or this afternoon who could report the proceedings in French?

Mr. GRÉGOIRE: Your secretary, Mr. Drouin.

Mr. DROUIN: No; she has to be in my office.

Mr. NUGENT: I would suggest that the next meeting of this committee be at the call of the Chair.

The ACTING CHAIRMAN: Will it be this afternoon or tomorrow?

Mr. GRÉGOIRE: Tomorrow morning.

Mr. GREENE: I understand it is possible to discuss the motion with consent. Personally, I think it should be borne in mind that committees are a little different from normal proceedings, and these proceedings are not in the nature of those normally before a committee. Conceivably there could be other court proceedings founded in some degree on what happens here. Therefore, every word is much more important than would be the case with regard to a matter which in the traditional course is heard by these committees. I believe it is far more important than usual that the transcription be exact and accurate.

Secondly, if you are going to adjourn, whether at the call of the Chair or otherwise, I think it is extremely important if you cannot obtain the facilities of a reporter who is completely bilingual or French, that the suggestion of Mr. Scott be pursued. While it may not be the perfect solution, as Mr. Pigeon suggests, it certainly is a far better solution than none at all. I think the Chair should have the authority from this committee that in the event reporters cannot be provided, facilities for a tape recording be provided. I think that authority should be given to the Chair.

Mr. BALCER: I think we might adjourn for fifteen minutes. We might be laughed at across the country if we cannot find a French stenographer in this building in 15 minutes. We should adjourn for 15 minutes and I think the Chairman should get in touch with the Secretary of State.

Mr. NUGENT: I think Mr. Balcer is minimizing the difficulty. The task of reporting is a very highly skilled one, and an ordinary secretary will not do. The speed at which they have to take down the proceedings and evidence in shorthand is considerable at times. I do not think we ought to overlook the difficulty of finding sufficient French reporters. I believe it might take a little while. That is why I thought the Chair should have the greatest latitude.

The ACTING CHAIRMAN: Are you now asking that your motion be put, Mr. Drouin?

Mr. DROUIN: Yes.

Mr. WOOLLIAMS: I think it is regrettable there is not a bilingual person taking the proceedings. I think it is a good justification for the raise in pay. However, I feel it would be rather difficult for all of us if we were to adjourn to the call of the Chair. It puts too much responsibility on you, Mr. Chairman. Surely we can adjourn for 15 or 20 minutes in an effort to find out whether in this large service we have here there is some one or a group of persons who could come forward to take these notes in the two official languages.

I would like to amend the motion for adjournment to the effect that we adjourn for only 20 minutes.

Mr. FISHER: We have only 15 minutes.

Mr. DUBÉ: Mr. Chairman, it is already 20 minutes to 12. I see no purpose in adjourning for 20 minutes.

The ACTING CHAIRMAN: If it is left to the Chair, it is my intention to call the meeting at four o'clock this afternoon, or after the orders of the day, whichever is the later. I am going to put the motion.

Mr. PIGEON: Is it your intention to confer with Mr. Lamontagne.

Some hon. MEMBERS: Four o'clock.

The ACTING CHAIRMAN: I now put the motion that the committee adjourn at the call of the Chair. Is that the motion?

Mr. DUBÉ: Yes.

The ACTING CHAIRMAN: All in favour? Contrary?

Motion agreed to.

AFTERNOON SESSION

TUESDAY, May 12, 1964

The ACTING CHAIRMAN: I call the committee to order.

When the committee recessed it was with the understanding that we would endeavour to obtain bilingual or French shorthand reporters.

I have a letter from the Chief of the Committee's Branch, which says:

> My endeavours to secure, on a temporary basis, French and/or bilingual shorthand reporters for your meeting this afternoon with the Chief of the French Section of Debates Reporting Branch the chief of personnel of the house and the chief of the members' stenographers branch have to this moment been fruitless. The main reason being that they lack the necessary experience, the speed and the knowledge of the speakers at parliamentary committees.
>
> My inquiry at the supreme court was equally uneventful as they draw on the Senate shorthand reporters when their services are needed.

Subject to the house's approval, it is suggested to me that perhaps tape recorders, with competent stenographer-transcribers, might be one solution. May I say that the recruiting of this staff does not fall within my jurisdiction.

Mr. PIGEON: I remember a committee sitting last year which unanimously decided that they would have to adjourn if they could not obtain a bilingual or a French reporter.

Mr. GRÉGOIRE: Mr. Chairman, I have brought with me four French stenographers from our offices. They may not be as fast as those with experience, but they would be able to take the speeches.

This committee is becoming a circus. We adjourned for 20 minutes this morning. We looked all around for a French reporter, but we did not find one. We came back at four o'clock and we still did not have any French reporter. I am wondering what is going on. I was able to find four French stenographers in less than half an hour this afternoon. How is it that the government of Canada cannot find one or two French reporters for a couple of days? I am completely surprised, Mr. Chairman. If, from 12 o'clock until 4 o'clock this afternoon you were unable to find some French reporters, all I can say is that I have been able to find four French stenographers and they are here; they are at your disposal. We will speak more slowly and they will be able to take it. I assure you they can take some stenography; I dictate my letters in the morning and I dictate fast, and it is satisfactory to me.

The ACTING CHAIRMAN: I think we should clear up this point now. There is a distinction between a shorthand reporter and a shorthand stenographer—a world of difference. The point I am reporting back to you is that there are no bilingual or French shorthand reporters available; I did not say there are no French stenographers. That is a point that I think should be made clear at once before the issue becomes confused.

Mr. WOOLLIAMS: In all fairness, Mr. Chairman, I should say, although I do not know what are the arrangements the reporters have in reference to their hours and their rate of pay, that there is no one in the employ of the House of Commons, other than the *Hansard* reporters, who is able to take French in shorthand and reduce their shorthand to the French language; and the French-speaking *Hansard* reporters are not available.

The ACTING CHAIRMAN: That is right, there is no one available who is able to take it at the speed of a hearing.

I did not have direct contact with the Speaker, but I understand there are five French-speaking or bilingual reporters on the staff; one is ill and that leaves only four. Those four are all required in the house.

Mr. PIGEON (*Interpretation*): The shorthand reporters who have been appointed as *Hansard* or committee reporters in the house have been appointed by competition. There is a great deal of difference between a shorthand reporter and a stenographer. The material that has to be reported in the house and in the committees is very difficult material, and the members of the staff of the house who report this material have to pass a very severe test.

I do not wish to cast any doubt upon the work which you have done, Mr. Chairman, but I think that we ought to refer the matter to the Secretary of State who could take it up.

The ACTING CHAIRMAN: I understand—and I stand to be corrected in this—that it is not a matter for the government; it is a matter for the house. This is my information from the parliamentary counsel.

Mr. PIGEON (*Interpretation*): If the government looks for reporters they will certainly get them because there are such people in the courts of justice in Quebec and Ontario, people who are efficient, bilingual shorthand reporters.

Let us ask the government to take action and let us ask the Secretary of State to do it, and thereby show real bilingualism.

Mr. GREENE: In line with the submissions made this morning that it would be extremely unfair to any witness whose mother tongue is French to be asked to go ahead without a proper reporter, I think this whole matter is symptomatic not only of the short-comings in this hearing but of the almost archaic facilities that are available in the House of Commons to members in doing their work. We have talked a great deal about the need to have more facilities in both languages. It is tragic that there is no translation facility available for any member of this house in languages other than his own. There is nowhere that an English speaking member can go to obtain help in translating a letter which he wishes to send, as a matter of courtesy, in the French language to a fellow member. Conversely, there is no such facility for French members.

Mr. WOOLLIAMS: This may be very sad, but surely it is not in order at this time.

Mr. GREENE: It is certainly pertinent. This whole matter has been raised in this committee, but it is applicable to the facilities of the house as a whole.

Mr. WOOLLIAMS: I am not trying to be rude to the hon. member for Renfrew South.

Mr. GREENE: The hon. member for Joliette-L'Assomption-Montcalm etc., etc., etc.—

Mr. PIGEON: After distribution I will probably lose one, but I have not lost it yet.

The ACTING CHAIRMAN: Order.

Mr. GREENE: At redistribution, there will be none left!

The ACTING CHAIRMAN: The point at issue is what we are going to do.

Mr. BALCER: Mr. Chairman, may I suggest—

Mr. GREENE: Mr. Chairman, I have not yet finished my remarks on this subject.

I would like to say that surely there is something rather more important involved than even what is going on here when a committee of this house is called and is unable to proceed. It is not the function of the government to provide services for members; it is the function of the house itself. When we do not even have adequate translation facilities to carry out our business—and considering what it is costing the taxpayers to have this gathering sitting here today—I say it is high time that we as members of parliament did something about the facilities around here.

Some hon. MEMBERS: Hear, hear, hear.

Mr. BALCER: Mr. Chairman, I am calling upon the good will of the whole committee to find a solution to this problem. I know it is awkward and it is not your fault, Mr. Chairman. All the members are very anxious to proceed with the business. I feel it would be unfair to ask Mr. Girouard to come here and testify, and it would be more unfair to force him to testify in a language other than his mother tongue. This morning it was suggested—I think it was perhaps a facetious remark on the part of the hon. member for Pontiac-Témiscamingue—that we could go on with the business of this committee by calling the next witness or any witness who speaks English and who does not mind testifying in English.

Mr. GREENE: On a point of order, this has already been decided by motion of this house.

Mr. BALCER: I am just trying to help the committee.

Mr. GREENE: And the rules provide that once a matter is settled it cannot be brought up again.

Mr. DROUIN (*Interpretation*): There are two official French speaking shorthand reporters in the service of the Senate. The Senate is not sitting today. I wonder why we could not have the advantage of the services of these shorthand reporters who are normally available to the senators.

The ACTING CHAIRMAN: I am looking for direction from the committee.

Mr. LESSARD (*Saint-Henri*) (*Interpretation*): You say there is a motion before the committee. You say this morning we adjourned in order to obtain a French speaking shorthand reporter. We adjourned on that matter, and I therefore wonder why we are coming here to contradict this same matter this afternoon. I am still of the opinion that we should not sit until we obtain a French shorthand reporter.

Mr. PIGEON: It was decided after a motion and a vote that the first witness would be Mr. Girouard. I think that decision was made without the thought in mind that there would be this difficulty in obtaining a shorthand reporter capable of reporting French language discussions. If any member of this committee had thought about this matter before the motion was made I feel sure the decision would have been completely different. With a view to expediting the business of this committee, I wonder what possible objection there could be hearing another witness first. I would ask why Mr. Davey should not appear as our first witness. That would be a perfectly logical solution to our problem. I would like to put forward a motion on this line.

Mr. DROUIN (*Interpretation*): If I brought a motion forward on this matter this morning it was simply because I thought the privileges of the witnesses might be violated by the lack of a French-speaking reporter, and I considered that the rights of the members of this committee are the same as those of witnesses. I would like to express myself in French while we are sitting on this committee and to have my remarks reported word for word in the official report of the committee on privileges and elections.

Mr. FAIRWEATHER: Could we not perhaps ask the provincial government in Quebec for some assistance?

Mr. PIGEON: Mr. Levesque, who is sitting here, will do something for us.

Mr. DUBÉ: It was proposed but not moved by Mr. Grégoire at the commencement of this meeting that he should provide us with three or four stenographers who could follow even that hon. member when dictating at full speed. I would suggest that we start with the stenographers and then if things go wrong we can always adjourn. At least we could try that method of procedure.

Mr. SCOTT: No, Mr. Chairman; surely that would be unwise. With all due respect to the secretaries Mr. Grégoire has brought here, I think we would be safer to accept the present method with the translator and the experienced reporters than to have inexperienced secretaries taking evidence. I think it would be more reliable to proceed in the way we have been proceeding up to now than to take people who have not passed the necessary tests and the necessary examinations.

The ACTING CHAIRMAN: Are we going to waste time here in—

Mr. BALCER: Someone mentioned the Senate. Is it impossible to obtain reporters from the Senate?

The ACTING CHAIRMAN: There are negotiations under way at this moment in that connection. I can tell you that. I have looked into that and I can tell you that at this very moment there are some negotiations going on with the Senate to try to arrange for their reporters to be here.

Mr. PIGEON: If you were to meet the Secretary of State I am sure yo would resolve this problem.

The ACTING CHAIRMAN: I have brought the problem to the attention of the Clerk of the house. I spoke to the Speaker earlier. I have also spoken to the clerk of the committee branch, who is also in touch with the Senate. We have tried the Supreme Court of Canada in an endeavour to obtain their reporters. As far as I know, we have done everything humanly possible to have a reporter here this afternoon at four o'clock.

Mr. WOOLLIAMS: May I speak again?

There is some merit in the suggestion that has been made and I think it is in accordance with the discussion that has taken place. I refer again to page 2647 of *Hansard* for April 28, 1964, in which terms of reference are laid down by the motion of the hon. member for Winnipeg North Centre, Mr. Knowles:

> That the matters raised by the hon. member for Labelle in his question of privilege as reported in *Hansard* for Monday, April 27, 1964, be referred to the committee on privileges and elections for consideration and report.

Those are our terms of reference, Mr. Chairman. Surely if there are other witnesses, and there certainly are, they could come forward and testify while this other matter is being straightened out, or until we get out of the quagmire as far as court reporters are concerned. Surely Mr. Davey is willing to come forward and give evidence before this committee on the same set of facts he has given the newspapers. If such an arrangement can be made I should like to find out from other members of this committee why they oppose this suggestion.

Mr. GRÉGOIRE (*Interpretation*): I am opposed to that suggestion because if I should ask a question in French, or Mr. Drouin, Mr. Lessard, Mr. Dubé, Mr. Gauthier, Mr. Vincent, or even perhaps Mr. Pigeon, then we would still have it taken down by an English reporter. We possibly will want to ask questions in our own language.

The ACTING CHAIRMAN: Gentlemen, it seems to be the opinion of the members of this committee that we will require the services of a French or bilingual reporter at some time or other. It may take time to get the services of such a reporter, and it may well be that we shall have to employ the reporters working in the Senate.

Mr. GRÉGOIRE: Until what time shall we adjourn?

Mr. GREENE: I suggest we adjourn until eight o'clock tonight.

Mr. RHÉAUME: Just a minute. Give the Chairman a chance to speak.

The ACTING CHAIRMAN: In view of the fact that we have caucus meetings tomorrow and the apparent urgency of continuing our hearings I suggest that we meet tomorrow afternoon after orders of the day.

Mr. VINCENT: We could meet then, provided that we have a French reporter.

The ACTING CHAIRMAN: Tomorrow afternoon I may of necessity have to invite the members of this committee to make a different decision. However, we will do everything possible to get the services of a French reporter.

Mr. SCOTT: Surely we will not be able to proceed in a reasonable fashion with the services of only one French reporter.

The ACTING CHAIRMAN: I appreciate that fact and we have felt that we should have a minimum of three.

Mr. SCOTT: One reporter certainly could not handle the situation, particularly if we are to sit hour after hour. This would place a hopeless strain upon that reporter. I suggest that we adjourn until Thursday morning, allowing you the complete day tomorrow to attempt to solve this problem.

The ACTING CHAIRMAN: I am open to any suggestion of that kind. Would you like to make a motion to that effect?

Mr. SCOTT: I move that the committee adjourn until Thursday morning, allowing you the whole day tomorrow to attempt to solve this problem.

Mr. LESSARD (*Saint-Henri*): Mr. Chairman, there is already a motion before us to adjourn.

The ACTING CHAIRMAN: Perhaps we should adjourn until the call of the Chair and stipulate that our next meeting will be not later than Thursday.

Mr. GRÉGOIRE (*Interpretation*): During the interval, Mr. Chairman, I suggest that the officials of the House of Commons give the stenographers a test to see whether they can become official stenographers with the ability to carry out the duties of a reporter. We are attempting to help you in any way possible.

The ACTING CHAIRMAN: I will try to arrange a meeting between the steering committee and the Speaker in an effort to clear up this problem, if possible.

Mr. GRÉGOIRE (*Interpretation*): I suggest that the Speaker of the House of Commons should be asked to post notices everywhere in the parliament buildings asking for French stenographers. I am sure the Speaker will be able to find many of them here.

The ACTING CHAIRMAN: There are many French stenographers in the employ of the House of Commons but we are looking for reporters and there is a world of difference.

Mr. GRÉGOIRE (*Interpretation*): Let us see if they can pass a test.

Mr. WOOLLIAMS: Mr. Chairman, I think this problem is a very serious one. If it is so important that we cannot proceed without a French reporter, then I suggest that we refer the matter to the House of Commons and have it settled once and for all. We are a joke in this country as a result of sitting around this conference table doing nothing except argue about a procedural matter. If we cannot proceed without a French court reporter, then let us refer the matter to the House of Commons and get it settled.

The ACTING CHAIRMAN: I should like to ask you to hold that suggestion in abeyance until perhaps Thursday morning at which time we can reconvene this committee meeting.

Mr. WOOLLIAMS: I would suggest that we adjourn and reconvene not later than Thursday morning, and in the event a French reporter is not available we report the situation back to the House of Commons.

Mr. GREENE: Mr. Chairman, in respect of this matter, I concur in the remarks made by the last member, that owing to the facilities available to members of parliament we are regarded as a joke. It is high time we refurbished the facilities around these buildings if we are going to proceed in a businesslike way. The situation which exists at this time is just one example of the stone age facilities that exist. I think this matter is of extreme importance and I do not think the public should be given the impression that anyone is trying to delay these proceedings by the use of technicalities. We are all anxious to get on with our business as quickly as possible, with proper facilities.

Under those circumstances, Mr. Chairman, I would suggest that if at all possible the committee reconvene tomorrow rather than Thursday.

Mr. GRÉGOIRE: During the time we are adjourned perhaps Mr. Davey would help us.

The ACTING CHAIRMAN: I have a motion by Mr. Scott, seconded by—

Mr. DROUIN (*Interpretation*): Mr. Chairman, I should like to speak on a point of order. Before we adjourned this morning I made a motion that we adjourn until we get the services of a French or bilingual reporter. I consented

to a discussion regarding the possibility of finding French speaking reporters but I did not agree to allow a debate in respect of other matters. I suggest we should still be considering the motion I made to adjourn. If we allow further discussion on that motion it should be confined to that motion. We should not allow any other new motion to be entertained until we come to some conclusion in this regard.

The ACTING CHAIRMAN: I did not realize that you indicated that we should adjourn until we got the services of a French speaking reporter.

Mr. DROUIN (*Interpretation*): We are still discussing my motion.

Mr. GRÉGOIRE: There is another motion before us, Mr. Chairman.

Mr. WOOLLIAMS: Mr. Chairman, I should like to move a motion. I move that we adjourn and—

The ACTING CHAIRMAN: Order. Just one moment, Mr. Woolliams. I was not aware that the motion which Mr. Drouin made was to adjourn until we found the services of a French speaking reporter.

The CLERK: Mr. Drouin proposed the motion that the sittings of the committee on privileges and elections be suspended until the assistance of a French speaking reporter is available.

Mr. WOOLLIAMS: Mr. Chairman, I should like to move either as a motion or an amendment that we now adjourn and report back to the House of Commons, requesting that the House of Commons hire a staff of French reporters for parliamentary committees.

Mr. PIGEON: I second the motion.

The ACTING CHAIRMAN: We already have a motion to adjourn which is not debatable. I must ask you to vote in that regard. You can propose your motion again on Thursday when the committee reconvenes. We now have a motion to adjourn which is not debatable.

Mr. RHÉAUME: Mr. Chairman, on a point of order. At the time the motion was made, and I take it, it was this morning because I have not heard such a motion this afternoon, there must have been unanimous consent that we proceed with a discussion, contrary to the usual rule. In other words, we suspended the rule that following such a motion for adjournment there be no debate. That being the case I think discussions and amendments are in order.

The ACTING CHAIRMAN: There was unanimous consent given that the motion not be put but that we continue with our discussions in respect of the problem. The mover of the motion consented to this request at that time. He has now asked that the motion be put to a vote.

Mr. RHÉAUME: Perhaps the hon. member would be good enough to entertain the type of amendment which has been proposed, to the effect that we report back to the House of Commons, which is after all the agency which can correct the situation in respect of which the hon. member for Renfrew, as well as others, is protesting. I wonder whether the mover would be good enough to give consent in this regard.

Mr. DROUIN (*Interpretation*): I refuse to give consent for the following reasons. Mr. Chairman, you are aware of all the facts, and the relevant discussions in respect of this matter have been brought to your attention. You are now in a position to report to Mr. Speaker, or those officials concerned with the responsibility of supplying staff and necessary facilities. Therefore, I see no reason why we should have a specific motion to report to the House of Commons in respect of this matter and I object to any amendment to my motion to adjourn. I also object to any further discussion on the question and ask that my motion be put to a vote at this time.

The ACTING CHAIRMAN: The hon. member is now calling for the motion to be put to a vote.

Mr. GRÉGOIRE (*Interpretation*): Mr. Chairman, on a point of order, I think that the motion to which Mr. Drouin has referred again this afternoon is completely out of order. His motion was made this morning and we adjourned until this afternoon. We have now reconvened this afternoon. We adjourned in order to ascertain whether the services of a French reporter could be provided. Unofficial stenographers are available to this committee and the problem with which we are faced has now become a different one. The situation as it exists now has automatically disposed of the motion as presented by Mr. Drouin this morning. He has not presented any further motion this afternoon. In view of the fact he has not presented a further motion this afternoon his argument automatically falls to the ground because of the fact there are unofficial stenographers available to this committee. I say his argument obviously falls in view of the fact these stenographers are here as a result of my having asked Mr. Cyr, chief of the stenographers pool, to provide stenographers. There are four stenographers available at this time. Mr. Drouin's motion was not presented again this afternoon in terms requiring that official stenographers be made available. We do have another motion before us which I feel should now have priority.

Mr. DROUIN (*Interpretation*): Mr. Chairman, I think we now have a play on words. When I used the term "stenographers" I was referring to official shorthand reporters because there are no other persons who are able to report the proceedings of parliamentary committees. I was concerned with the provision of official shorthand reporters. In an attempt to arrive at a solution as quickly as possible I agreed to a discussion in respect of the manner and possibility of getting the services of bilingual or French speaking shorthand reporters. This is the only reason I agreed, and not for the purposes of entertaining further motions or amendments. Mr. Chairman, I was asked to consent to allowing a discussion in respect of the possibility of getting the services of a French speaking reporter, or reporters. We are now faced with the same situation which existed before I made the motion. We should now consider my motion, which is not debatable, to adjourn until such time as we get the services of a French speaking reporter.

Mr. GRÉGOIRE (*Interpretation*): What has just been said by the member for Argenteuil-Deux-Montagnes is incorrect. The Chairman should not be allowed to reopen the sittings if we proceeded on the basis that the motion was to adjourn until official reporters were available. I suggest that from the moment the sittings were reopened this afternoon by you, Mr. Chairman, to discuss further the situation we face, the motion which was made was concluded, therefore the argument presented by the member for Argenteuil-Deux-Montagnes automatically falls to the ground. The motion moved by the member for Bow River now takes priority.

Mr. PIGEON: Mr. Chairman, I realize you are in a very difficult position. You are being asked whether or not the motion proposed this morning by the hon. member for Argenteuil-Deux-Montagnes has expired before you make a decision in respect of the motion put by the hon. member for Bow River. I should like to ask you in your capacity as Chairman to decide now whether or not this motion can be discussed further.

Mr. LEBOE: Mr. Chairman, I think we should clear one thing up at this time. Did we actually adjourn this morning or did we suspend our sittings until the services of a bilingual or French speaking official reporter are made available? It was my understanding that the motion when it is actually put to a vote will suspend sittings until we do have the services of a French speaking reporter. I think this point should be clarified.

Mr. GRÉGOIRE: Why are we sitting at this time?

Mr. BALCER: Mr. Chairman, what worries me is that you indicated earlier that you had made an honest effort in this regard. As far as I can understand the situation there is absolutely no hope of getting three French speaking official reporters and this committee will not be able to sit either this week or next week. I think this is an extremely urgent matter and feel the situation should be referred back to the House of Commons. The only solution I see is to ask the Senate to adjourn for two weeks so that we can make use of their French speaking reporters. That may sound like a facetious remark but we are faced with an impossible situation. I am sure we cannot get three French speaking reporters within the next few weeks and as a result will not be able to continue with our proceedings.

The ACTING CHAIRMAN: It was my intention to call a meeting of the steering committee after we adjourn this afternoon in an effort to determine a proper course to follow and then report back to the whole committee tomorrow afternoon.

In respect of the motion now before us, it is my understanding that Mr. Drouin proposed the motion which was seconded, and then acceded to the request of the Chairman that the motion not be put at that time in order that we could attempt to make certain arrangements. I have reported back to this committee that no reporters are available and Mr. Drouin is now asking that his motion, which is not debatable, be put to a vote. I feel that I must put the motion at this time.

Some hon. MEMBERS: Question.

Mr. WOOLLIAMS: Mr. Chairman, I hesitate to speak again but as I understand the situation, Mr. Drouin's motion was not put to a vote in order to give you an opportunity to make arrangements to provide the services of a French speaking reporter. I am sure that you have done everything you possibly could do and tapped every possible resource in an attempt to locate a person or persons who could take down the proceedings of this committee in shorthand in the French language. I understand you have failed in this regard. My hon. friends sitting across the table suggest that this failure is not the result of some lack on the part of the government. I will not argue with them in this regard. I suggest this matter lies within the jurisdiction of the House of Commons. This being the case I see no reason for presenting this matter to a steering committee, because that committee will have no greater success than you have had. I suggest that the blame falls upon the House of Commons and not on the government. That statement should please my hon. friends. Surely we should place this situation before the House of Commons so that the matter can be straightened out. If we are not agreed in this regard it certainly appears that someone is deliberately attempting to delay. Let us report this situation to the House of Commons and get the matter straightened out once and for all so we can get on with the business before us.

Mr. GRÉGOIRE: There is some manoeuvring here.

The ACTING CHAIRMAN: You have heard the motion to adjourn to the call of the Chair. I would ask all those in favour to so indicate.

Mr. SCOTT: At the call of the Chair?

The ACTING CHAIRMAN: Yes.

Mr. WOOLLIAMS: Are you putting my motion?

The ACTING CHAIRMAN: No.

Mr. WOOLLIAMS: What motion are you putting?

The ACTING CHAIRMAN: I am putting the adjournment motion.

Mr. BALCER: You are ruling that any other motion is out of order?

The ACTING CHAIRMAN: I am ruling that I have to put the adjournment motion at this point.

Mr. WOOLLIAMS: We appeal.

Some hon. MEMBERS: Delay. Delay tactics.

The ACTING CHAIRMAN: I am not a party to any delay. I will not tolerate delay as long as I am in the Chair. I do feel that this is an important point. The motion has been made and I am going to conduct the proceedings to the best of my ability.

Mr. PIGEON: I have a suggestion which might help you. I suggest you ask the advice of Mr. Laurendeau and Mr. Dunton!

The ACTING CHAIRMAN: Are you appealing my ruling?

Mr. GRÉGOIRE: Mr. Chairman, perhaps you could ask the C.B.C. French network to put out an appeal.

The ACTING CHAIRMAN: Do you appeal my ruling?

Mr. WOOLLIAMS: Yes, we appeal.

The ACTING CHAIRMAN: I ask all those in favour of sustaining the Chairman's ruling that the motion for adjournment now be put to so indicate. Contrary?

The Chairman's ruling is sustained. I will now put the motion to adjourn. Will all those in favour of the motion to adjourn please indicate. Contrary?

Motion agreed to.

WEDNESDAY, May 13, 1964

The ACTING CHAIRMAN: I call the committee to order.

At this time I would like to introduce two of our bilingual shorthand reporters: Mr. Grandmaison, who was formerly with United Nations, is presently with the board of broadcast governors, and has great experience in shorthand reporting; and also Mr. Langlois, from the other place.

Gentlemen, we have raised the question of having shorthand reporters here for accuracy, and with that in mind I would respectfully request that both the questioners and the witnesses take their time and speak at a normal rate of speed in order that the shorthand reporters may do justice to their task.

Mr. WOOLLIAMS: Before you do that—and I am sure I speak for most members of the committee, if not all—may I say that we appreciate the efforts you have made in obtaining the reporters and the very judicious manner in which you have handled the committee up to date. We trust that now we can carry on with the proceedings and obtain the facts.

The ACTING CHAIRMAN: Thank you. I have nothing to add to what I said in the house. As Chairman, I have certain responsibilities to the staff; that was the reason for my remarks and I want to stand behind them.

Then, Mr. Scott, you raised a matter which I said could be put forward after we had disposed of the motion. It is now in order for you to do that if you so desire.

Mr. SCOTT: Before we get into the actual hearing, I would like to raise the the matter of whether or not all witnesses should be excluded.

The reason I raise this is that it seems to me we will be very unlikely in this hearing to come across any written documents; anything that transpired is likely to have been verbal and without contracts or records of any kind. Therefore, we will be largely dealing with verbal statements of various individuals and interpretations which other people may or may not have put have put upon them. It seems to me we cannot do justice in such circumstances if all the various witnesses will be sitting listening to what each preceding witness might have to say.

The member for Lapointe said that this had been discussed in the steering committee and that they felt, since the press were here, little good would be gained by excluding witnesses.

Mr. Chairman, we know that our brethren from the press report accurately, factually and completely everything we say—

Mr. WOOLLIAMS: That is bully for you now!

Mr. SCOTT: —but notwithstanding that, the limitation of space in the newspapers sometimes make it impossible for all the material to be carried.

It is common practice in royal commissions and normal courtroom proceedings to exclude witnesses even though members of the press are present. I think it would help our deliberations a great deal, if we are to balance out the testimony, to hear one particular witness at a time and have all others excluded.

If I can obtain a seconder to my motion, I move that all witnesses be excluded from the sittings of the committee except such witness as may be giving evidence before the committee.

Mr. NUGENT: I will second the motion, Mr. Chairman.

(*Translation*)

Mr. DUBÉ: Mr. Chairman, with regard to this motion I feel it will be very difficult, if not impossible, to leave out the witnesses from this house for the good reason that we do not yet know who the witnesses will be. So far we only have the names of Messrs. Girouard and Davey. There may be more than that or less. So it is impossible at this time to entertain a motion to exclude witnesses for the simple reason that we do not yet know who those witnesses will be.

(*Text*)

Mr. WOOLLIAMS: Mr. Chairman, may I reply to that?

The ACTING CHAIRMAN: Mr. Woolliams, yes; then I have listed Mr. Grégoire, Mr. Greene and Mr. Pigeon.

Mr. WOOLLIAMS: Mr. Chairman, I think the argument that we do not know who the witnesses will be is very weak. If we could not exclude witnesses for that reason, then we would never be able to exclude witnesses in proceedings such as court proceedings. However, in this case we do know fairly well; we may not have a complete list, but we have some idea who the witnesses will be. If we wish to exclude witnesses—and I am speaking on behalf of the motion, supporting Mr. Scott—surely all those who have something to do with this matter know that they have had something to do with it and would stay away from the proceedings.

The argument that we do not know who are the witnesses is, it seems to me, a very weak argument indeed.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, I would have seconded that motion except that, unfortunately, I intend if possible to request as witnesses, among others, the members for Trois-Rivières, Ste-Marie, Québec-Montmorency and Joliette-L'Assomption-Montcalm who sit on this committee. I also intend to request the member for Bow River to testify.

I wonder if, at that time, it would not be better to reappoint the privileges and elections committee with only New Democrats and members of the Ralliement des Créditistes.

(*Text*)

Mr. GREENE: Under oath, Mr. Chairman; under oath.

(*Translation*)

Mr. GRÉGOIRE: It is to prove that the motion as presented is irregular, since no list of witnesses has been set up.

(*Text*)

Mr. WOOLLIAMS: On a point of privilege, I would like to ask the member for what reason he would like to call me except to prove that the proceedings are going on.

On a point of privilege, although I realize that he is being facetious, he knows very well that I know nothing of this matter and, on a point of privilege, I want him to state why he would want to call me in reference to this investigation.

Mr. PIGEON: I have the same question. Why do you want to call me?

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, so far we have only two witnesses: Messrs. Girouard and Davey, but when Mr. Davey will appear before this committee, we will then know the exact number of members on the government side who will be witnesses.

It is very difficult to know until Mr. Davey is called. Perhaps the Prime Minister of Canada can be called as a witness, we're not sure.

(*Text*)

On the question of privilege raised by the two members, I think I may say that they will realize why I would call them only when I will ask the questions, but it is not up to me to put my questions now as they are not in the witness box. However, when they are in the witness box they will see why it is I would want to call them.

Mr. GREENE: Mr. Chairman, may I speak on the motion?

We have heard some very enlightening and entertaining discussions but, with respect, I would submit that the Chair has no authority to entertain the motion. I would refer the Chair to Bourinot's Parliamentary Procedure, the fourth edition, at page 468. As usual, the party I represent did a little research on the matter rather than merely talking about it, Mr. Chairman.

A the bottom of page 468 and the top of page 469 it is stated:

> Strangers are permitted to be present during the sitting of a committee of the Commons, but they may be excluded at any time; and are to withdraw when the committee is discussing a particular point of order, or deliberating on its report (s). Members of the Commons may be present during the proceedings of their committees, and a committee has no power of itself to exclude any member at any stage of its proceedings, but may obtain special power from the house for that purpose. Such applications have not been favourably entertained by the house.

I would point out that according to this authority, Mr. Chairman, you have no power to entertain the motion. The witnesses or potential witnesses, or people we conceive may be witnesses, who are members of parliament cannot be excluded and the Chair has no authority to entertain a motion to exclude them. I know that the hon. gentleman who suggested this procedure would not want one witness to be favoured in any way over another; he would not wish the member witnesses to remain in the room to hear the evidence while lay witnesses were excluded.

As the hon. member from Bull River has said, Mr. Davey, the other possible witness, who is not a member of parliament, is an "esteemed and highly regarded Canadian". I hope I am quoting him correctly.

Mr. WOOLLIAMS: "Distinguished" is the word.

Mr. GREENE: I think it would be highly prejudicial to exclude one witness for whom we have the authority while, at the same time, we have no right, according to the same authority, to exclude any other witness. All other witnesses, I take it, would be members of parliament, including the ones Mr. Gregoire has named. I suggest in these circumstances the motion is out of order inasmuch as it encompasses all witnesses including members of parliament.

Mr. FAIRWEATHER: I support Mr. Scott's motion. I think it is well founded. However, we have the advantage of Dr. Ollivier's presence and he can give us the benefit of his knowledge of procedure.

It is a pity that we have no idea of the number of witnesses we may expect to call; that would be the usual procedure. I, for one, have the expectation that there is more than the particular issue being considered here. We have a duty to the House of Commons in regard to the way in which this procedure goes ahead.

This is not an unusual motion, and it deserves our support.

The ACTING CHAIRMAN: Now you have referred to Dr. Ollivier, I would be pleased to hear from him if the committee has no objection.

Dr. OLLIVIER: I have no special opinion in this case except that I do not know how one can exclude witnesses who have not been summoned. The members are not summoned; they are simply called by the Chairman of the committee. As long as one has no list of the members to be called before the committee, I do not know how they can be excluded.

You would have to have a motion first asking that certain members be called. I am not profoundly impressed by Beauchesne's opinion and for two reasons: first, it is a pretty old opinion, and second it refers to members not especially as witnesses but rather in their capacity as members of the house. I imagine we should make a distinction between a member who is here as a member, and a member who is here as a witness. You would first have to have an agreement as to what members should be called and then to exclude those members.

Mr. FAIRWEATHER: That is the point I did not make nearly so well as Dr. Ollivier. I think it is unfortunate that we do not have an idea of those people we would expect to call.

Dr. OLLIVIER: I think it is different in the case of an ordinary witness who has been summoned.

Mr. PIGEON: (*French*) *not taken.*

The ACTING CHAIRMAN: Well, I hope that we would have no gratuitious remarks by anyone until it had been ascertained, and I would say to Mr. Greene that when he makes his arguments, he should direct them to his motion rather than to other parties.

Mr. GREENE: I would like to ask Dr. Ollivier a question.

The ACTING CHAIRMAN: Mr. Nugent has the floor.

Mr. NUGENT: We already have the name of Mr. Davey. The motion could apply to him. As to the others, I do not agree that Mr. Grégoire will have a chance to make his general fishing expedition for his own amusement, about anything that goes on anywhere. There are four members of parliament who are involved, and we know who they are. We do not have to order them here. A simple request should take care of it, so we could rule that we have the authority to exclude Mr. Davey. The rest of the gentlemen could exclude themselves, and any further witnesses could be taken care of later on.

Mr. GREENE: May I ask Dr. Ollivier whether there is any authority to exclude a member of parliament from any hearing of a committee? I do not think we can go around making rules. I believe there is an inalienable right

for a member of parliament to attend any meeting of a committee. But here we would change one of the fundamental and basic rules by excluding such a member.

Dr. OLLIVIER: For instance, when a committee sits in camera, you can always exclude any or all members except those who are members of the committee.

Mr. GREENE: But we are not sitting in camera.

Dr. OLLIVIER: No, but it means that it is possible to do so.

Mr. CAMERON (*High Park*): I oppose the motion. We know probably already whom to call to tell his story before this committee. I call it a story. I am not calling it evidence of a witness. It is the usual thing in court procedure that the parties who oppose each other should be present in court so that they may listen to the story that is told by the other side who hold a different view from theirs. I suggest that to exclude these people on any of the grounds advanced today would be going contrary to constitutional and parliamentary practice. I for one would vote against the motion. I am very surprised at some of the hon. gentlemen who raised it. I think that if they took time out to reflect, if they would consider that if they were in the same position that these gentlemen are, they would want to have a clear story told to us, so that when they come to make their own answers they could make them in the light of what had been said.

Mr. DUBÉ: The matter is covered in section 302 of Beauchesne's fourth edition, which reads as follows:

> (1) Members of the House of Commons are entitled to be present at the sittings of committees of the house, as well during the deliberations of the committees as while witnesses are being examined; (but they must not interfere in the proceedings); and though, if requested to retire, they rarely make any objection, and ought, on the grounds of established usage and courtesy to the committee, immediately to retire when the committee is about to deliberate, the committee, in case of their refusal, has no power to order them to withdraw.

Dr. OLLIVIER: Except that you can obtain permission from the house. It says that it can be done.

Mr. BALCER: I think a number of members on this side would have no objection to Mr. Davey remaining here. We do not want to jeopardize his position. We want him to be treated extremely fairly. We know his difficult position, and we want to give him all the chances possible. Therefore we want him to stay in.

The ACTING CHAIRMAN: May I say that so far there have been only two witnesses named. If that is the case, they are the only two that I shall deal with so far as the motion is concerned.

Mr. VALADE: I think the words mentioned by the member for Lapointe should be sufficient for the record. I could supply the name of the member for Lapointe as well. But I suggest the names should be striken off the record.

The ACTING CHAIRMAN: I think it has to be said that until I have a motion otherwise I should get the meeting going along. If they want the motion put, I shall now put it.

Mr. CAMERON (*High Park*): I know you have heard probably a lot more than you should have listened to. I say that we have not extended the same courtesy to Mr. Girouard that he has so generously extended to Mr. Davey.

Mr. GREENE: Quite apart from the rules which are fairly clear, I do not see what authority we have to prevent it. These are members of parliament who are involved, and I think it is a very serious thing to diminish the

rights and privileges of members of the house as we would be doing if we entertained the motion to exclude them from this hearing. I would also point out that I am sure there is no hon. member here who wishes to set a precedent so that this committee will gradually become a trial committee like some of the house committees in the United States. I do not think you want this to be a trial at all. It is just a hearing on a point of privilege. This business about following courtroom procedure could create a very far reaching precedent. I do not think any hon. member wishes it to be a court hearing. And I would point out that in court it is a far different matter. There are rules which specifically prescribe how the exclusion of witnesses will be carried out.

First of all, the witnesses are sworn not to discuss the matter with anyone. But here we have the press with us in its entirety, and everything will be covered in the newspapers. There is no rule preventing a discussion of what goes on here with the witnesses or with any other persons. I think what we would be doing is to set a precedent making this sort of a kangaroo court that we have here.

The ACTING CHAIRMAN: No, no, no. Order, Mr. Greene, please. Are you concluding your remarks?

Mr. GREENE: I shall, if I am asked.

The ACTING CHAIRMAN: I think there has been considerable debate on this matter, and I think everybody is clear about it. If the motion carries I shall make an order applying it only to the witnesses named to date, because I cannot anticipate withnesses, and that is all I propose to do. Do you wish to say anything further?

Mr. GREENE: I am satisfied.

The ACTING CHAIRMAN: You have all heard the motion. It has been moved by Mr. Scott and seconded by Mr. Nugent that the witnesses be excluded from the sittings of the committee, except such witness as may be giving evidence before the committee. All those in favour? Those contrary? I declare the motion lost.

Mr. GREENE: May we not have a recorded vote, Mr. Chairman?

The ACTING CHAIRMAN: Are you requesting that it be recorded by names?

Mr. GREENE: Yes.

The ACTING CHAIRMAN: Those in favour will please raise their hands. Mr. Nugent, Mr. Fairweather, and Mr. Scott. Those contrary? Messrs. Woolliams, Balcer, Valade, Vincent, Dr. Marcoux, Messrs. Pigeon, Leboe, Gauthier, Basford, Rochon, Crossman, Drouin, Chrétien, Greene, Dubé, Grégoire, Mullally, Francis, Cameron, Loiselle, and Miss Jewett.

I now propose to call the first witness, unless there is another matter to be brought to the attention of the Chair.

(Translation)

Mr. MARCOUX: Mr. Chairman, I would like to quote for the benefit of the Committee section 145 of Beauchesne's fourth edition, which states as follows, and I quote:

(Text)

> It has been formally ruled by Speakers in the Canadian Commons that a statement by an honourable member respecting himself and pecularly within his own knowledge must be accepted, but it is not unparliamentary to temperately criticize statements made by a member as being contrary to the facts; but no imputation of intentional falsehood is permissible. A statement made by a member in his place, is considered as made upon honour and cannot be questioned in the House or out of it.

The ACTING CHAIRMAN: Is there any further comment?

Mr. WOOLLIAMS: I would like to agree with the last member who spoke. The rule certainly does not apply to any member outside the House of Commons. I think there is nothing under our rules to prevent a member elaborating on what he has said, but certainly those rules do not apply to anyone outside the House of Commons, and with the greatest respect to Mr. Davey, there is no reason to extend that rule.

(*Translation*)

Mr. MARCOUX: Mr. Chairman, I believe that we have an important matter to settle in this committee. It concerns the interpretation which was given by the member for Winnipeg North Centre, respecting the statement made by the honourable member for Labelle.

The honourable member for Labelle is supposed to have told the truth because he spoke in the House, and I submit, under section 145 of Beauchesne, that we should extend to Mr. Keith Davey, who is the other witness appearing before us, the same courtesy which we are granting, under the rules, to the member for Labelle, to the effect that his statement was not reported textually.

I would like that this committee discuss or examine the interpretation which the member for Labelle wishes to give to his statement, contrarily to the interpretation given to it by the member for Winnipeg North Centre.

I believe that the committee should also ask Mr. Davey his interpretation of a statement which was attributed to him in the press, and when we obtain the interpretation of those two gentlemen, respecting this statement, I believe that we will probably have solved this matter.

Also, I believe that in so doing, the newspapers throughout the country will have no additional reason to deride the members of the House of Commons.

Mr. PIGEON: Personally, I do not share the views expressed by the honourable member for Quebec-Montmorency. The honourable member for Labelle made a statement in the House of Commons. We must rely upon his statement. That statement was made on his honour in the House, and I believe that we would debase the role of the members should we give the same importance to Mr. Davey's statement. The latter is not a member of Parliament whereas the member for Labelle is a member of Parliament. In other words special privileges should not be granted to a person who is not a member of Parliament.

(*Text*)

The ACTING CHAIRMAN: I think I would have to have a motion. I believe we would be proceeding a bit irregularly without a motion. I would have to have a motion before I can permit a question. If you are ready to submit a motion, the Chair will rule on whether or not it is valid.

(*Translation*)

Mr. MARCOUX: Mr. Chairman, this is not a matter of rules or of law. I suggest it is merely a human matter, a matter of courtesy. A statement was made in the House by the member for Labelle and another was apparently made by Mr. Davey. Mr. Davey has provided no explanation of the sentence he is supposed to have used. It can always be said that he did not utter it but he should at least be asked to interpret it; when this evidence, when these two statements have been interpreted I do not see why the Committee on Privileges and Elections should go any further.

Because, according to the honourable member for Winnipeg North Centre, Mr. Knowles, it is a matter of interpretation. He has stated that the member for Labelle received a bribe whereas the member for Labelle never mentioned it in his statement. I suggest it is a matter of courtesy and I hope other people, from other organizations, from other parties, may enjoy the same advantage if they ever find themselves in the same difficult situation.

(*Text*)

The CHAIRMAN: I think we should have a motion—

(*Translation*)

Mr. MARCOUX: The motion is to the effect that we should have the steering committee's report. The steering committee want us to hear two witnesses. So I do not see why I should move that we question the witnesses in one way or another. I simply want to make a suggestion to the committee.

(*Text*)

Mr. RHÉAUME: Get on with it.

An hon. MEMBER: Call the witness.

The ACTING CHAIRMAN: I think we should have a motion—

An hon. MEMBER: There is no motion.

The ACTING CHAIRMAN: I am not going to tolerate these gratuitous remarks; I am sure they do not add to anyone's prestige.

I will ask Mr. Girouard to come forward please. If my recollection is correct, it was ruled that the witnesses should be sworn. Is that correct?

Mr. VALADE: On a point of order; before Mr. Girouard gives his testimony, I wonder whether we are establishing a very dangerous precedent in this committee by a committee of the house forcing a member of parliament to appear before this committee without sufficient reason which would question the honesty of the member of parliament as a member of parliament.

In order to keep the record of the house clean, I think it should be established that a member of parliament who appears before a committee appears of his own will and is not forced by the committee to appear. Otherwise, I feel that the precedent which might be established could be dangerous in respect of the proceedings of any other committee of the house.

The ACTING CHAIRMAN: I agree with Mr. Valade's statement. I think it should be made clear that Mr. Girouard comes forward of his own volition, and that he and any other members of parliament are not subpoenaed but are invited to come forward. Mr. Girouard has tendered himself.

Mr. MARCOUX: Any statement of any minister or member is apt to be placed before this committee any time if a member says he questions the validity of the words of any minister or any member. We should not discuss all the statements made by all the members in parliament.

Mr. OLLIVIER: Mr. Chairman, may I say a word in this respect.

I am quoting from May's 16th edition, as follows:

> When a member submits himself to examination without any order of the house, he is to be treated precisely like any other witness and is not at liberty to qualify his submission—

and so on.

There are many precedents for swearing a member of parliament. You can go back to 1932 when Mr. Bennett was here. He was the prime minister and he was sworn in as a witness.

The ACTING CHAIRMAN: Am I correct that it is the wish of the committee that all witnesses should be sworn?

Some hon. MEMBERS: Agreed.

The ACTING CHAIRMAN: Therefore, I would ask the clerk to administer the oath.

Mr. Gérard Girouard, M.P. for Labelle Sworn:

The ACTING CHAIRMAN: May I say that I do not want to magnify this but it has been brought to my attention that Mr. Grandmaison is not a member of

the House of Commons or the Senate. You may require that he be sworn. He has no objection to being sworn, since he will be transcribing the questions and answers. I think this is the usual procedure. As I say, he has no objection to being sworn and I think it is the proper thing to do.

Some hon. MEMBERS: Agreed.

Mr. Aimé Grandmaison in his capacity of acting official shorthand reporter Sworn:

The ACTING CHAIRMAN: Mr. Basford, have you a question?

Mr. BASFORD: Mr. Chairman, on a point of privilege, I think it would be only proper at this time to call to the attention of the committee that in and about this committee room there are photographers carrying on their business which, I think, is contrary to the rules of the house and, therefore, in my opinion these rules would similarly apply to this committee.

Mr. Chairman, I would ask you to take cognizance of this fact and request the photographers to desist from taking pictures and newsreels.

As you know, we are engaged in a very important function here which possibly may have an effect on the reputation of members of parliament. I think we should make every effort to avoid this type of thing.

The ACTING CHAIRMAN: I would ask all photographers please to desist in using their cameras while evidence is being taken.

Mr. Girouard has been sworn. We are leaving to your own discretion whether you wish to tender yourself for questioning at this time or, it may be your wish, to make a statement.

(*Translation*)

Mr. GIROUARD: I immediately rise on a question of privilege. I want to make a personal statement. I believe it would be to the committee's advantage to hear what I have to say as it may help to guide them to some extent. I also think that I am concerned with this matter because since the statement I made in the House some time ago there have been numerous interpretations and a lot has been written about it.

First of all I would like to read you section 145 of Beauchesne once again so that it can be placed on the record, it is the section the member for Québec-Montmorency read some time ago.

(*Text*)

I am quoting from section 145 of Beauchesne, fourth edition, which states:

> It has been formally ruled by speakers in the Canadian commons that a statement by an hon. member respecting himself and peculiarly within his own knowledge must be accepted, but it is not unparliamentary to temperately criticize statements made by a member as being contrary to the facts; but no imputation of intentional falsehood is permissible. A statement made by a member in his place, is considered as made upon honour and cannot be questioned in the house or out of it.

(*Translation*)

I wanted to include section 145 in the report simply to explain why I wanted to appear before this committee. If I had raised a question of privilege and if I had wanted to follow the rules of the House I think I could have avoided appearing here. There are some very important reasons for my appearing here and I considered that in the circumstances I should raise a question of privilege.

In the first place I wanted to refute, in very possible way, the accusation made against me in the press to the effect that I had been rejected by the Liberal party. We are here trying to find the truth if we can, and not to play party politics.

I would like to remind you that this happened during a week end. Mr. Davey made his charge towards the end of the week, on the Thursday or Friday.

At that time the members of the press came to me and said:

> "Mr. Davey has just stated that you had been rejected by the Liberal party."

I replied to the press:

> "That is not true, it is not possible".

They said to me:

> "We will show you the evidence".

I never got the evidence and I waited for it for three days. After three days I stood up in the House and I asked the Prime Minister whether, to his knowledge, I had offered to join the Liberal party.

The Prime Minister, for reasons best known to himself, refused to answer my question there and then. I then asked to have my question put on the order paper after 10 o'clock. That request was also denied because it was out of order. That is when I stood up in the House to make a statement.

I am now referring to the statement of the member for Winnipeg North Centre which I mentioned. It reads as follows:

(*Text*)

> "That the matter raised by the hon. member for Labelle in his question of privilege, as reported in *Hansard* for Monday, April 27, 1964, be referred to the Committee on privileges and elections for consideration and report."

(*Translation*)

I would like to draw the Committee's attention to that reference;

> "That the matters raised be referred to the Committee on privileges and elections for consideration and report."

If I stand here before you, it is precisely because I want to help you study the statements that I have made. Obviously, you could have examined them without me. You have brought them with you; therefore, you must have the statement I made in the House.

That statement, as you can see, is very clear. And, when I rose on a question of privilege, I did not rise with the intention of accusing anyone or anything. I rose in the House of Commons, for the sole purpose of clearing myself of the accusations and insinuations made against me.

Some might say that I am interpreting other peoples' words, but I will be happy to discuss my statement as such.

I also rose to call to the attention of the House the fact that Mr. Davey insulted me personally and slandered me when he said that I had been rejected by the Liberal party.

If you refer back to the different statements made in the House by the member for Winnipeg North Centre, you will see that I could not give to the question of privilege any other meaning but the one that I had already given.

Besides, the Speaker himself stated in the House of Commons on April 27:

> "That the matters raised by the hon. member for Labelle in his question of privilege, as reported in *Hansard* for Monday, April 27, 1964, be referred to the Committee on privileges and elections for consideration and report."

I think that Mr. Davey, if he said it—you will also question him—when Mr. Davey stated, if he made that statement, in the newspaper, that I had

been rejected by the Liberal party, I think that that was a personal insult against a member of the House of Commons.

Furthermore, and I insist on stating it, and my statement is confirmed by the facts—the facts contained in my statement of privilege—he was slandering me grossly at that time and that is the main reason why I have decided to appear before you.

All this to give you the opportunity to decide whether Mr. Davey has grossly insulted me. I think that you will easily find out when you question the other witnesses.

For my part, I have here the question of privilege that I raised in the House of Commons.

I say once again that, in a court of justice, an interpretation may be given to what is not clear. But, with regards to myself, I ask you to look over the statement that I have made in the House. For my part, I have read and re-read it many times and I do not find anything ambiguous in what I said in the House.

I explained the facts in the House. If any of you wish to have further details with regard to the interpretation that may be given to my statement, I will be happy to supply you with them.

I am not accusing anyone of anything. I have repeated facts and words in order to clear myself of the accusation made against me.

I insist on saying it, I shall not change for any consideration whatever the statement that I have made in the House. I do not claim to serve the political interests of any party. An injury has been made to a member of the House, the member for Labelle, and that member is myself. I insist that you repair that injury.

(*Text*)

The ACTING CHAIRMAN: Have you concluded your statement Mr. Girouard?

Mr. GIROUARD: Yes.

Mr. FISHER: Mr. Chairman, has Mr. Girouard anything to say about what I thought was the fundamental aspect of this business, the question of the electoral funds, and I believe the words used were "the fat electoral fund"?

(*Translation*)

Mr. GIROUARD: Mr. Chairman, I was asked if I had anything to say. I am going to wait for specific questions and I will answer them.

Mr. FISHER: I will make my question precise. Was there any discussion at any time during your dealings with Mr. Davey as distinct from other individuals about there being the possibility of your having a fat electoral fund?

(*Translation*)

Mr. GIROUARD: I mentioned the advantages in the House:

"A party in power and a fat electoral fund for the next election."

I declare that all I stated in the House is true.

Mr. GRÉGOIRE: Is it Mr. Davey who suggested that to you?

(*Text*)

The ACTING CHAIRMAN: No. I laid down the rule earlier that when a person started to examine or question a witness he would be allowed to continue without interruption.

Mr. VALADE: Mr. Chairman, would you instruct the witness that it is not necessary for him to get up and then sit down each time he speaks.

The ACTING CHAIRMAN: Yes.

Mr. NUGENT: Mr. Chairman, I should like to raise a point of order. Mr. Chairman, as I interpret Mr. Knowles' statement in the House of Commons it was to the effect that there had been a breach of privilege and that a member of the House of Commons had serious allegations made against him by someone outside of the House of Commons. It seems to me that is what this committee is investigating and not what Mr. Knowles has suggested he thinks is a breach of privilege. I do not think what he says we are dealing with really amounts to a breach of privilege. The breach of privilege is that raised by the witness is before us here. He made a statement in the House of Commons which gave rise to this whole matter. I am suggesting that the committee might wish to consider at this moment whether we are proceeding in a proper manner, or whether we should have Mr. Davey as our first witness to see whether he wants to retract his statement or not.

Mr. FISHER: Mr. Chairman, I should like to speak on the point of order. There must indeed be some confusion here because, as I understand the case which has been made by Mr. Girouard, he considers we are discussing a breach of privilege in the House of Commons against him and it goes into this question of whether or not he is a Liberal reject. My understanding of the main or substantial reason this was referred to the committee on privileges and elections was that there were allegations made. There was a breach of privilege in so far as the Liberal party is concerned through its representatives in the house including the Prime Minister. If there was a question in respect of a fat electoral fund, on the point of order, I would respectfully suggest that we must examine this aspect.

Mr. WOOLLIAMS: Mr. Chairman, may I speak on the point of order? I have pointed out this fact on several occasions but perhaps it should be repeated again. At page 2647 of *Hansard*, April 28, 1964, Mr. Knowles moved that the matters raised by the hon. member for Labelle in his question of privilege as reported in *Hansard* for Monday, April 27, 1964, be referred to the committee on privileges and elections for consideration and report. That motion was moved and seconded by our present witness. I think this committee must decide whether we can ask questions in reference to the statement by the hon. member for Labelle which appears at pages 2582 and 2583 of *Hansard*. Surely there is a motion before this committee that Mr. Girouard is a witness. He has come here voluntarily. I have certain questions I should like to ask this witness in reference to his statement. If the witness does not wish to elaborate we may then be involved in a procedural argument whether he can be asked questions or not. If the Chair recognizes me I am prepared to ask some questions in this regard.

Mr. FISHER: Mr. Chairman, I think Mr. Nugent would like to have a ruling on his point of order, whether I can proceed with my line of questions.

Mr. NUGENT: I do not want to press the point, Mr. Chairman, but I think we should clarify that which we are investigating in order that we will know what we are doing. I am aware that other members do not agree with me in this regard. Mr. Knowles made it obvious in the House of Commons that he thought we should investigate two points. The manner in which the motion was moved I think makes it quite clear that we are investigating Mr. Davey's allegations against a member of the House of Commons.

Mr. CAMERON (*High Park*): Mr. Chairman, Mr. Girouard has answered the question raised in the House of Commons. He then asked that the matter be placed on the order paper for debate at 10 o'clock. Mr. Speaker asked him to leave the matter in abeyance for consideration. The following day Mr. Speaker announced that the question was out of order. Mr. Girouard then rose on a question of privilege and made certain statements. The only thing he has said clearly and unequivocally is that he never applied to join the Liberal

party. He buttressed that statement by making further statements and commented about the advantages of joining the party in power, referring to a fat election fund. Those are the privileges that Mr. Knowles referred to in his motion and suggested should be investigated. I feel they were insults to members of the House of Commons and I do not see how we can complete our investigations unless Mr. Davey is prepared to come here as a willing witness and tell us the whole story from beginning to end. I feel this is what we are here to do at this time, and to do anything in an attempt to shorten the evidence will put this committee in a contemptible position in the minds of the people across this country. I feel that the only statement Mr. Girouard has made in respect of which he claims a breach of privilege is that statement in respect of himself being asked to join the Liberal party.

The ACTING CHAIRMAN: Does anyone else wish to speak on this point of order?

Mr. LEBOE: Mr. Chairman, I just want to say that in view of the political hassle which may develop as a result of our considerations here that we consider the usefulness of our investigations and remember as we proceed, that this is a parliamentary institution.

The ACTING CHAIRMAN: Has anyone else anything to add to this discussion?

Mr. Nugent, I should like to be clear on the point of order you have raised. Are you suggesting that it be restricted to Mr. Girouard's point of order?

Mr. NUGENT: Certainly that is the main point we are to consider here, the point which I consider is the only one, that is breach of privilege in the house. Other committee members may have different ideas.

(*Translation*)

Mr. MARCOUX: Once more we must refer to the words of Mr. Knowles who said:

"The honourable member for Labelle has been insulted by the alleged offer of a bribe."

That is what Mr. Knowles said in page 2646 of the English version of *Hansard*.

Even after reading the statement made by Mr. Girouard, I did never see there was any bribe involved and, as stated in citation 145 of Beauchesne, the statements by Mr. Girouard are assumed to be true. They are presumed to be correct and there can be no question of questioning them.

But if Mr. Knowles suggests the statement made by Mr. Girouard as having been an offer of a bribe, I think Mr. Girouard could tell us if there have been bribes or not and if there was no offer of bribes. I do not think that the matter which should be submitted to the Committee should extend beyond that, as the statements by Mr. Girouard are presumed to be true.

(*Text*)

Mr. WOOLLIAMS: Mr. Chairman, let me say once again I do not think we are here to decide on the accuracy or the inaccuracy of the allegation of Mr. Knowles. He set out certain arguments to back up the motion; those were merely arguments in support of a motion. We have a motion before the committee and our responsibility here is to carry out the directions of the House of Commons. For example, Mr. Knowles speaks about section 100 of the criminal Code, "bribery of judicial officers". That section may not apply to anything that may be said, whatever interpretation you may put on it because —and I am just using this as an illustration to show how we can discard Mr. Knowles' argument—even if a member of any party, whether it is the Liberal party, the national Conservative party, the New Democratic party or the remnants of the Social Credit party—

Mr. GRÉGOIRE: Sometimes the remnants are better than the whole part of the Conservative party.

Mr. WOOLLIAMS: We are not here to argue this point. However, if someone said that if you ran under the banner of the Liberal party or any other party there would be funds made available for the election. Then under the Elections Act, as I see it, it would be quite legal and quite proper to receive moneys for election purposes. How do people finance their campaigns? I say we have to exclude what Mr. Knowles has said and get down to brass tacks and decide what the House of Commons is directing. That is why I put the question to you, Mr. Chairman. Is the witness prepared to answer questions in reference to the statement he made because in that statement are contained certain facts? I believe that is what the member for Port Arthur started to do, that is to find out what Mr. Girouard meant by some of his phrases. Has the witness come here voluntarily to answer those questions? If he has, then we should proceed to get to the facts.

(*Translation*)

Mr. MARCOUX: I apologize for speaking again, but I shall be leaving soon. As I see it, when Mr. Knowles brought arguments to his question of privilege, he meant to establish that his question of privilege was justified.

We have seen members submitting a bill for first reading and the House accepted it assuming that the bill was justified. But when the time came for the second reading, the Law clerk stated that the bill was out of order.

So Mr. Knowles submitted the arguments favourable to his question of privilege, to gain the support of the House.

I always revert to my question about Beauchesne to the effect that the statements made by Mr. Girouard in the House are presumed to be true and not disputable, but they were interpreted because they can be subject of interpretation.

You could have some doubt with regard to interpretations but you cannot doubt the truthfulness of the statements made by Mr. Girouard.

Mr. GRÉGOIRE: Before speaking on the subject, I would rather wait until the questions begin. Section 145 of Beauchesne has just been referred to. On a question of privilege, the member for Labelle said one thing on one hand, and on the other hand, the Prime Minister, on a motion by Mr. Knowles, formally and repeatedly denied the thing.

So we have, in the House of Commons, two members with the same privileges and whose word is not to be doubted. We must believe in the truth of the both members' utterances, and yet they quite contradict each other.

So, according to section 145 of Beauchesne, both statements must be accepted as being true. That is just about what some would have us do.

I think that it is those things brought up by the member for Labelle that the House would have us consider in this question of privilege. We want to know the facts and to know whether there is a contradiction between the Prime Minister's statement and that of the member for Labelle. It is a matter of knowing where the truth lies, because there is opposition between the two statements made by the Prime Minister himself, in the left-hand column of page 2647 of the English language *Hansard*. I read:

> In relation to the motion which has just been moved, I have now had an opportunity to read the remarks of the hon. member for Labelle as reported in *Hansard*. In view of those remarks and the allegations made, and in view of the flat denial of those allegations—I repeat, the flat denial—

He says: a flat denial.

> And in view of the reference to myself yesterday and the reference to myself in a morning paper to the effect that I had contact with the leader of the Social Credit Party on this matter, which I also flatly deny—

So it can be seen that one affirms one thing and the other, another. And yet, those two statements are in opposition.

So, in the circumstances, I would like to see the situation made clear, and I also would like to know just how we are to reconcile the two opinions if we are to take each as being true.

Mr. MARCOUX: It is easier when the same member makes the two contradictory statements.

Mr. PIGEON: Mr. Knowles has done nothing but speculate. Were Mr. Knowles here as a witness, he would be able to say that all he did was speculate. If the honourable member for Labelle made statements in the House of Commons, it was following Mr. Davey's statements, which were reported in every newspaper in the country.

I think we must base our work only on the statement made by the honourable member for Labelle, because this gentleman would not have risen in the House on a question of privilege if the Liberal Party's organiser had not made a statement which appeared in every Canadian newspaper.

Mr. BALCER: Mr. Chairman I am astonished at some of the arguments put forward by some of my colleagues. I believe the situation to be very clear. What was brought up by Mr. Knowles is definitely concerned with Mr. Girouard's statement.

Now, Mr. Girouard is before us. Moreover, our work consists in complying with an order of the House, ordering that the statement made by Mr. Girouard in the House of Commons be submitted to this Committee for scrutiny. It is therefore in order for the members here present to ask Mr. Girouard for explanations about his statement in the House.

As to what Mr. Knowles has said, I do not think that Mr. Girouard is responsible for that. He is not responsible for Mr. Knowles's statements. The onus is not on him to interpret what Mr. Knowles said.

So, Mr. Chairman, we must stick to what Mr. Girouard has said. That is our order of reference, and we must follow it.

Mr. GRÉGOIRE: A ruling, Mr. Chairman.

Mr. NUGENT: With regard to what the hon. member from Lapointe said about the two conflicting statements, there is in fact no such conflict. The Prime Minister has denied that he was dealing with the Social Credit party. What the member said in the house was something he had been told by a member. When a member says he has been told something, we have to take into account that he is saying what he has been told but that what he has been told may not be absolutely accurate, so there is no such conflict.

Mr. GREENE: On a point of order, Mr. Chairman, I submit with respect—

Mr. WOOLLIAMS: We have a point of order before us already. Is this a second one?

Mr. GREENE: No, I am speaking to the point of order that is before us.

Our quandary is this: if we are to take the position that I understand Mr. Girouard takes, that the only question here is whether or not he has a point of privilege by reason of being called a "Liberal reject" by someone outside the house, if this is his point of privilege and if that is what we are here to discuss, then I think we cannot look beyond the statement itself and we must decide whether being called a Liberal reject raises a point of privilege.

Mr. WOOLLIAMS: It would be pretty tough to take!

Mr. GREENE: If, on the other hand, we are here to do something more than Mr. Girouard suggests, if we are here to reconcile what was included in his statement, then I do not see how we can do so without asking questions of Mr. Girouard as well as of other witnesses. We must do one of two things: we must either study the statement itself without the benefit of evidence from witnesses and say, "Does he have a point of privilege here?", or we must investigate what he says in enlightening the committee and what he meant by these statements and on what facts he based them, and we must hear other witnesses on the factual situation. However, on the point of order, it may well be that the hon. member has a point, and that we should merely study the statement itself and determine from that whether Mr. Girouard had a point of privilege without hearing any further evidence.

Mr. GRÉGOIRE: Ruling, Mr. Chairman.

The ACTING CHAIRMAN: I invite your attention to the motion:

> That the matters raised by the hon. member for Labelle in his question of privilege as reported in *Hansard* for Monday, April 27, be referred to the committee for consideration and report.

First of all, we have to confine ourselves to the one statement which was made on April 27, and in my opinion questions can be asked of the witness to elucidate that statement in the minds of the committee.

Agreed.

Mr. FISHER: I would like to go ahead.

Where and when, Mr. Girouard, did you meet with Mr. Davey?

(*Translation*)

Mr. GIROUARD: I wish to rise on this question. I ask this committee if it is really interested in knowing the place where this event took place. If you ask me to tell you the place, gentlemen, then I shall. If you consider it important to know the place and date of this occurrence, I shall give them to you.

(*Text*)

Is the question when was that meeting with Liberal members?

Mr. FISHER: No, with Mr. Davey.

Mr. GIROUARD: The next day.

Mr. FISHER: Where was it?

Mr. GIROUARD: It was supposed to be in my office but it was in someone else's office.

Mr. GRÉGOIRE: Whose?

Mr. FISHER: Whose office?

(*Translation*)

Mr. GIROUARD: I do not have an exact date. I think it was on the opening day of this session; that would be in January. Unfortunately, my memory is slow. The place was the Interprovincial Hotel, in Hull.

(*Text*)

Mr. GREENE: On a point of order, Mr. Chairman, I think the Chair has ruled that these questions are permissible and admissible, and Dr. Ollivier has told us that a member is no different from any other witness. Therefore, he is compelled to answer the questions once the Chair has ruled their admissibility.

Mr. WOOLLIAMS: I agree with Mr. Greene. That is right.

Mr. NUGENT: On a point of order—

Mr. BALCER: He is just being a gentleman.

Mr. NUGENT: He wants to save embarrassment to other members of the committee. I do not think there is any harm in Mr. Girouard pausing for a while and such a pause would give those other members a chance to speak up.

Some hon. MEMBERS: No, no, no.

Mr. MOREAU: I do not have any right to speak in the committee, but—

The ACTING CHAIRMAN: Order. We have a witness here. I would ask members not to interrupt.

Mr. FAIRWEATHER: I think I can understand the witness's embarrassment. Perhaps it would be less embarrassing for him to give this evidence without other people being present. In those circumstances, can we not ask visitors to leave?

Mr. DUBÉ: No.

Mr. GRÉGOIRE: No.

(*Translation*)

Mr. GIROUARD: In the House of Commons, I refused to reveal the names of the members who were there, giving as my reason that these were my friends, who had acted sincerely in this business.

If those of my friends who are here in this room intend to testify, they would do me a great service in so doing. But I don't have an absolute need of their testimony if they don't wish to give it.

If they do wish to testify, they will be able to give you all the details in which you are interested.

Mr. GIROUARD: Very well, I'm ready to answer questions.

(*Text*)

The ACTING CHAIRMAN: I suggest we have a five-minute recess and in that period of time Mr. Girouard may be able to make the point clear in his mind.

Mr. GRÉGOIRE: That is not regular.

Mr. DROUIN: No.

Mr. BALCER: We are under the impression that the witness refuses to answer. Does he refuse to answer?

(*Translation*)

Mr. GIROUARD: In no way do I refuse to answer; but I must repeat, for the same reasons I gave in the House, that I would very much like that the hon. members who were party to that little interview should name themselves of their own accord.

(*Text*)

Mr. GREENE: Just give the names.

(*Translation*)

Mr. GIROUARD: I shall tell you where the meeting took place. It was in the office of the hon. member for York-Scarborough.

(*Text*)

Mr. WOOLLIAMS: The interpreter is having trouble. You are speaking very quickly. I imagine the shorthand reporters are also having trouble.

(*Translation*)

Mr. GIROUARD: I insist on repeating that I no longer hesitate to say in what office this interview took place, since the hon. member has himself risen to say it. This interview took place in the office of the hon. member from York-Scarborough.

(*Text*)

Mr. FISHER: Was it just you and Mr. Davey, or were there other people there? If there were other people present, please identify them.

(*Translation*)

Mr. GIROUARD: There were five of us in the office. There were Mr. Davey, myself, the hon. member from York-Scarborough. Are there any members in this room who were at the meeting and who wish to name themselves?

There were the hon. members from Hamilton West, Lincoln, and Essex West.

(*Text*)

Mr. FISHER: In English your statement in the house included this:

> The benefits: a party in power and a fat electoral fund for the next election.

Was that the sum of what Mr. Davey put to you? Were there other people there expressing the same attractions?

(*Translation*)

Mr. GIROUARD: No one else has made this accusation except Mr. Davey.

(*Text*)

Mr. FISHER: Mr. Davey, to your mind, offered you the benefits of the party in power. Did he elaborate on that?

(*Translation*)

Mr. GIROUARD: Yes, up to a certain point. Only it was the main idea.

(*Text*)

Mr. FISHER: Can you tell us just what these benefits were?

(*Translation*)

Mr. GIROUARD: You ask me what the advantages were. That is exactly what I said:

> A party in power, a fat electoral fund.

(*Text*)

Mr. FISHER: Mr. Davey did not go into how big that election fund would be or when it would be available to you?

Mr. GIROUARD: No.

Mr. FISHER: Did you ask him any questions in order to get more detail, or were you prepared to leave it like that?

Mr. GIROUARD: I asked no questions of Mr. Davey at that time.

Mr. FISHER: You asked no questions at all?

Mr. GIROUARD: No.

Mr. FISHER: Can you tell the committee how long this interchange or conversation went on?

Mr. GIROUARD: Long enough.

(*Translation*)

About three quarters of an hour long.

(*Text*)

Mr. FISHER: You discussed this for three quarters of an hour. Were the benefits the central point of your discussion?

(*Translation*)

Mr. GIROUARD: At that moment, Mr. Chairman, I come back to the statement I made at the beginning, I do not intend to divert from what I said and I stated only that.

(*Text*)

Mr. FISHER: I want to ask Mr. Girouard a question which requires an expression of opinion on his part. Did you feel that these benefits which were put to you by Mr. Davey were in any nature an inducement to you to join the Liberal party?

(*Translation*)

Mr. GIROUARD: If the word "inducement" were translated into French, I would be able to reply. If then you want to say that it was tempting, that it was a bribe, I would say no.

(*Text*)

Mr. FISHER: Well, I would like to come at this question in another way. Did you consider that there was anything wrong or unfair or prejudicial to the privileges of the house, or to what you knew of the law, by this offer of Mr. Davey?

(*Translation*)

Mr. GIROUARD: Mr. Chairman, this is a matter of opinion, not of fact and I am not going to answer it.

(*Text*)

Mr. FISHER: Well, you are very clear on this, that you were not offered any bribe by Mr. Davey?

Mr. GIROUARD: Yes, I am clear.

Mr. FISHER: You are very clear on that. Well, in connection with the benefits of the party in power and a fat fund for the next election, had those benefits been brought up in any way in your previous conversations with the four members of parliament?

(*Translation*)

Mr. GIROUARD: In my statement, I never said that I had discussed this matter with the four members. I simply stated the fact that the four members wanted me to meet Mr. Davey.

Nevertheless, on being urged by my colleagues, I agreed to meet with the Liberal party's power behind the throne, in my office—mind you in my office. The answer is:

I was urged by my colleagues—

(*Text*)

Mr. FISHER: So we can assume from the evidence that you have given that in so far as those benefits are concerned it was simply an exchange between you and Mr. Davey, and Mr. Davey made the statement?

Mr. GIROUARD: It is not a question of assuming. I said yes, only Mr. Davey.

Mr. FISHER: Are there any other members of the committee who wish to ask questions in this area of benefits?

The ACTING CHAIRMAN: I have the names of Messrs. Woolliams, Greene, Pigeon, Scott and Mr. Grégoire. They are the ones who have caught my eye to date.

Mr. GREENE: On a point of order, I understand your ruling has been with regard to procedure that Mr. Fisher will complete his examination of this witness on all issues?

The ACTING CHAIRMAN: After everyone else has had an opportunity, then Mr. Fisher may ask questions again.

Mr. FISHER: I have finished about the alleged bribe aspect, and I want to switch to other questions.

The ACTING CHAIRMAN: I would respectfully suggest that you complete so far as you are aware any of the questions you wish to ask. I think we should hew to that line.

Mr. FISHER: All right. I will turn to the next question which seems to me to be fundamental in this, and that is the question of:

> A week later, a Liberal member of parliament belonging to that same group approached me to tell me that he was very sorry but the Prime Minister (Mr. Pearson) had asked his chief organizer to cease all pressure because he, the Prime Minister, was sure to lose the regular support of the Social Credit party if he ever stole members from that party.

Who was that member of parliament?

Mr. GIROUARD: A most sincere member of the Liberal party, the member for York-Scarborough.

Mr. FISHER: You have nothing to add at all to the thought which would in any way change the meaning of that? In other words, so far as you are concerned you were clearly told this by the member from York-Scarborough. There was no confusion in your mind?

Mr. GIROUARD: I was told what was said.

Mr. FISHER: Did you do anything at all to check into the statement, I mean with your own party, that is, your party at that time, the Social Credit party?

Mr. GIROUARD: That question is out of order, Mr. Chairman.

The ACTING CHAIRMAN: No, no. What was the question again?

Mr. FISHER: Did you do anything at that time, after receiving this information from Mr. Moreau, to see whether there had been any repercussion with the Social Credit party in connection with the matter?

Mr. GIROUARD: I did not say it.

The ACTING CHAIRMAN: Are you prepared to answer?

Mr. GIROUARD: No, I did not say it. I think it is out of order.

Mr. GREENE: On a point of order, I think we are on very thin ice here. The rules of evidence state that once called and sworn, a witness must answer questions in the same way as any other witness. I think it would be putting the inquiry in an almost futile position if a witness could choose himself what questions he felt were permissible. I think he must answer all questions that the Chair holds to be relevant.

Mr. BALCER: On a point of order, I think this question is out of order.

The ACTING CHAIRMAN: My opinion is that the question is out of order and I rule the question out of order. Let me point out that anything he said in conversation with anyone else—we cannot go into it. We are tied to the statement he made. I rule the question out of order.

Mr. FISHER: All right. I will ask this question in relation to that part of his statement: since that was brought to you by Mr. Moreau, did you in any way hear anything either to confirm or to deny the accuracy of what Mr. Moreau had reported to you?

Mr. GIROUARD: It is still out of order.

Mr. BASFORD: I object to the witness telling the committee what is and what is not in order. His answers to Mr. Fisher have been rude and flippant on occasion.

The ACTING CHAIRMAN: No, no.

Mr. BASFORD: It is not just a question of being out of order, it is for members of the committee to point it out and raise it as a point of order.

The ACTING CHAIRMAN: If you were in a court, the procedure would be that the witness can refuse to answer, but if ordered to answer, then he has to answer. There would be no harm in the member declining to answer if the committee excused him. But he says that he does not want to answer. What was the question again?

Mr. FISHER: Has anything happened since, or taken place since Mr. Moreau brought this information to you to confirm or deny the accuracy of the statement he gave to you?

Mr. NUGENT: I still say it is out of order.

The ACTING CHAIRMAN: I ruled it out of order, but if the witness wishes to answer, he may do so. But he does not have to.

Mr. GIROUARD: I do not wish to answer.

Mr. FISHER: Before the time this came up in the house did you have any further conversation with Mr. Moreau on this particular part of the statement?

Mr. GIROUARD: On this particular part of the statement, no.

Mr. FISHER: You had no further conversation.

Mr. GIROUARD: On this particular part of the statement, no.

Mr. FISHER: The earlier part of your testimony seemed to indicate that you had a thorough discussion with your four friends about this whole question. Could I get it clear that at no time did you show any indication that you wished to join the Liberal party?

Mr. GIROUARD: At no time.

Mr. FISHER: Are you sure that you gave them no encouragement in any way?

Mr. GIROUARD: I said that the first time that I met those guys, I said that I intended to go into the Conservative party, and the first time I saw Mr. Davey I said I would go into the Conservative party.

Mr. FISHER: I would like to ask Mr. Girouard why he went to meet Mr. Davey if he had taken that firm position.

Mr. GIROUARD: Wait a minute. I think I said it at some place here.

(*Translation*)

In answer to one of their questions concerning my political future, I told them I had firmly decided to join the Conservative party.

(*Text*)

Mr. FISHER: So it was really to get along with your friends?

Mr. GIROUARD: They were nice friends.

Mr. WOOLLIAMS: Mr. Girouard, I shall refer directly to what you did say in the House of Commons and try to keep my questions in order. I shall read the paragraph to be fair to you:

> About two months ago I met publicly four Liberal members in Hull.

Who were those four members?

Mr. GIROUARD: York-Scarborough, Hamilton West, Lincoln, and Essex West.

Mr. WOOLLIAMS: Where did you meet them?

Mr. GIROUARD: At the Hotel Interprovincial.

Mr. WOOLLIAMS: In Hull. You had a conversation with those four members at that time?

Mr. GIROUARD: Yes.

Mr. WOOLLIAMS: What was the nature of that conversation? Tell us the full conversation that took place?

Mr. GIROUARD: I will not tell you the full conversation.

(*Translation*)

I said in my statement. . . Just at that moment, a Liberal member got up and went to the telephone. I thought that was a simple explanation. When the member returned to the table, he strongly urged me not to make a hasty decision and to take my time.

(*Text*)

Mr. WOOLLIAMS: Did you ever waver from that decision at all?

Mr. GREENE: On a point of order; surely this is a question which is within the statement and the witness has refused to answer. The hon. member asked a question which relates to the full conversation, and the witness has refused to answer. I would like to ask for a ruling to the effect that this is an unchallengeable question.

The ACTING CHAIRMAN: I would rule on it, but if the questioner is not insisting on the answer, I do not think I should make the ruling; if he does, I will make a ruling.

Mr. LEBOE: This is a very simple thing. Here is a man asked to give verbatim a conversation with four different individuals which went on for perhaps two hours. Who remembers the words of all conversations? You cannot ask a man to give this type of information.

The ACTING CHAIRMAN: If Mr. Woolliams is accepting this, I will let him carry on.

Mr. WOOLLIAMS: I have neither accepted nor rejected the answer. I asked the nature of the conversation, and when I put that question I was well aware that we must confine our remarks to the statement in question. What was said with reference to joining the Liberals and meeting Mr. Keith Davey on the occasion when you met in the beer parlour in the Interprovincial Hotel.

(*Translation*)

Mr. GIROUARD: Before I met Mr. Keith Davey, national organizer for the Liberal party, I had replied that my mind was made up, that my own organizers in my constituency wanted me as a Conservative member and that it would be useless for the Liberals to insist.

I agreed to meet with the Liberal party's power behind the throne after being urged by my colleagues to do so.

This is the part of the conversation which took place at the Interprovincial Hotel in connection with this matter of privilege.

(*Text*)

Mr. WOOLLIAMS: What Liberal member went to the telephone—you do not know who he had conversation with, but what Liberal member actually went to the telephone?

(*Translation*)

Mr. GIROUARD: My honourable friend, the member for York-Scarborough.

(*Text*)

Mr. WOOLLIAMS: He was sort of the leader of this group, and was promoting the Liberal party so far as you were concerned.

(*Translation*)

Mr. GIROUARD: He is a born leader.

(*Text*)

Mr. WOOLLIAMS: How long did this conversation with these four distinguished Liberal members take place in the Interprovincial Hotel?

(*Translation*)

Mr. GIROUARD: If you ask me how long we chatted together, it could be, it was perhaps one hour.

(*Text*)

Mr. WOOLLIAMS: In reference to this matter only. I am not interested in other matters.

(*Translation*)

Mr. GIROUARD: Approximately an hour and a half.

(*Text*)

Mr. WOOLLIAMS: About an hour and a half. After this conversation, did you agree to do anything?

(*Translation*)

Mr. GIROUARD: Yes. It is because my colleagues insisted that I agreed to see Mr. Keith Davey in my office.

(*Text*)

Mr. WOOLLIAMS: Did you meet Mr. Keith Davey in your office?

(*Translation*)

Mr. GIROUARD: Not in my office. The following morning, at 11 o'clock, I received a call asking me to go to the office of a Liberal member because it appeared to be dangerous to see Mr. Davey come to my office.

(*Text*)

Mr. WOOLLIAMS: Why did you consider it dangerous to see Mr. Keith Davey coming into your office?

(*Translation*)

Mr. GIROUARD: I received a telephone call telling me that it was dangerous . . . . it was not I who thought it was dangerous.

(*Text*)

Mr. WOOLLIAMS: Who called you and told you it would be dangerous for Mr. Keith Davey to come to your office?

(*Translation*)

Mr. GIROUARD: The hon. member for York-Scarborough.

(*Text*)

Mr. WOOLLIAMS: He does seem to be prominent. Where did you finally meet with Mr. Keith Davey, the national organizer of the Liberal party of Canada?

(*Translation*)

Mr. GIROUARD: My honourable friend from York-Scarborough.

(*Text*)

Mr. WOOLLIAMS: How long did you and Mr. Keith Davey have a conversation with reference to your joining the Liberal party?

(*Translation*)

Mr. GIROUARD: Approximately forty-five minutes.

(*Text*)

Mr. WOOLLIAMS: Three quarters of an hour is a long time and a lot of words can be expressed by various parties. I understand that you were told, I assume by Mr. Keith Davey, "A party in power and a fat electoral fund for the next election". You have been quite emphatic in your interpretation of those words. I do not expect you to give me the exact words, but what is the import of the words expressed by Mr. Davey on that occasion in the member for York-Scarborough's office.

(*Translation*)

Mr. GIROUARD: My first answer is that I am not an official French interpreter, and Mr. Davey spoke in English.

Secondly, what I am saying is about the closest translation of everything I said at that time.

(*Text*)

Mr. WOOLLIAMS: Well, but I do put this to you—I appreciate that you speak French probably more fluently than English, and I only wish I could handle both languages as well as you do. However, coming back to the point, what did Mr. Davey actually say to you, what were his words?

(*Translation*)

Mr. GIROUARD: He said: "The advantages, a party in power and a fat electoral fund for the next elections."

(*Text*)

Mr. WOOLLIAMS: What did he mean by a large war chest for the next election?

(*Translation*)

Mr. GIROUARD: That is a matter of opinion, Mr. Chairman, and I do not wish to answer that question. I want to answer to questions on matters of fact.

(*Text*)

Mr. WOOLLIAMS: Did he tell you how much money would be in that treasury?

(*Translation*)

Mr. GIROUARD: No.

(*Text*)

Mr. WOOLLIAMS: Did he suggest what riding you would run in for the Liberal party?

(*Translation*)

Mr. GIROUARD: No, but I am intelligent enough to know that it was mine.

(*Text*)

Mr. WOOLLIAMS: What did he say about the Liberal candidate who ran against you in the last election?

(*Translation*)

Mr. GIROUARD: He said: "I will take care of the defeated Liberal candidate."

(*Text*)

Mr. WOOLLIAMS: I see. He said he would look after him, so you had nothing to worry about as far as he was concerned. I want to be fair to Mr. Davey in this regard. Did Mr. Davey actually use the words "a fat electoral fund", or was it a sum of money that was so large that you felt it was a fat electoral fund?

(*Translation*)

Mr. GIROUARD: He said: "A fat electoral fund at the next election."

(*Text*)

Mr. WOOLLIAMS: What did the member for York-Scarborough say? It was three quarters of an hour and I am sure you were not singing just one chorus. What was the contribution of the member for York-Scarborough to the conversation?

(*Translation*)

Mr. GIROUARD: The member for York-Scarborough has nothing to do with that part of my statement. He did not take part in the conversation or the monologue, if you wish to call it that, because Mr. Davey was talking.

(*Text*)

Mr. WOOLLIAMS: In other words it was Mr. Davey who was doing the talking. Was anybody else present in the room except the three of you?

(*Translation*)

Mr. GIROUARD: Yes, I said a while ago that there were the members for York-Scarborough, Hamilton West, Lincoln, Essex West, Mr. Davey and myself.

(*Text*)

Mr. WOOLLIAMS: All of you were there in the office. Did any of the others say anything except you and Mr. Davey?

(*Translation*)

Mr. GIROUARD: The others did not say anything concerning my question of privilege.

(*Text*)

Mr. WOOLLIAMS: I am sure it is going through the members' minds that three quarters of an hour is a long time to carry on a conversation. We know how long a 30 minute speech is in the House of Commons. Could you not give us a little more information so far as yourself and Mr. Davey are concerned?

(*Translation*)

Mr. GIROUARD: No, because the other statements which I could make have no relation to my statement of privilege.

(*Text*)

Mr. WOOLLIAMS: What do you say about that, Mr. Chairman? Do you think he should confine his remarks? We are building a house now, and if the remarks are confined, then all members following me will have to follow the same course.

The ACTING CHAIRMAN: I am ruling in any conversation with anyone there which flows directly out of that meeting.

Mr. FISHER: On a point of order; several times in the way in which Mr. Girouard has replied, he has assumed that we are here dealing with his question of privilege, and he himself, I think mistakenly, has seemed to think he can raise a question of privilege in this committee. I do not believe a witness can raise a question of privilege. A member of the committee can raise a question of privilege. First of all, I would like you to rule whether he can raise a question

of privilege and, secondly, I would like you to rule whether we are merely dealing here with a question of privilege which Mr. Girouard thinks he has.

The ACTING CHAIRMAN: Once he submits himself to the committee and is sworn, he is like any other witness and should answer the admissible questions. On the second point, it is my understanding we are not dealing with Mr. Girouard's point of privilege, but are dealing with the matters which arose out of his statement on that occasion.

Mr. NUGENT: Mr. Chairman, on that point, what the witness said was that he does not want to answer anything pertaining to conversation other than that raised by the statement he made in the House of Commons.

The ACTING CHAIRMAN: It was my ruling that it would be permissible to question anything that came directly out of that statement. That was my understanding.

Mr. WOOLLIAMS: I am going to put this question to you because, if I do not ask you this question—I am a Conservative too—someone else will put it to you.

The fact is you were three quarters of an hour there. We have the balance of the conversation that took place between you and Mr. Davey, and here is what you said:

> Mr. Davey was rather suggesting at that moment that I join the ranks of the Liberal party.

Did he ask you to join the Liberals?

Mr. GIROUARD: He offered me to join the Liberals.

Mr. WOOLLIAMS: For the record, can you remember the words he used. He did not abruptly say: "Join the Liberals." He was promoting; he is a Liberal promoter and I think it is fair to say that.

(*Translation*)

Mr. GIROUARD: What he told me in essence was this:

> I propose that you join the ranks of the Liberal Party. I'll take care of the defeated candidate and as for the unsatisfied Liberal organizers, I have just to change them.

(*Text*)

Mr. WOOLLIAMS: Did he say that the Liberal candidate was going to be looked after?

(*Translation*)

Mr. GIROUARD: No, he just said he would take care of them.

(*Text*)

Mr. WOOLLIAMS: Now, you say:

> The benefits: a party in power

What did he say, that they created judges, senators and other benefits?

Mr. GIROUARD: I would say this is out of order.

The ACTING CHAIRMAN: I rule the question admissible.

Mr. WOOLLIAMS: What did he say?

(*Translation*)

Mr. GIROUARD: He just said it was more interesting to belong to a party in power. The benefits of a party in power, a fat electoral fund for the next elections.

(*Text*)

Mr. WOOLLIAMS: And, it was from those words that you felt he had promised you a fat electoral fund for the next election?

(*Translation*)

Mr. GIROUARD: As a benefit:

to belong to a party in power, yes.

(*Text*)

Mr. WOOLLIAMS: That was in that three-quarters of an hour period. I come back to this: was there anything else said?

(*Translation*)

Mr. GIROUARD: Many other things were said with reference to that. But that is the essence of what was said in connection with my statement of privilege.

(*Text*)

Mr. WOOLLIAMS: That is, in reference to this.

(*Translation*)

Mr. GIROUARD: In connection with the point of privilege I have in front of me, no.

(*Text*)

Mr. WOOLLIAMS: I put it clearly to you: was there anything else said in connection with the point of privilege now before us? I do not care whether you talked about the price of beef in China or anything else. I am referring to what was said in respect of this point of privilege.

(*Translation*)

Mr. GIROUARD: The conversation in general lasted three quarters of an hour, yes.

(*Text*)

Mr. WOOLLIAMS: What you are saying then is that conversation took three quarters of an hour in that office with this other gentleman.

Now, we come back to the next point:

Mr. Davey suggested that I ponder those proposals.

How long did you ponder those proposals?

(*Translation*)

Mr. GIROUARD: How is that, one week . . . As I said, there was no mention of that whatsoever and a week after, the member for York-Scarborough informed me of what is reported here in my statement.

(*Text*)

Mr. WOOLLIAMS: In respect of anything Mr. Keith Davey said at anytime were you induced to join the Liberal party?

(*Translation*)

Mr. GIROUARD: If the word "inducement" means to tempt, to attract, yes; if it were to mean "bribe", the answer is no.

(*Text*)

Mr. WOOLLIAMS: Well, I mean the word "induced". Then, at no time did you ever tell them you were going to join the Liberal party?

(*Translation*)

Mr. GIROUARD: Never.

(*Text*)

Mr. WOOLLIAMS: Then:

> A week later, a Liberal member of parliament belonging to that same group approached me—

I assume that is the group that met in the office?

(*Translation*)

Mr. GIROUARD: Exactly.

(*Text*)

Mr. WOOLLIAMS: What was the name of that Liberal member of parliament?

Mr. GIROUARD: York-Scarborough.

Mr. WOOLLIAMS: I continue . . .

> that he was very sorry but the Prime Minister (Mr. Pearson) had asked his chief organizer . . .

And, the chief organizer would be Mr. Davey?

Mr. GIROUARD: York-Scarborough.

Mr. WOOLLIAMS: Did he use the words "Mr. Davey"?

(*Translation*)

Mr. GIROUARD: Right, I do not remember whether he said the organizer or Mr. Davey. It was quite clear to me but I do not remember the word he used.

(*Text*)

Mr. WOOLLIAMS:

> —to cease all pressure because he, the Prime Minister, was sure to lose the regular support of the Social Credit party if he ever stole members from that party.

That was said to you by the member from York-Scarborough.

(*Translation*)

Mr. GIROUARD: Exactly.

(*Text*)

Mr. WOOLLIAMS: What else did he say at that time about the Social Credit party?

(*Translation*)

Mr. GIROUARD: It was very brief. I think this discussion went on for a minute or half a minute in the hall on the way to my office.

(*Text*)

Mr. WOOLLIAMS: Did he discuss any arrangement as to what support the Right Hon. Prime Minister and his party and the government might be receiving, and what arrangement there was with the Social Credit party?

(*Translation*)

Mr. GIROUARD: There was no question of that in this discussion which lasted about half a minute or a minute.

(*Text*)

Mr. WOOLLIAMS: And, that conversation lasted only a few minutes?

Mr. GIROUARD: Not a few minutes, a half a minute.

Mr. WOOLLIAMS: Now, I want you to think about this; the conversation which lasted approximately a half a minute was really more extensive than the one which lasted three-quarters of an hour?

Mr. GIROUARD: Yes, but at that time it related only to my statement.

Mr. WOOLLIAMS: So, what you are really saying to the committee—and we want to be fair—is that any other conversation which took place in that three-quarters of an hour did not pertain to this matter in question.

(*Translation*)

Mr. GIROUARD: What I just now stated before this committee is that I had summarized the essential part of the discussion which had lasted three-quarters of an hour and which is relevant to the question of privilege I have before me.

(*Text*)

Mr. WOOLLIAMS: So far as your evidence is concerned, you do not recall the exact conversation and really what is set out at page 2583 is your interpretation of the conversation which took place between you and Mr. Davey?

(*Translation*)

Mr. GIROUARD: I don't think I ever said that I didn't remember what I said. I don't recall having said that.

(*Text*)

Mr. WOOLLIAMS: Well, if you do recall can you elaborate on the exact words which Mr. Davey said to you in that three-quarters of an hour?

(*Translation*)

Mr. GIROUARD: No, it is not my intention to dwell on that as I provided it with the most accurate translation of what had been said at that time and which applies most properly to the present case.

(*Text*)

Mr. WOOLLIAMS: Now, coming back to the second conversation, I believe you said that took place—and I have been trying to follow you in the translation—in the hall, and that is the second conversation with regard to the arrangement or the situation between Mr. Pearson and the Social Credit party. Where did that conversation take place?

(*Translation*)

Mr. GIROUARD: The talk which the member for York-Scarborough had with me in the hall of the 4th floor of the West Block, near my office.

(*Text*)

Mr. WOOLLIAMS: How many interviews did you have with Mr. Davey?

(*Translation*)

Mr. GIROUARD: Just one.

(*Text*)

Mr. WOOLLIAMS: Only one. And that is the one you have described already when you met the other members.

Have you had any telephone conversations with Mr. Davey?

(*Translation*)

Mr. GIROUARD: Never.

(*Text*)

Mr. WOOLLIAMS: Did you have any letters from Mr. Davey?

Mr. GIROUARD: Never.

Mr. WOOLLIAMS: Did you write any letters to the Liberal party?

Mr. GIROUARD: Never.

Mr. WOOLLIAMS: Have you ever asked the Liberal party or any members of the Liberal party, whether it be Mr. Davey or anyone else, to join the Liberal ranks?

(*Translation*)

M. GIROUARD: I think this question is out of order because it is not in my statement but I would be pleased to answer it.

Mr. GRÉGOIRE: On a point of order, Mr. Chairman.

Is the question which has been asked really out of order? I think it just applies to the point raised.

(*Text*)

Mr. WOOLLIAMS: Have you ever had any intention of joining the Liberal party?

(*Translation*)

Mr. GIROUARD: My answer is that it has never been asked. I think that the member of parliament is right.

(*Text*)

Mr. WOOLLIAMS: Were you ever rejected by the Liberal party when you were asked to join the Liberals?

Mr. GIROUARD: You used the word "asked"; I never asked and never have been rejected.

Mr. WOOLLIAMS: In reference to what Mr. Davey has said outside the house, you say Mr. Davey is definitely mistaken that you were ever rejected by the Liberal party and, in that regard, your evidence and Mr. Davey's differs.

(*Translation*)

Mr. GIROUARD: I don't know what the word "mistaken" means in French but it was the most offensive calumny and insult that was made to me since this was false.

(*Text*)

Mr. WOOLLIAMS: What you are saying is that the statement made by Mr. Davey to various members of the press is a false statement and you never have been rejected by the Liberal party?

(*Translation*)

Mr. GIROUARD: That is right.

(*Text*)

Mr. WOOLLIAMS: You have never accepted any offer by the Liberal joint party to join that party, have you?

Mr. GIROUARD: Never.

Mr. WOOLLIAMS: I should like to go back to the beginning of the conversations you had and refer particularly to your statement which reads as follows:

> I have decided not to mention dates, places and names of certain Liberal members involved,—

Was there more than one meeting in the Interprovincial Hotel?

(*Translation*)

Mr. GIROUARD: With regard to this matter, I should not give that impression. It was the only meeting. I would not want to let you think that there were others as this was the only meeting which I had at the Interprovincial Hotel with these four members of parliament.

(*Text*)

Mr. WOOLLIAMS: In other words the word "dates" should be "date" because there was only one meeting, as far as this matter was concerned, and that was the meeting which took place in the Interprovincial Hotel?

(*Translation*)

Mr. GIROUARD: That is right.

(*Text*)

Mr. WOOLLIAMS: You have told us how long you were in the Interprovincial Hotel. What were you doing there at that time?

(*Translation*)

Mr. GIROUARD: Mr. Chairman, this question is absolutely useless and I reject it.

(*Text*)

Mr. WOOLLIAMS: Where did this conversation take place in the Interprovincial Hotel?

(*Translation*)

Mr. GIROUARD: In the Interprovincial Hotel's Grill, if the word is French.

(*Text*)

Mr. WOOLLIAMS: Were there any other individuals there at that time other than the four members you have mentioned who overheard this conversation?

(*Translation*)

Mr. GIROUARD: When I was first speaking to them, another person was present, but the subject I have been dealing with here was never mentioned We were only five when the subject was brought up.

(*Text*)

Mr. WOOLLIAMS: No further questions.

Mr. GREENE: Mr. Chairman I have to leave shortly and I will waive my place for the time being.

Mr. PIGEON: No. We have a list of names which should be followed.

Mr. LOISELLE: You are not the chairman. Sit down.

The Acting CHAIRMAN: You are next on my list Mr. Pigeon.

(*Translation*)

Mr. PIGEON: Mr. Girouard, I want to ask you a question. You said a moment ago, you made a statement to the effect that Mr. Davey mentioned something about a fat electoral fund if you joined the Liberal party. Was patronage also mentioned?

Mr. GIROUARD: This is not in my statement, I refuse to answer.

Mr. PIGEON: I wanted to ask you this as well, when you met Mr. Davey did he say that Mr. Pearson sent him and that he was acting with Mr. Pearson's authorization?

Mr. GIROUARD: This is not in my statement, but my answer would be no.

(*Text*)

Mr. SCOTT: Mr. Chairman, most of my questions have already been answered.

Mr. Girouard, in your statement at page 2582 of *Hansard* you say toward the bottom, when you were discussing this meeting, that it would be useless to meet with Mr. Davey. You suggested that such a meeting would probably be useless and I am wondering what you meant by that statement.

(*Translation*)

Mr. GIROUARD: Because at that time I had already stated plainly that my intention was to join the Conservative party.

(*Text*)

Mr. SCOTT: During the interval of time between your agreement to meet Mr. Davey and the time you actually met him did you communicate this information to any other person or persons?

(*Translation*)

Mr. GIROUARD: This question is out of order. But if you want me to answer, my answer is no, and it is an easy answer. Because I left the Interprovincial around 10 at night and I met Mr. Davey at about 11 the next morning.

(*Text*)

Mr. FISHER: Why is that out of order?

Mr. SCOTT: Mr. Chairman, perhaps you would make a ruling in this regard. I asked the witness whether in the interval between the time he agreed to meet Mr. Davey and 11 o'clock the next morning when he did in fact meet him did he communicate that information to any other person or persons.

Mr. GIROUARD: No.

The ACTING CHAIRMAN: I was going to rule that he could answer the question in terms of yes or no but I understand he has already said "no". Is that right Mr. Girouard?

Mr. GIROUARD: Yes.

Mr. SCOTT: Do you have knowledge whether or not any other person on your behalf did communicate this information to any other person?

Mr. GIROUARD: I have no knowledge in that regard at all.

Mr. SCOTT: Can you tell us the point of time at which you made this firm decision to join the Progressive Conservative Party?

Mr. GIROUARD: What was that question?

Mr. SCOTT: Can you tell us the time approximately when you made this firm decision to join the Progressive Conservative Party?

Mr. GIROUARD: This subject has nothing to do with the question before us and I refuse to answer your question.

Mr. SCOTT: Mr. Chairman, I am again in your hands but it seems to me that in view of the fact the witness has said he made a firm decision that could not be changed he should indicate when he made that decision. There is nothing ulterior about my question.

Mr. VALADE: Mr. Chairman, I should like to speak on a point of order.

The ACTING CHAIRMAN: I rule that question out of order. Perhaps you might ask him that question in regard to the particular evening in question. You might ask him when he declared his intention that evening or the next day and indicated that decision to the other people involved, but I do not think you should ask him when he conveyed that decision to someone else.

Mr. SCOTT: You are ruling that I cannot ask him when he made his actual decision?

The ACTING CHAIRMAN: That is right.

Mr. SCOTT: Mr. Girouard in your answer to Mr. Fisher, and I may have taken this down incorrectly, you seemed to say that you considered the offer made by Mr. Davey as an inducement but not a bribe.

(*Translation*)

Mr. GIROUARD: It is all right, if "inducement" means in French an attractive offer, a temptation to join the Liberal party, but not a "bribe".

(*Text*)

Mr. SCOTT: What do you mean by "inducement"? How do you interpret that word?

(*Translation*)

Mr. GIROUARD: I do not know exactly.

(*Text*)

Mr. VALADE: Mr. Chairman, on a point of order; one cannot ask a witness to define terms which a member has used. The member should define the term himself and then ask the question.

Mr. SCOTT: I only asked this question because my interpretation of the word "inducement" is different from the interpretation of the witness and I did not want to confuse the issue.

An hon. MEMBER: What is your interpretation?

The ACTING CHAIRMAN: Would you ask the question again?

Mr. SCOTT: I am wondering whether the witness can tell me what he understands by the word "inducement". He seems to indicate that the offer was an inducement.

Mr. GIROUARD: May I ask the interpreter to tell me in French exactly what the word "inducement" means?

Mr. SCOTT: Let me put the question to you in this way. Do you feel that this offer or alleged offer of which you have told us was designed to influence your conduct in respect of the party in the House of Commons to which you would belong?

(*Translation*)

Mr. GIROUARD: Not any more than the electoral funds, the political party or the question of invitation. As for the electoral fund I did not consider it as a direct offer or as an offer as such to bring me into the Liberal party.

(*Text*)

Mr. SCOTT: That answer is not quite responsive to the question I asked. Do you feel in your mind, or do you interpret Mr. Davey's statements as an attempt to influence your position in the House of Commons regarding the party to which you would belong?

(*Translation*)

Mr. GIROUARD: "Certainly". At the time, it was a question of campaign funds only, together, yes.

(*Text*)

Mr. SCOTT: What else was there involved besides the electoral chest?

(*Translation*)

Mr. GIROUARD: I said, "The defeated candidate..." He'll take care of the organizers... A party in power and a fat campaign fund in the next election.

(*Text*)

Mr. SCOTT: Were there any other proposals or statements made by Mr. Davey during this conversation that you have not related to us?

(*Translation*)

Mr. GIROUARD: Not relating to this question of privilege so that I can say it.

(*Text*)

Mr. SCOTT: You have told us that there were no other proposals made by Mr. Davey which dealt directly with your question of privilege. Did he make any proposal that would indirectly be involved?

Mr. GIROUARD: No.

Mr. SCOTT: That is all.

(*Translation*)

Mr. GRÉGOIRE: Mr. Girouard, you have made a statement on a question of privilege. There are several points which we might, perhaps, have wanted made more clear. I shall begin with the subject which concerns Mr. Moreau. When Mr. Moreau came to meet you, to tell you that Mr. Pearson had told Mr. Davey to proceed no further because that might make him lose the support of the Social Credit, it's Mr. Moreau who reported that remark to you, Mr. Girouard?

Mr. GIROUARD: Exactly.

(*Translation*)

Mr. GIROUARD: Exact.

Mr. GRÉGOIRE: It was Mr. Davey who said that to Mr. Moreau?

Mr. GIROUARD: I don't know, I never said that in my statement.

Mr. GRÉGOIRE: You say that Mr. Moreau told you that Mr. Pearson said to Mr. Davey:

> A Liberal member from the same group came to me again to tell me that, to his great disappointment . . . the right honourable Prime Minister, Mr. Pearson, had asked his chief organizer to let up all pressure, because the Prime Minister was sure to lose the regular support of the Social Credit party if he were ever to steal members from that Party.

That is what Mr. Moreau told you, Mr. Girouard.

Mr. GIROUARD: Quite right.

Mr. GRÉGOIRE: As a lawyer, suppose that somebody came up to you and you were robbed of $500, and Mr. Vincent came along and told you: "Mr. Chrétien told me that Mr. Betty told him that it was Mr. Vincent who robbed you of $500". Now then, in such a case, would your first reaction be to lay an information with the chief of police against Mr. Vincent?

Mr. GIROUARD: As I am a barrister I could do that but it has no relation with what is before us.

(*Text*)

Mr. PIGEON: It is a stupid example.

(*Translation*)

Mr. GRÉGOIRE: I will give you an example which is a little more appropriate. If Mr. Vincent told you that Mr. Betty told him that Mr. Pigeon said to him:

Mr. PIGEON: I object.

Mr. GRÉGOIRE: If Mr. X told you that Mr. A. informed you that Mr. B. said to him that C had stolen $500 and if, upon receiving such information, you had laid a criminal charge . . .

(*Text*)

Mr. PIGEON: Mr. Chairman, on a point of order. Please put my name down as objecting to this.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, it is just in connection with the statement dated April 27. Now a member who enjoys parliamentary immunity rises in the House and upon his honour declares: So and so told me that the Prime

Minister had said to someone else such and such a thing. I should like to have this point clarified. In other words, do you think that the assumption I made regarding a robbery, that the fellow who takes his information—

(*Text*)

Mr. NUGENT: Order.

Mr. VALADE: Order.

Mr. WOOLLIAMS: Mr. Chairman, on a point of order; that is surely a hypothetical question. The witness is here to be examined on a statement of April 27.

Mr. NUGENT: He says he was told that.

(*Translation*)

Mr. GRÉGOIRE: I am asking you a direct question in order to show that perhaps the accusation or the insinuation made against Messrs. Pearson, Thompson and Davey could have been lightly made.

(*Text*)

The ACTING CHAIRMAN: I rule that out of order. You can ask him direct questions and anything that flows directly out of that conversation.

Mr. LEBOE: Mr. Chairman, on a point of order; he mentioned Mr. Thompson. Mr. Thompson is not the president of the Social Credit party and was not mentioned in this. I think he should leave his name out of this. The leader of the Social Credit party and the president of the national association are two different people.

The ACTING CHAIRMAN: Thank you.

(*Translation*)

Mr. GRÉGOIRE: I mentioned the name of Mr. Thompson not with the intention to include it in the report but because it was brought up. Mr. Girouard, Mr. Scott asked you a question a little while ago. He was inquiring about the meaning of a word probably contained in your statement.

That there would probably be no need for such a meeting.

Could it also have been probably useful?

Mr. GIROUARD: With a certain knowledge of the law one knows that a question which has once been asked very clearly and which has been answered most explicitly cannot be raised again.

Mr. GRÉGOIRE: It is perhaps because the question was not clear that I am asking it again. The "probably" that you used, was it a written statement, did that "probably" have a particular meaning?

Mr. GIROUARD: I gave it a while ago in reply to Mr. Scott's question.

(*Text*)

The ACTING CHAIRMAN: The translator did not get the question. Would you please repeat it?

(*Translation*)

Mr. GRÉGOIRE: What meaning has the wording in the following statement:

That this meeting would probably be useless.

Mr. GIROUARD: The word probably means probably.

(*Text*)

Mr. FISHER: I think you should make it clear to the witness that he has no right to rule something out of order. That is your responsibility.

The ACTING CHAIRMAN: That is correct. Neither should he debate with the questioner. Would you either answer or declare you are not answering

and the committee will then deal with that situation. I should like to ask you not to argue with the questioner. I would ask you, Mr. Grégoire, to please keep your questions more concise and brief.

(*Translation*)

Mr. GRÉGOIRE: In the same paragraph you say:

> I replied that my mind was made up and that the organizers in my riding wanted me as a conservative.

Who would they be? The same that you had when you belonged to the Social Credit party?

Mr. GIROUARD: To begin with, Mr. Chairman, this question is out of order, and if you let the member for Lapointe continue in this vein, I think he will continue with his usual antics before this committee.

(*Text*)

Mr. WOOLLIAMS: That is one of the parties.

The ACTING CHAIRMAN: It does not seem to me this is related to the issue now before the committee.

Mr. GRÉGOIRE: It is part of the statement, Mr. Chairman.

Mr. NUGENT: But it does not support any question of privilege of the house.

The ACTING CHAIRMAN: It is immaterial what organizer or what party he met.

Mr. WOOLLIAMS: You will have to dig up your own organization for the next election, Mr. Grégoire.

(*Translation*)

Mr. GRÉGOIRE: I will reply this way: The shower of your insults does not reach the umbrella of my indifference.

(*Text*)

Mr. PIGEON: This question is out of order.

Mr. GREENE: Mr. Chairman, on the point of order, I do believe that the member for Lapointe has a very important point. After all, there may be a question of credibility to consider before we have finished here. All the facts surrounding what happened and any witnesses who could corroborate or deny evidence given by the witness are surely relevant to this inquiry on the ultimate point of credibility if it arises.

I do not see how we can pursue the truth or falseness of evidence unless we hear all of it and not just the part that the witness chooses to give.

The ACTING CHAIRMAN: Mr. Balcer?

Mr. BALCER: As you ruled earlier, I think it is absolutely irrelevant. I do not think a member of parliament who is disappointed by the fact that Mr. Girouard has left his party should use this committee to try to obtain the name of the organizer who has switched with him to another party. I think Mr. Grégoire will have to wait and find out for himself. This is not the place in which to find out.

Mr. GRÉGOIRE: I object to that. I object to the hon. member saying we were disappointed by the departure of the member for Labelle; we were not.

With regard to knowing the names, as Mr. Greene said—I did not want to bring it out as clearly as he did—an answer to that question might tend to give us an idea of what is going on. If we ask questions with regard to the conversation between Mr. Davey and the member for Labelle, we will know the answer.

(*Translation*)

Mr. Chairman, I will rephrase my question concerning a charge made by the member for Labelle in his statement. He said this:

> I replied that my mind was made up and that the organizers in my riding wanted me as a Conservative, and that this meeting would be useless.

I want to know this: I would ask the member for Labelle who are those organizers. Are they the persons working for him when he belonged to the Social Credit party, or are they other people?

Mr. GIROUARD: They are my organizers.

(*Text*)

The ACTING CHAIRMAN: I have made my ruling. He does not have to answer that question. I stand by my ruling but you can challenge it.

Mr. GRÉGOIRE: On what ground are you declaring this?

The ACTING CHAIRMAN: I rule it is not relevant. In my opinion, broadly speaking we are dealing with these issues: Did Mr. Davey make such an offer about a war chest? Did Mr. Davey say he could take care of all the organizers? Did someone call Mr. Girouard and tell him—the member he has named or the member for York-Scarborough—that the Prime Minister had made such statements? These are the prime issues, in my opinion, for the committee to determine. There may be some secondary facts to be brought out which will put the answers given here and by subsequent witnesses in their proper light. I cannot see the true relevance of whether he met with 30 or 40 organizers, and in that regard I must rule that it is inadmissible, Mr. Grégoire.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, I was asking the witness if he could tell us whether his mind was truly made up beforehand? Before his meeting with Mr. Davey, was he supposed to meet his organizers, and could we know which ones?

Mr. GIROUARD: No answer.

(*Text*)

The ACTING CHAIRMAN: I have already ruled upon it. I have heard your argument with patience, and I think we would be exhausting the time of the committee if we were to continue. If I am wrong, the committee will correct me. I do not want to delay the proceedings, with great respect, Mr. Grégoire.

Mr. GRÉGOIRE: I will appeal your ruling.

Mr. VALADE: Before the hon. member appeals your ruling, I would like to make a statement. My point is that we are not here to hear whether Mr. Girouard took his position before or after he met with Mr. Davey. The main issue is that Mr. Davey and Mr. Girouard met together at a certain time. This is the matter with which we are faced. Either Mr. Girouard made a decision before or after, and whether it was before or after has no bearing whatever on the issue that we are to consider.

The ACTING CHAIRMAN: I take it you are supporting my ruling.

Mr. VALADE: Yes.

The ACTING CHAIRMAN: I well appreciate the point Mr. Grégoire raises; it is a question of credibility. Mr. Grégoire says Mr. Girouard said he had already made up his mind and that if we could pinpoint the time at which he went to the organizers this might throw a different light upon his answer. I appreciate this point, believe me, Mr. Grégoire; but I am ruling on the case, and I rule that it is not relevant to the issue at the moment.

Mr. GRÉGOIRE: I appeal your decision.

The ACTING CHAIRMAN: I take no exception to that, believe me, Mr. Grégoire; we will take a vote.

Will all those in favour of sustaining the Chairman's ruling that the question is inadmissible please indicate.

Mr. Woolliams, Mr. Nugent, Mr. Rhéaume, Mr. Vincent, Mr. Balcer, Mr. Valade, Mr. Pigeon, Mr. Fairweather, Mr. Leboe, Mr. Cameron, Mr. Dubé. The members whose names I have just stated are in favour of upholding my ruling.

Contrary?

Mr. Fisher, Mr. Scott, Mr. Gauthier, Mr. Basford, Mr. Drouin, Mr. Crossman, Mr. Chrétien, Mr. Mullally, Mr. Grégoire, Mr. Greene, Mr. Loiselle. Those members are voting against my ruling. There are eleven votes in favour of my ruling and eleven against, so I will uphold my own ruling.

Will you continue, Mr. Grégoire?

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, I submit, nevertheless, on a point of order, that, if there is some information that might throw some light on the statement made by the member for Labelle, we must have that information.

The member for Labelle tells us that his mind was made up before he met Mr. Davey, because he tells us that he had met his organizers before. As the member for Bow River has tried to bring out many facts, I wanted to bring out that one, which concerns his organizers.

Did he meet with his organizers in Labelle County?

Can he tell us how many there were? And who they were?

The advantages of a party in power and a fat election fund.

Mr. Woolliams has asked eight or nine questions to which approximately the same answer was given a little while ago.

I am now asking one on another matter and relating to the statement made by the member for Labelle.

I believe that knowing whether he met his organizers, whether he held a meeting before seeing Mr. Davey, and how many organizers there were, I believe all that is important. He coud tell us whether there were 40 or 50%, that would be enough.

Mr. VALADE: On a point of order . . .

(*Text*)

Mr. BALCER: Order.

Mr. VALADE: Order.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, if I may I would like to read to you Mr. Knowles' motion . . .

> I therefore suggest that the questions of privileges raised by the honourable member, that the appeal in his questions of privilege, as shown in the minutes of proceedings of Monday April 27, 1964 be referred to the Committee on Privileges and Elections so that they may consider them and report on the matter.

The question states—The question raised by the question of privilege. After all, it is a question raised in the question of privilege and this serves to support the statements of the member for Labelle.

I replied that my mind was made up.

So the member for Labelle states that his mind was made up. Why?

The organizers in my riding wanted me to be a Conservative.

That is why he did not want to accept Mr. Davey's offers, or it is one of the reasons why it was useless or probably useless to meet Mr. Davey. So it is one of the main reasons for the member for Labelle's decision. That is why I submit that what I am saying is in order and within the terms of reference, according to what is indicated.

Mr. Girouard, have you met Mr. Davey previously? Not in the lobby or in the street but earlier, did you have occasion to talk with him prior to meeting him in Mr. Moreau's office?

(*Text*)

Mr. BALCER: This question is out of order, Mr. Chairman.

Mr. GREENE: On a point of order, Mr. Chairman. There is a statement here and, surely to goodness, words such as "large", "big"—

Mr. RHEAUME: "Fat".

Mr. GREENE: —have different meanings to different people. Surely it is within the ambit of this committee to know what is meant by the terms.

Mr. GIROUARD: I will answer.

(*Translation*)

Mr. GIROUARD: Do you mean talking with him about joining the ranks of the Conservative Party or about the weather?

Mr. GRÉGOIRE: I mean, did you know him before going to Mr. Moreau's office?

Mr. GIROUARD: I had seen him once.

Mr. GRÉGOIRE: You did not talk to him? Answer: I may have said "good day", but I did not talk about anything at all.

Mr. GRÉGOIRE: After meeting Mr. Moreau, did you meet him later?

Mr. GIROUARD: I saw him at the first meeting of the Committee on Privileges and Elections but I did not speak to him.

Mr. GRÉGOIRE: Yesterday?

Mr. GIROUARD: Yesterday, I said "good day".

Mr. GRÉGOIRE: Between the two periods . . . When you speak:

> Of a fat electoral fund, the advantages of a party in power, a fat election fund at the next election . . .

Just to have an idea of what a fat election fund may mean, were you not elected in your riding as a candidate of the Ralliement des Créditistes?

Mr. GIROUARD: As a candidate of Social Credit.

Mr. GRÉGOIRE: Do you have a membership card of the Ralliement des Créditistes which, by the way, you have already shown to me?

Mr. GIROUARD: That is not so.

Mr. GRÉGOIRE: Do you have a membership card of the Ralliement des Créditistes?

Mr. GIROUARD: That is not so.

Mr. GRÉGOIRE: In your opinion, did you have a fat election fund the last time?

Mr. GIROUARD: I refuse to answer.

Mr. GRÉGOIRE: The election fund you had, was it a fat one?

Mr. GIROUARD: I refuse to answer.

(*Text*)

The ACTING CHAIRMAN: I do not wish you to say that "I have already answered". If the examiner asks you a question, you should answer it. He is entitled to ask his questions.

Mr. GIROUARD: I said previously that I did not know what that meant and that it was merely Mr. Davies' words which I had reported.

(*Translation*)

Mr. GRÉGOIRE: In other words—

Mr. Chairman, I should like to make a remark here. Mr. Girouard asks you to clear him from the gross insult or from a gross slander from Mr. Davey.

(*Text*)

Mr. NUGENT: On a point of order, on what grounds does Mr. Grégoire make that statement?

The ACTING CHAIRMAN: Please go ahead.

Mr. GRÉGOIRE: Regarding the answers we received to a point of order.

Mr. NUGENT: You are not supposed to be making a speech.

Mr. GRÉGOIRE: I shall make my point of order, though.

(*Translation*)

In the Committee on privileges and elections, Mr. Girouard tells us that he suffered a gross insult and a gross slander on the part of Mr. Davey for having been rejected... he says: On the contrary, he is the one who made proposals to me when he suggested, when he suggested to me that I join the liberal party.

That is precisely the important question. We want to know what are the propositions made by Mr. Davey to Mr. Girouard. Mention was made of a fat election fund. Since it is a fat election fund, I should like to know whether the member for Labelle has a notion of what that could be.

Mr. VALADE: You will ask Mr. Davey.

Mr. GRÉGOIRE: We'll ask Mr. Davey afterwards.

(*Text*)

An hon. MEMBER: You have no choice.

Mr. PIGEON: Twenty million.

The ACTING CHAIRMAN: Speak through the Chair, please, Mr. Grégoire.

Mr. GRÉGOIRE: I am ready to talk through the Chair, but I must deal with those who interrupt me.

The ACTING CHAIRMAN: I will deal with those who interrupt you.

(*Translation*)

Mr. GRÉGOIRE: What I mean is that we'll ask Mr. Davey afterwards whatever we have to ask him. Right now we would like to know why Mr. Girouard felt rather insulted by all that, what insulted him, because there were two points in the offer:

A party in power, a fat election fund.

There was a conversation of three quarters of an hour. We received a summary of one or two lines. What did the proposal contain? Was that ever explained? Were there any details?

Should a different meaning be attributed to these words in the provinces other than Quebec, words which may have a different meaning in the other provinces.

The party in power...

Does that mean patronage?

It seems to me that the question is over-simple.

Mr. GIROUARD: For a simple member.

Mr. GRÉGOIRE: Let's say for a simple member.

A fat election fund...

That means enough money so that the fellow need not fear, so that he may be sure to succeed? When you want information on that subject, Mr. Chairman, you don't get any. We don't know what happened during the conversation between these two men.

How can we judge? How can we be asked to settle the question? When you ask questions that are not prejudicial, the question I asked was not prejudicial to the member for Labelle or to the riding of Labelle. The member for Labelle said that he had met Mr. Davey. Then I asked him whether he had met him. No, then there was the insinuation with regard to Mr. Pearson,

(*Text*)

The ACTING CHAIRMAN: Are you raising a point of order, or putting a question?

Mr. GRÉGOIRE: I am raising a point of order for a line of questions. The questions asked by Mr. Fisher dealt completely with the matter raised by the member for Labelle.

The ACTING CHAIRMAN: May I say with respect that I have already made a ruling, and if you want to go to another question, I will deal with it. But I have already made my ruling and I do not propose to let you return to it.

Mr. GRÉGOIRE: I would like to know exactly, according to you, what we have here, so we might ask our questions accordingly. What is the real matter in front of us?

The ACTING CHAIRMAN: I have already stated it.

Mr. GRÉGOIRE: Is it the motion of Mr. Knowles?

The ACTING CHAIRMAN: The motion is that the matters raised in the statement should be considered.

Mr. GRÉGOIRE: All the matters raised in the statement?

The ACTING CHAIRMAN: The relevant matters, yes.

Mr. GRÉGOIRE: All the matters raised in the statement?

The ACTING CHAIRMAN: Yes.

Mr. GRÉGOIRE: All of them?

The ACTING CHAIRMAN: Yes.

Mr. GRÉGOIRE: Well, everything that is raised in this statement is relevant. Will you answer yes or no?

Mr. NUGENT: Relevant to the question, as a point of privilege?

Mr. GRÉGOIRE: Is everything raised in that declaration or statement by the member for Labelle relevant to our questions? I would like to ask you that.

The ACTING CHAIRMAN: Would you please question the witness and I will rule whether it is relevant or not. I do not propose to rule on generalities. I want to be specific. I want to do justice.

Mr. GRÉGOIRE: I admit your justice, but is everything raised in that statement relevant?

The ACTING CHAIRMAN: I will rule on the question as put, whether it is relevant or not. That is the only way I can deal with it. I am not trying to be evasive, but I cannot do otherwise. It is now five minutes to six and some of us are going to a Rotary dinner, I believe.

Mr. FISHER: When do we meet again?

The ACTING CHAIRMAN: I suggest ten o'clock tomorrow, if that meets with the wishes of the committee.

(*Translation*)

Mr. DROUIN: On this motion for adjournment, as the House does not sit tonight, I don't see why we should not come back tonight and continue the sitting.

(*Text*)

Mr. LEBOE: There is a problem that is difficult here in connection with our meeting tomorrow. I do not want to insist, but I want the committee to know that I have to leave in the morning, and that I had expected to be replaced on the committee by a motion tomorrow at 2.30 p.m. That is the problem.

The ACTING CHAIRMAN: May I suggest perhaps that the committee would not object to reverting to motions tonight.

Mr. LEBOE: Yes, but the house does not sit tonight.

The ACTING CHAIRMAN: Oh, I forgot.

Mr. LEBOE: I am not insisting, but I do bring it to the attention of the committee.

The ACTING CHAIRMAN: May I say that we all appreciate the difficulty we had to get reporters here. Perhaps we could restrict ourselves and not meet on Friday in the morning? Is it agreed then that we sit only on Thursday morning and then come back next week? I shall not make a decision about sitting Thursday afternoon this far away. So let us return at ten o'clock tomorrow morning.

HOUSE OF COMMONS

Second Session—Twenty-sixth Parliament

1964

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Acting Chairman: MR. LAWRENCE T. PENNELL

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 2

THURSDAY, May 14, 1964

Matters raised by the honourable member for Labelle (Mr. Girouard) in the house Monday, April 27, 1964.

WITNESS:

Mr. Gérard Girouard, M.P.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20821—1

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Acting Chairman: Mr. Larry Pennell

Vice-Chairman: Mr. Jean-Eudes Dubé

and Messrs.

Armstrong,	Francis,	Nielsen,
Balcer,	Girouard,	Nugent,
Beaulé,	Greene,	O'Keefe,
Brewin,	Howard,	Paul,
Cameron (*High Park*),	Jewett (Miss),	Plourde,
Cashin,	Lessard (*Saint-Henri*),	Rapp,
Crossman,	Macquarrie,	Rochon,
Doucett,	Marcoux,	Valade,
Drouin,	More (*Regina City*),	Woolliams—29.
Dubé,	Moreau,	

(Quorum 10)

Maxime Guitard,
Clerk of the Committee.

Mr. Prud'homme replaced Mr. Drouin on May 14, 1964.
Mr. Lessard (*Saint-Henri*) replaced Mr. Loiselle, on May 14, 1964.
Mr. Cashin replaced Mr. Basford on May 14, 1964.
Miss Jewett replaced Mr. Dubé on May 20, 1964.
Mr. Nielsen replaced Mr. Fairweather on May 20, 1964.
Mr. O'Keefe replaced Mr. Morison on May 20, 1964.

ORDER OF REFERENCE

THURSDAY, May 14, 1964.

Ordered,—That the names of Messrs. Prud'homme, Lessard (Saint-Henri), and Cashin be substituted for those of Messrs. Drouin, Loiselle, and Basford respectively on the Standing Committee on Privileges and Elections.

WEDNESDAY, May 20, 1964.

Ordered,—That the names of Miss Jewett and Messrs. Nielsen and O'Keefe be substituted for those of Messrs. Dubé, Fairweather, and Morison respectively on the Standing Committee on Privileges and Elections.

Attest.

LEON-J. RAYMOND,
The Clerk of the House.

20821—1½

MINUTES OF PROCEEDINGS

THURSDAY, May 14, 1964.
(6)

The Standing Committee on Privileges and Elections met at 10:03 o'clock this day. The acting Chairman, Mr. Pennell, presided.

Members present: Messrs. Balcer, Basford, Beaulé, Cameron (*High Park*), Chrétien, Crossman, Drouin, Dubé, Fisher, Fairweather, Francis, Greene, Grégoire, Loiselle, Marcoux, Martineau, Morison, Mullally, Nugent, Pennell, Pigeon, Rheaume, Rochon, Valade, Scott, Woolliams Vincent.—(27).

In attendance: Mr. Gérard Girouard, M.P.

In attendance: Dr. Maurice Ollivier, Parliamentary Counsel and Parliamentary interpreters interpreting.

The Committee resumed the examination of the first witness, Mr. Gérard Girouard, M.P.

The acting Chairman ruled out of order a question posed to Mr. Girouard by Mr. Fisher.

Thereupon, Mr. Fisher having stated that he wished to appeal the decision of the Chair; the acting Chairman stated that his ruling was not appealable.

Whereupon Mr. Fisher appealed to the Committee from the latter decision of the Chair.

And the question being put by the acting Chairman: "Shall the decision of the Chair be sustained?" It was negatived on the following division:

Yeas: Messrs. Balcer, Basford, Beaulé, Cameron (*High Park*), Chrétien, Crossman, Dubé, Fisher, Francis, Greene, Grégoire, Loiselle, Morison, Mullally, Rheaume, Rochon, Scott, Vincent, Woolliams.—(19).

Nays: Messrs. Marcoux, Martineau, Nugent, Pigeon, Valade.—(5).

Mr. Fisher appealed forthwith to the Committee from the former decision of the Chair.

And the question being put by the acting Chairman: "Shall the decision of the Chair be sustained?" It was negatived on the following division:

Yeas: Messrs. Balcer, Marcoux, Martineau, Nugent, Pigeon, Rheaume, Valade, Vincent, Woolliams.—(9)

Nays: Messrs. Basford, Beaulé, Cameron (*High Park*), Chrétien, Crossman, Dubé, Fisher, Francis, Greene, Grégoire, Loiselle, Morison, Mullally, Rochon, Scott.—(15)

After a recess from 12:05 to 12:15 o'clock p.m., the examination of the witness continued.

At 12:45 o'clock p.m. Mr. Rheaume moved, seconded by Mr. Pigeon, that the Committee adjourn until 3:30 o'clock p.m. this afternoon.

AFTERNOON SITTING
(7)

The Standing Committee on Privileges and Elections reconvened at 3:35 o'clock p.m. this day. The Acting Chairman, Mr. Pennell, presided.

Members present: Messrs. Balcer, Beaulé, Cashin, Cameron (*High Park*), Chrétien, Crossman, Dubé, Fairweather, Fisher, Francis, Greene, Grégoire, Lessard (*Saint-Henri*), Marcoux, Martineau, Morison, Mullally, Nugent, Olson, Paul, Pennell, Pigeon, Prud'homme, Rheaume, Rochon, Scott, Valade, Vincent, Woolliams.—(29).

In attendance: Mr. Gérard Girouard, M.P.

Also in attendance: Dr. Maurice Ollivier, Parliamentary Counsel and Parliamentary interpreters interpreting.

The Committee resumed examining the witness.

The acting Chairman read and tabled a note addressed to him by Mr. Girouard.

Mr. Beaulé moved, seconded by Mr. Lessard (*Saint-Henri*), that the Committee adjourn at 4:55 o'clock p.m. this day until 10:00 o'clock a.m. Thursday, May 21, 1964.

And debate arising thereon, the question being put on the said motion, it was resolved, by a show of hands, in the affirmative: yeas: 20, nays: 1

And the examination of the witness continuing, at 4:55 o'clock p.m. the Committee adjourned until 10:00 o'clock a.m. Thursday, May 21, 1964.

Maxime Guitard,
Clerk of the Committee.

EVIDENCE

THURSDAY, May 14, 1964.

The ACTING CHAIRMAN: I call the committee to order. Yesterday when the committee rose, Mr. Leboe explained to the committee that through an oversight he had not succeeded in obtaining a replacement, that is, he had not been able to bring it before the house. There was some talk at that time that he might be replaced by whoever should replace him, and that the position might be regularized subsequently by a motion in the house. Upon reflection I feel that this is a very delicate matter. So the Chair rules against anyone taking part who has not been properly constituted as a member of the committee.

Yesterday when we resumed, Mr. Grégoire was questioning the witness. Therefore I ask Mr. Grégoire to continue his questioning.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, to begin with I should like to have some kind of explanation or elaboration of the following sentence which appears on page 2707 of the French *Hansard*, April 27th.

The member for Labelle then said . . .

(*Text*)

The ACTING CHAIRMAN: What is the number, please?

Mr. GRÉGOIRE: April 27 in the French version.

(*Translation*)

> One week later the Liberal member of the same group approached me again to tell me, to his great disappointment, that the R.H.P.M. (Mr. Pearson) had asked his chief organizer to leave off all pressure because the Prime Minister was sure to lose the regular support of the Social Credit party if he ever snatched away the members of this party.

Mr. Girouard, is it Mr. Moreau who told you that?

Mr. GIROUARD: Yes.

Mr. GRÉGOIRE: Did he tell you who had told him that?

Mr. GIROUARD: No.

Mr. GRÉGOIRE: But he said to you: Mr. Pearson had asked:

. . . his chief organizer . . .

That is, Mr. Davey . . .

. . . to leave off all pressure.

Mr. GIROUARD: Yes.

Mr. GRÉGOIRE: Did you check whether Mr. Pearson had said that to Mr. Davey?

Mr. GIROUARD: No.

Mr. GRÉGOIRE: Whether he had said it to others.

Mr. GIROUARD: No.

Mr. GRÉGOIRE: So you are not sure at all that Mr. Pearson said this.

Mr. GIROUARD: No.

Mr. GRÉGOIRE: So then you should not have mentioned . . .

Mr. GIROUARD: I am sure that Mr. Moreau said it to me.

Mr. GRÉGOIRE: Without your being sure that Mr. Pearson said it.

Mr. GIROUARD: No.

Mr. GRÉGOIRE: You mentioned what Mr. Moreau had told you without knowing whether or not Mr. Pearson had said it, yes or no?

Mr. GIROUARD: No.

(*Text*)

The Acting CHAIRMAN: The translator says that the questioning is so fast that he cannot follow it; he cannot distinguish between the questions and the answers. So would you please pause after each question?

(*Translation*)

Mr. GRÉGOIRE: Very well, Mr. Chairman, I'll slow down.

So Mr. Moreau told you what Mr. Pearson was supposed to have said?

Mr. GIROUARD: That's right.

Mr. GRÉGOIRE: But you are not sure at all that Mr. Pearson has really and truly said that.

Mr. GIROUARD: I did not check anything.

Mr. GRÉGOIRE: Nevertheless you thought it advisable to declare in the House that he had asked his organizer—

Mr. GIROUARD: I did not say in the House that Mr. Pearson had asked—

Mr. GRÉGOIRE: According to Mr. Moreau.

Mr. GIROUARD: I said in the House that Mr. Moreau had told me—

Mr. GRÉGOIRE: That Mr. Moreau had told you that.

Mr. GIROUARD: Yes.

Mr. GRÉGOIRE: After all, this is a rather serious charge.

Mr. VALADE: Order, order. There is no accusation being made against the member for Lapointe.

Mr. GRÉGOIRE: Mr. Girouard, this is after all a rather serious charge or at least a rather serious insinuation, to say in the House of Commons, on a point of privilege, that Mr. Moreau had told you what Mr. Pearson was supposed to have said, without verifying.

Mr. GIROUARD: Mr. Chairman, I say it is not a charge or an insinuation, it is a fact I reported to the House, the fact of the conversation between Mr. Moreau and myself.

Mr. GRÉGOIRE: Without being able to check it, you felt it advisable to mention it in the House.

Mr. GIROUARD: Yes.

Mr. GRÉGOIRE: Without being sure that Mr. Pearson had said that.

Mr. GIROUARD: I was sure, absolutely sure that Mr. Moreau had said it to me.

Mr. GRÉGOIRE: You were not sure that Mr. Pearson had said it.

Mr. GIROUARD: No.

Mr. GRÉGOIRE: You thought it advisable to say it in the House.

Mr. GIROUARD: Yes.

Mr. GRÉGOIRE: Since you thought it advisable to relate in the House a fact that Mr. Moreau had told you, but that you had not verified at all, may we ask you now: During these three quarters of an hour you talked to Mr. Davey in Mr. Moreau's office, was anything else discussed but—

A fat election fund and the advantages of a party in power—

In case you joined the Liberal party?

Mr. GIROUARD: I said that during these three quarters of an hour nothing else was discussed and that the only things that were discussed and that concerned my question of privilege were contained in my question of privilege.

Mr. GRÉGOIRE: Could there be anything else that was not mentioned in your question of privilege and that could have been an attempt to influence you?

Mr. GIROUARD: I mentioned the main points that were raised in an attempt to influence me during that interview.

Mr. GRÉGOIRE: Very well, very well. Could there be things that were not of major importance but could have influenced you in any way?

Mr. GIROUARD: No.

Mr. GRÉGOIRE: Really nothing else was said that could have influenced you to choose one party rather than another?

Mr. GIROUARD: No.

Mr. GRÉGOIRE: Absolutely nothing else that would be directly or indirectly connected with this question?

Mr. GIROUARD: No.

Mr. GRÉGOIRE: So, in these three quarters of an hour, after talking about this, you talked about things other than the advantages that could accrue to you by joining the Liberal party?

Mr. GIROUARD: Yes.

Mr. GRÉGOIRE: Mr. Girouard, yesterday in your statement you said that the day before you had insisted that Mr. Davey come to your office.

Mr. GIROUARD: I don't think so.

Mr. GRÉGOIRE: The day before, that is the evening you met the four members.

Mr. GIROUARD: I don't know that I insisted that much. I can check my statement. No, I said: I agreed nevertheless to receive him in my office.

(*Text*)

Mr. GREENE: Mr. Chairman, on a point of order; this witness has been sworn to give his testimony as to what he recollects to the best of his knowledge, ability, and memory. I submit it is quite improper for him to keep referring back to this statement and saying this is it; I do not remember what I said, but this is it.

Mr. WOOLLIAMS: I think the witness is entitled to say I do not remember, but he can go back to his statement. You have ruled that the investigation is in reference to the statement that the witness made on April 27 last, in the House of Commons.

(*Translation*)

Mr. BEAULÉ: On the same point of order: When the witness stated in the House that he had met with certain members of the Party, he had notes. He did not make this fact known to the House.

Mr. BALCER: On the same point of order. What Mr. Grégoire was asking him, he asked him a definite question on what he had said yesterday. Mr. Girouard told him that he had said a certain thing yesterday. Of course the witness wanted to check what he had said yesterday.

Mr. GRÉGOIRE: I did not necessarily mean yesterday, but the day before his meeting with Mr. Davey.

(*Text*)

The ACTING CHAIRMAN: May I say that when I ruled yesterday I chose my words carefully. To the best of my recollection I said that the examination

or cross-examination would be confined to the statement and the things arising directly from the statement. I used the word "directly" because I could anticipate that we could have some of the conversation introduced which took place when the parties were there which would explain some of the statement read in the House. So I used the word "directly", and that is the ground on which I shall rule as the questions arise.

Mr. Grégoire asked a question. He did not take exception. If Mr. Grégoire wishes to take exception to the answer he is getting, then I shall rule on it. When the witness gives an answer and there is a reference back to the statement, then it is up to Mr. Grégoire to take exception. I could think of half a dozen questions which I could ask to eliminate that problem, if it is a problem to the questioner.

Mr. GREENE: With the greatest respect, I think we are here to elicit the truth of the facts leading directly from the statement. Surely it makes it difficult to elicit truth in any judicial proceedings if all the witness does is to read back what he said before.

The ACTING CHAIRMAN: It is very simple. If a question is asked and the witness refers to the statement, I would say do not bother with the statement. I shall ask you what was said. I would rule on that. I do not think it is a great problem, and I now ask Mr. Grégoire to continue.

(*Translation*)

Mr. GRÉGOIRE: Mr. Girouard, when you made that statement on a question of privilege, on April 27, did you read a prepared statement?

Mr. GIROUARD: Yes.

Mr. GRÉGOIRE: Word for word?

Mr. GIROUARD: Word for word.

Mr. GRÉGOIRE: That you had carefully prepared?

Mr. GIROUARD: Yes, that I had carefully prepared.

Mr. GRÉGOIRE: In that statement, you say at one point:

> In answer to one of their questions with regard to my political future, I said that I was firmly resolved to join the ranks of the Conservative party.

And you add:

> At that moment, a Liberal member got up and went to the phone.

When you read that in the House, you thought that that had some importance?

Mr. GIROUARD: Yes.

Mr. GRÉGOIRE: When he returned to the table, he strongly insisted that I make no decision without first having met Mr. Keith Davey, the Liberal party chief organizer.

Mr. GIROUARD: When he went to the telephone, I was almost sure that it was something of that sort.

Mr. GRÉGOIRE: Since it was a well thought out thing, it had some importance.

Mr. GIROUARD: Yes.

Mr. GRÉGOIRE: Because you mentioned that the Liberal member had gone to the telephone.

Mr. GIROUARD: I foresaw something along those lines.

Mr. GRÉGOIRE: Therefore, that part, you said it, that is an assumption, but you were not sure?

Mr. GIROUARD: That is, subsequently, the facts proved to me that it was indeed for that purpose that the member had stood up.

Mr. GRÉGOIRE: You have no guarantee, no clear proof that it was to the telephone that he went?

Mr. GIROUARD: Exactly.

Mr. GRÉGOIRE: A clear proof that you obtained subsequently, a clear proof that he had called a member of the Liberal party.

Mr. GIROUARD: Yes.

Mr. GRÉGOIRE: What was that proof?

Mr. GIROUARD: He came back and he said to me:

I have called Keith Davey.

Mr. GRÉGOIRE: I have just called Mr. Davey?

Mr. GIROUARD: Yes.

Mr. GRÉGOIRE: It was Mr. Moreau who went to the telephone?

Mr. GIROUARD: Yes.

Mr. GRÉGOIRE: He then said to you:

I have called Keith Davey.

Mr. GIROUARD: That is right.

He came back and he said to me: "I have just called Davey."

Answer: Yes.

Mr. GRÉGOIRE: It was Mr. Moreau who went to the telephone?

Mr. GIROUARD: Yes.

Mr. GRÉGOIRE: Then, he said to you:

I have called Keith Davey?

Mr. GIROUARD: That is right.

Mr. GRÉGOIRE: Because, a little farther, you say:

Because my companions insisted, I nevertheless accepted to receive in my office . . .

You add:

You understand, in my office . . .

Those added words:

You understand, in my office . . .

You were insisting, you insisted on the fact, since you said:

To receive him in my office . . .

They were in your written statement, those words, when you read it.

Mr. GIROUARD: That is right.

Mr. GRÉGOIRE: For you, it was important that it be in your office?

Mr. GIROUARD: It was very important.

Mr. GRÉGOIRE: The next day, it was a phone call. That was less important:

The next day I received a telephone call from a member.

Mr. GIROUARD: That was less important.

Mr. GRÉGOIRE: That was less important. It was less important for you to receive him in your office?

Mr. GIROUARD: I see no difference for me at that time. I believe that the two facts were important.

Mr. GRÉGOIRE: The day before, you insisted. You say:

In my office?

Mr. GIROUARD: Exactly.

Mr. GRÉGOIRE: You insisted on that in the House, to say that that was important:

In your office.

Mr. GIROUARD: Exactly.

Mr. GRÉGOIRE: There, you insisted:

In my office.

But, the next day, following a telephone call, you agreed to go to Mr. Moreau's office.

Mr. GIROUARD: That is correct.

Mr. GRÉGOIRE: It was less important that it be in your office?

Mr. GIROUARD: In all I acceded to Mr. Moreau's wishes.

Mr. GRÉGOIRE: You did not care that that did not take place in your office.

Mr. GIROUARD: I said to myself: If the liberal party chief organizer left his office to come to mine, and that it is dangerous for him to come to my office, I understood, and at any rate I must have considered that that was of no importance.

Mr. GRÉGOIRE: The other office was on the other side of the hall.

Mr. GIROUARD: About fifty feet away.

Mr. GRÉGOIRE: If your mind was made up, you nevertheless thought it advisable to go into the office of a liberal member to discuss the matter.

Mr. GIROUARD: Because I had no reasonable explanation to give my friend, to say: No, I am not going there. I had confidence in him.

Mr. GRÉGOIRE: You were convinced that the conservative party was the best party, that it was a better party than the liberal party?

Mr. GIROUARD: Your advances would be useless. I meant to join the Conservative party.

Mr. GRÉGOIRE: You did not say your advances are useless but would be useless.

Mr. GIROUARD: Exactly.

Mr. GRÉGOIRE: I have here the Quillet dictionary. Yesterday we tried to find the definition of "probably". You yourself said that "probably" meant "probably". Here "probably" means likely to happen. Here it says that the word probably means

which has an appearance of truth.

So that was apparently likely to be true, it would have been useless. That is it. Do you agree with the definition given in the dictionary?

Mr. GIROUARD: I agree with the word probably as I said it—probably useless.

Mr. GRÉGOIRE: Maybe it is a word that leaves some room for doubt. I would like to find out, to clear up the doubt. The words "probably useless" mean probably.

According to Quillet it means "Which has an appearance of truth". Does probably mean "Which has an appearance of truth".

Mr. GIROUARD: I would have to look up Larousse and other authorities to see if the term "probably" has the same meaning in other dictionaries.

(*Text*)

The Acting CHAIRMAN: You are still going very quickly, Mr. Grégoire. I have experienced this sort of thing myself during cross-examinations, and I know it is rather difficult for everyone.

(*Translation*)

Mr. GRÉGOIRE: Mr. Girouard, sometimes, it happens to everyone, we use a word and when we look it up we find it does not quite mean what we intended.

Mr. GIROUARD: Yes.

Mr. GRÉGOIRE: I have a dictionary here. The word "probably" means:

"Which has an appearance of truth".

Knowing that to be the definition of "probably", if that is the definition of "probably", I say "if" would you use that word, would you use the same term?

Mr. GIROUARD: I would use it. Larousse says:

Which can reasonably be assumed.

With my Conservative friends it was reasonable to assume—

Mr. GRÉGOIRE: It was reasonable to assume, but not to assert.

Mr. GIROUARD: No, reasonable.

Mr. GRÉGOIRE: As you use the conditional and as you use "probably" or "reasonable to assume", that is not a certainty, but something which it is reasonable to assume, not to assert. In view of that fact, do—

(*Text*)

The Acting CHAIRMAN: Mr. Grégoire, it would appear to me we are going far afield and I would respectfully suggest that if you want to determine from him what he meant by the word "probably" just ask him what he meant and then he will put his evidence on the record.

Mr. WOOLLIAMS: Mr. Chairman, now that you have interrupted Mr. Grégoire, may I say at this time that the translators are having a good deal of difficulty because of the speed of the questions and answers and I would respectfully suggest that he slow down.

The Acting CHAIRMAN: Have you a question, Mr. Fisher?

Mr. FISHER: Mr. Chairman, I want to be on the list.

Mr. NUGENT: Mr. Chairman, on a point of order, although I do not wish to interrupt the cross-examination, I cannot see how we are going to get anywhere by efforts being made to get into the record another word in substitution of this word.

The meaning of the word "probably" is well known to all of us and I think Mr. Grégoire is just wasting the time of this committee with this line of questioning. Let us get on with our business.

Mr. GREENE: Mr. Chairman, on a point of order, it seems to me that the interpretation of the word "probably" is almost the crux of the entire inquiry.

Mr. RHÉAUME: There is real leadership material there.

Mr. GREENE: You just lead the Eskimos and you will be all right.

Mr. WOOLLIAMS: That was a very unkind remark.

Mr. GREENE: In respect of this point of privilege and Mr. Girouard's explanation whether, in fact, he was correctly or not correctly called a reject, if he had not made up his mind and if this word "probably" indicated, as I think the member is trying to indicate in his line of cross-examination, that he was still open to negotiation, that he had not made a firm conviction along those lines then surely that is the essence of the entire questioning at this point. If Mr. Girouard felt he was still in business the point of privilege is founded on the fact an hon. member stated that this question should go to the Department of Trade and Commerce and, if he had not made up his mind, it probably meant he was still open to negotiation. If this is so, then it is an essential factor to determine what Mr. Girouard had in his mind in the use of the word.

Mr. NUGENT: Mr. Chairman, the witness has described what he had in mind and how far he was going. I suggest he has covered in very plain language how far his mind was made up, and that he was accommodating his Liberal friends by speaking to them, and in further accommodating them he went to see Mr. Davey. I do not see how further questioning in respect of this word "probably" is going to elucidate what is now so plain.

Mr. FISHER: Mr. Chairman, I think the questioning is getting very detailed. However, I do agree with Mr. Greene's point, that it does not take three-quarters of an hour to say no, or that long to satisfy your friends.

(Translation)

Mr. DUBÉ: Mr. Chairman, I agree with my colleague Mr. Greene that the word "probably" is very important in this case because in order to know whether or not Mr. Girouard was turned down by the Liberal party, we must first establish whether he was interested in becoming a Liberal, secondly whether he let his intention be known, and thirdly whether he was refused.

The word "probably" implies, leaves room for hope that he might be accepted by the Liberal party.

Mr. PIGEON: On the same point of order, Mr. Chairman, dictionaries sometimes give various definitions for one and the same word. As far as I am concerned I prefer Mr. Girouard's own definition of the word. This concept is his and he would have used it according to this concept and according to his conscience. No one here is a specialist in linguistics. If you consult another dictionary besides Quillet you will probably find another definition of that word. As I said, I prefer to go by what Mr. Girouard thinks of the word "probably" I prefer to go by what he meant when he used the word "probably".

The ACTING CHAIRMAN: Mr. Pigeon, please address your remarks to the Chair.

(Text)

Mr. SCOTT: Mr. Chairman, it seems to me we could get on more quickly if the witness would stop stalling around and tell us whether he was negotiating or whether his mind was irrevocably made up.

The ACTING CHAIRMAN: Gentlemen, I think we are getting bogged down here. Although I appreciate the difficulties involved it seems to me the word "probably" may be of considerable significance. But, if a direct question is put to the witness and he is asked for his interpretation and if he used it in the ordinary sense, that would suffice. Then, if he says he used it in the ordinary sense, surely some 26 or 27 members sitting around a table can interpret what he means when he says he used it in an ordinary or normal sense. Although I have not ruled Mr. Grégoire out of order, I think there is a limit to this sort of questioning and in my opinion, we are getting very close to it at this time.

(Translation)

Mr. GRÉGOIRE: Mr. Chairman, I do not want to impose one meaning of the word "probably" more than another on the witness, I only want to know what he meant by that word. As Mr. Greene said, did he give the Liberals reason to hope that he would be such an esteemed member, or did he slam the door as he left? Did he give them any reason to hope? I am ready to accept the definition given in any other dictionaries Mr. Girouard may have. There is the other definition: It is reasonable to assume. I do not know whether other dictionaries will give other definitions or the same definition, but the one I have here says: That which is assumed—

(Text)

The ACTING CHAIRMAN: Order, please. Gentlemen, I do not want to be in a position of arguing with the different members of the committee.

I think you have put the question properly and astutely: "Did you choose your words and prepare this statement carefully when you made it?" And, he said yes, and he agreed he used the word properly. Now, it is not my wish to make any further interjections. After a question is put and an answer given I see no point in going over and over it. You may want to ask the question a second time and I would take no exception to that, in order to make sure the witness is tied down and it is clear in everyone's mind.

I would ask all the members to bear this fact in mind. Please let us move ahead.

(*Translation*)

Mr. GRÉGOIRE: And so, Mr. Chairman, in order to find out exactly what "probably" meant—in brief you meant that you allowed him reasonable grounds to assume—

Mr. GIROUARD: I think the word "probably" would be more satisfactorily interpreted if you turned to the preceding page of my text. I answered that my mind was made up, and the organizers in my riding wanted me as a Conservative and that the meeting would probably be useless.

The words probably useless at the time were more courteous than anything else.

> My mind was made up, the organizers in my riding wanted me as a Conservative and the meeting would probably be useless.

Mr. GRÉGOIRE: In your opinion it was necessarily useless?

Mr. GIROUARD: Useless, but courteous.

Mr. GRÉGOIRE: Mr. Girouard, yesterday you gave me—in answer to a question I asked you, I got an answer that somewhat surprised me, when we were discussing the reasons for your move, as you stated that you had never belonged to the Ralliement des Créditistes. Is that what you said?

Mr. GIROUARD: I was never asked that question as such.

Mr. GRÉGOIRE: I asked you twice. I said: Yes you were and you answered, no, you were not.

Mr. GIROUARD: You were not questioning me at that time.

Mr. GRÉGOIRE: You stated, as a witness, that you had never belonged to the Ralliement des Créditistes.

Mr. GIROUARD: I did not state that as a witness, you were not questioning me. It was not your turn.

Mr. GRÉGOIRE: I am sure the evidence taken down by the reporters will show it. Did you state that you had never been a member of the Ralliement des Créditistes?

Mr. GIROUARD: Will you restate that question.

Mr. GRÉGOIRE: I will restate the question. Did you ever state that you had never been a member of the Ralliement des Créditistes? Have you ever been a member of the Ralliement des Créditistes?

(*Text*)

Mr. MARTINEAU: Mr. Chairman, this is not a relevant question.

Mr. LOISELLE: Mr. Chairman, on that question, may I say that I was here yesterday and I would like to talk on this matter in French, if you do not mind.

The ACTING CHAIRMAN: Yes.

(*Translation*)

Mr. LOISELLE: We must put an end to this sort of questioning, as to whether a question be legal or not. Since yesterday, we've been hedging with questions of procedure.

However, I remember that the witness Girouard yesterday told Mr. Grégoire that he did not have a Ralliement des Créditistes card. Mr. Grégoire said to him, "You showed it to me", and Mr. Girouard said to him, "No". And now he doesn't want to answer the question. He was under oath when he replied, and Mr. Girouard was on the stand when he gave that answer.

If the answer were true yesterday, then it is true today. I hope that this will stop. All we want is to know the truth.

(*Text*)

Mr. VALADE: Mr. Chairman, I take exception to what the member said and I want to bring this question to the attention of the member for Saint-Henri.

Mr. LOISELLE: Sainte-Anne.

Mr. VALADE: He said that the member for Labelle has refused to answer a question. The member for Labelle never has refused to answer a question.

The ACTING CHAIRMAN: Whether he has or not is not important now. The point is that if he gave an answer it is now on the record.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, when I ask a question . . .

(*Text*)

Mr. PIGEON: On a point of order, Mr. Chairman, Mr. Grégoire is repeating the question, as a result of which we are losing very valuable time.

The ACTING CHAIRMAN: There is no one without sin around this table so we will deal with the questions as they arise.

Would you repeat your question?

(*Translation*)

Mr. GRÉGOIRE: Mr. Girouard, have you ever been a member of the Ralliement des Créditistes?

Mr. GIROUARD: Mr. Chairman, is this question relevant to the case being studied here?

Mr. GRÉGOIRE: Mr. Chairman, seeing that . . .

(*Text*)

The ACTING CHAIRMAN: I rule the question is not relevant to the issue.

Mr. FISHER: Mr. Chairman, on a point of order, there is something we have all shied away from here. As there is a wide interest in this hearing, it seems to me we should be thinking in terms of other things other than the question of a fat electoral fund. It seems to me that we should put questions to ascertain why there are shifts, and I think we should get around to the question of party principles and the reasons why people shuffle one way or the other. For that reason I think this question is relevant.

Mr. NUGENT: On a point of order, Mr. Chairman; as you said, if a question was put and answered yesterday it is now on the record. Sometimes questions are asked and answered which are not relevant, and I hope the Chairman will not make the same mistake again. As I say, if the question has been asked it is on the record. The fact it is ruled out of order at this time should be sufficient and we should be content with the ruling.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, before I appeal your decision, because I believe it to be important, because he said, at one time:

> I answered him that I was perfectly well aware that my constituency organizers wanted me as a Conservative . . .

I find that quite important. It is because I wanted to know... I wanted to know whether he had ever been a member of the Ralliement des Créditistes. I believe that that is directly related to the subject. He left one political party to enter another. I wanted to know what party he belonged to previously. That is directly related to the subject, and it gives rise to a number of questions.

That is why I ask you to let us prepare the groundwork for our questions; otherwise, the truth will be hidden from us. He cannot be incriminated by a mere answer of "Yes" or "No" to the question, "Are you a member of the Ralliement des Créditistes?", and there isn't a court anywhere that is going to prosecute him for that.

Mr. GIROUARD: You are quite...

(*Text*)

The ACTING CHAIRMAN: Mr. Marcoux, have you a question?

(*Translation*)

Mr. MARCOUX: If we allow ourselves to ask questions such as those which have already been asked, then I say, Mr. Chairman, that this question should be considered as being out of order.

Because the Ralliement des Créditistes party simply was not recognized at the time. It was recognized only after Mr. Caouette had separated from the national movement.

I think that making statements like those of Mr. Fisher, on party loyalty, is only taking us away from the subject.

The way things are going, I think that, if there is cause to advance learned subjects or subjects which may be of interest to the Committee, I think it would be good that I raise a few in the House myself; so that this Committee might sit the year 'round. It would thus be very interesting to reporters to hear what goes on in this Privileges and Elections Committee. Especially knowing Mr. Grégoire...

Mr. BEAULÉ: I do not think it right for the hon. member to make insinuations about other members.

Mr. GRÉGOIRE: I believe that the Ralliement des Créditistes was a political party before—

Mr. PIGEON: Mr. Chairman—

(*Text*)

The ACTING CHAIRMAN: So far as the Chair is concerned, I think I have heard sufficient submissions and I am ruling the question irrelevant to the issue before this committee. I have made my ruling, Mr. Grégoire.

(*Translation*)

Mr. GRÉGOIRE: So, Mr. Chairman, if you will allow it me, I won't ask him. I won't ask him whether he was a member of the Ralliement des Créditistes. I'll ask him something like this: "Mr. Girouard, did you say yesterday that you have not been a member of the Ralliement des Créditistes?"

Mr. GIROUARD: I would have to see the record to be sure that this exchange did take place between the member for Lapointe and me. When he asked his questions, the member for Lapointe acted like Balaam's ass.

Mr. GRÉGOIRE: Mr. Chairman, on a question of privilege: You said yesterday that the witness was just like any other witness. Well, since yesterday, he has behaved like a boor.

I am speaking on a question of privilege. I say that, to speak thus before the reporters and CBC people:

"Shut your trap"

makes him a boor.

I didn't hear him.

I say, as a matter of privilege, I am speaking on a question of privilege, I say that, since yesterday, the member from Labelle has been telling us lies, and I can prove it.

Mr. GIROUARD: Mr. Chairman...

(Text)

The ACTING CHAIRMAN: Order, order. As long as I am in this chair I am going to run this meeting according to proper rules. No one will be bullied and intimidated in this room.

Mr. VALADE: Mr. Grégoire has no right to use such words.

The ACTING CHAIRMAN: Order. It is disgraceful the way members of the House of Commons are conducting themselves in this room. I am not being backward about stating this. Surely we can have some common decency in the way we behave here. I must say that those remarks are entirely out of order. We must get back to the business at hand. Mr. Girouard was asked a question yesterday to which he answered that he had been a member of the Ralliement des Créditistes party. As I understand it, he says now he cannot remember it. In view of the fact he did answer the question yesterday I would permit you to ask him the question and close it off subsequently. However, I should like to make it clear that I permit you to ask this question only if he answered the question yesterday. Did he answer the question yesterday?

Mr. GRÉGOIRE: Yes.

Mr. PIGEON: Mr. Chairman, on a point of order; I ask Mr. Grégoire to withdraw the expression he used when he said Mr. Girouard lied to the committee. I ask him to withdraw that.

The ACTING CHAIRMAN: Mr. Grégoire, have you heard what Mr. Pigeon said? What is your answer to that?

(Translation)

Mr. GRÉGOIRE: Well, Mr. Girouard...

Mr. Chairman, if what the member for Labelle has stated before us yesterday, that is for the time he has been here, proves to be true, I shall withdraw my statement, but I shall beforehand carry on with my questions.

Mr. GIROUARD: I will refuse to answer that man if he does not take his words back.

The ACTING CHAIRMAN: He said he would do it.

Mr. GRÉGOIRE: Mr. Chairman, let us say that what I said was irregular.

(Text)

The ACTING CHAIRMAN: Please get back to the question and let us go on with this.

Mr. BALCER: Mr. Chairman, I think there is a motion before the committee that Mr. Grégoire withdraw what he has said. He has called the witness a liar, and I think no member of parliament is entitled to say that. You should, as Chairman, request the member to withdraw his remark.

(Translation)

Mr. GRÉGOIRE: Mr. Chairman, such things were said yesterday as:

Shut your trap, you're too small for me,...

Or one was said to be a jackass. Is this to go through?

(Text)

The ACTING CHAIRMAN: Whether or not this was the case, it was not drawn to my attention. Had it been drawn to my attention I would have dealt

with it. That was yesterday. The time is now past and we are dealing with a new problem now.

(*Translation*)

Mr. GRÉGOIRE: Then, Mr. Chairman, I withdraw what I have said that was irregular.

Mr. PIGEON: That were not the actual truth.

(*Text*)

The ACTING CHAIRMAN: Are you withdrawing your remarks directed towards the witness which impugns the witness' veracity?

(*Translation*)

Mr. GRÉGOIRE: I take back my irregular statements.

Mr. BALCER: Mr. Chairman...

(*Text*)

The Acting CHAIRMAN: I appreciate the point.

Mr. GRÉGOIRE: I withdraw the non-parliamentary words. I have done it, I have withdrawn them.

The ACTING CHAIRMAN: Did you state that the witness was lying?

Mr. GRÉGOIRE: No.

The ACTING CHAIRMAN: Did you at any time say the witness was lying?

Mr. GRÉGOIRE: No, Mr. Chairman.

The ACTING CHAIRMAN: We can clear this up if you are prepared to say you withdraw any remarks which may have been inferred as saying the witness was not telling the truth. Remember that the witness is under oath, Mr. Grégoire.

Mr. GRÉGOIRE: I know that.

The ACTING CHAIRMAN: Do you withdraw those remarks?

(*Translation*)

Mr. GRÉGOIRE: In my remarks, I did not refer to the witness himself but to his statements. I withdraw what I have said that was irregular.

(*Text*)

Mr. WOOLLIAMS: Mr. Chairman, I know that some of us may lose our temper at this stage but surely the distinguished member, and many of us respect his oratorical abilities, realizes he is asked to withdraw words calling the witness a liar. Surely he understands he is asked to withdraw those words without equivocation.

Mr. GRÉGOIRE: I did not understand that.

The ACTING CHAIRMAN: Let us get on with the hearing.

Mr. BALCER: Mr. Chairman, I wonder if the reporter could read the exact words uttered by Mr. Grégoire, and then you would be in a position to decide if these words should be withdrawn.

The ACTING CHAIRMAN: Every witness here is going to be accorded proper conduct and proper treatment, and I am not going to permit anyone to call a witness a liar—that is going to be the determination of the committee. I want to make that abundantly clear. I put the question to you, Mr. Grégoire, Did you call the witness a liar? You should know whether you did or not.

(*Translation*)

Mr. BALCER: Mr. Chairman, the situation is very serious. The witness is actually under oath and what he is being accused of is perjury. I ask the member and I ask you, Mr. Chairman, to require the member to withdraw

precisely the statement he made when he said the member had not told the truth.

And not to quibble.

Mr. BEAULÉ: Mr. Chairman, on a question of order . . .

(*Text*)

The ACTING CHAIRMAN: Did you say the witness was not telling the truth?

Mr. GRÉGOIRE: Yes.

The ACTING CHAIRMAN: I ask you to withdraw those remarks.

Mr. GRÉGOIRE: All right, yes, I will withdraw them.

(*Translation*)

All the remarks that were not in order or regular.

Now, Mr. Girouard, did you not state before the committee yesterday that you had not been a member of the Ralliement des Créditistes?

(*Text*)

Mr. BALCER: You ruled that out of order, Mr. Chairman.

Mr. GRÉGOIRE: But you said that I could ask the question if the question was asked and answered yesterday. I am asking exactly the same question I asked yesterday.

The ACTING CHAIRMAN: You asked the question. Did you get an answer yesterday?

Mr. GRÉGOIRE: Yes.

The ACTING CHAIRMAN: That ought to be sufficient. You have asked the question and received an answer. We cannot return to questions time and time again.

(*Translation*)

Mr. GIROUARD: I did not answer that question as a witness yesterday. When you intervened to tell me I had introduced myself as a member of the Ralliement des Créditistes I said to you: No, rather as a member of the Social Credit party.

Mr. GRÉGOIRE: Did you ever give yourself as a member of the Ralliement des Créditistes?

Mr. GIROUARD: Never.

Mr. GRÉGOIRE: Then you did not say yesterday that you never had been a member of the Ralliement des Créditistes?

(*Text*)

The ACTING CHAIRMAN: He just answered the question.

Mr. GRÉGOIRE: You did not state yesterday that you had never been a member of the Ralliement des Créditistes.

The ACTING CHAIRMAN: If he has answered it, that is sufficient.

Mr. GRÉGOIRE: He did not answer yet.

Mr. RHÉAUME: How many chairmen have we here?

Mr. GRÉGOIRE: May I ask the question I asked yesterday? What was the answer Mr. Girouard gave yesterday?

The ACTING CHAIRMAN: He answered the question. I do not want to get into an argument here. We are getting into an area of irrelevancy on this point and I ask you to go on to your next question.

(*Translation*)

Mr. BEAULÉ: On a point of order. This morning Mr. Girouard did not answer the question. Mr. Grégoire asked him whether or not he was a member of the Ralliement des Créditistes.

(*Text*)

The ACTING CHAIRMAN: Let us get it clear once and for all that we are going to have order in the committee. The Chair has made a ruling, and if you are not satisfied with it you can appeal my ruling.

Mr. GRÉGOIRE: What is your ruling?

The ACTING CHAIRMAN: I ruled that Mr. Girouard answered the question yesterday.

Mr. GRÉGOIRE: May I ask the question he answered yesterday?

The ACTING CHAIRMAN: No. If you asked the question, you asked it. Let us get on with the matter. That is sufficient.

(*Translation*)

Mr. GRÉGOIRE: Mr. Girouard, you mention in your statement that you changed political party or at least it was: your decided idea to change political party. What was then your political party, before the one you belong to at the present time?

Mr. GIROUARD: I may answer: I was in the Social Credit party.

Mr. GRÉGOIRE: In the Social Credit party. It is a national party. Are there provincial organizations in the Social Credit party?

(*Text*)

The ACTING CHAIRMAN: I rule that question irrelevant.

Mr. GRÉGOIRE: Mr. Chairman, you know we are asking some questions and we want to know where the truth lies. We are ready to accept the statement of the member for Labelle unless parts of the statements are false or facts prove the contrary. Yesterday I put a question to the member for Labelle, and the report will show it. The member for Labelle answered me that he has never been a member of the Ralliement des Créditistes. I am now speaking on a question of privilege. He said he had never been a member of the Ralliement des Créditistes party. That tends to disprove what Mr. Greene called the credibility of the witness. I have here the printed report of the committee on privileges and elections of October 9 where Mr. Chrétien put a question on that day to Mr. Girouard, and I quote:

(*Translation*)

Mr. Girouard, are you a member of the Ralliement des Créditistes?

(*Text*)

Mr. GIROUARD (*said in English*):

> I am a member of the association or the organization of the Province of Quebec which is called the Ralliement des Créditistes.

(*Text*)

Mr. GRÉGOIRE: And Mr. Girouard answered:

(*Text*)

Mr. GRÉGOIRE: But yesterday he said the contrary.

The ACTING CHAIRMAN: If he did, he did.

Mr. GRÉGOIRE: I want that to be recorded.

Mr. BALCER: With all due respect, the member is trying to leave the impression that the witness has not told the truth. I was sitting here yesterday, following very closely what Mr. Girouard was saying. Mr. Grégoire asked him whether he was then a member of the Ralliement des Créditistes.

The ACTING CHAIRMAN: I do not want to cut the hon. member off but I ruled that I feel the question is irrelevant to the proceedings before the committee.

Mr. BALCER: But on this point of order I would like to say that a member has left the impression that the witness did not tell the truth yesterday. Yesterday the member never said he was not a member of the Ralliement des Créditistes. Mr. Grégoire asked him the question, "Are you a member of the Ralliement des Créditistes party?" The witness answered, "I am a member of the Social Credit", and it stopped there. He never said he was not a member of the Ralliement des Créditistes; he said he was a member of the Social Credit.

The ACTING CHAIRMAN: In any event, I do not see why we should be slowing the committee down for this and getting off into minor things that, in my opinion, are irrelevant. Will you proceed with your questioning, Mr. Grégoire?

Mr. GRÉGOIRE: It is my last line of questions for the moment.

(*Translation*)

Mr. Girouard, the first meeting with the 4 liberal members took place at the Hotel Interprovincnal?

Mr. GIROUARD: That is correct.

Mr. GRÉGOIRE: In the grill?

Mr. GIROUARD: That is correct.

Mr. GRÉGOIRE: What time was it approximately?

Mr. GIROUARD: Around 10 o'clock in the evening. There might be a difference there.

Mr. GRÉGOIRE: Between nine and eleven o'clock?

Mr. GIROUARD: Approximately.

Mr. GRÉGOIRE: Were you alone with the four liberal members?

Mr. GIROUARD: At the time we started that question I was alone with them, but before I was not alone.

Mr. GRÉGOIRE: Were you long before then at the Hotel Interprovincial?

(*Text*)

Mr. GIROUARD: Right.

(*Translation*)

Mr. GRÉGOIRE: No, he said that the meeting began between 9 and 11 o'clock. My question is the following: had he been long in the Interprovincial Hotel grill?

Mr. GIROUARD: I have no objection to answering that. I got to the Interprovincial Hotel about twenty minutes before the discussion on that subject began.

Mr. GRÉGOIRE: And how long after the beginning of the meeting with the Liberal members did that subject come up?

Mr. GIROUARD: The conversation lasted about an hour or an hour and a half. I think the subject came up about a half hour after.

Mr. GRÉGOIRE: Was the conversation a rather serious one, or was it friendly?

Mr. GIROUARD: Before getting on to so serious a subject, it was friendly.

Mr. GRÉGOIRE: But when you got onto that subject, it became serious, the conversation was a serious one.

Mr. GIROUARD: Yes, Mr. Grégoire.

Mr. GRÉGOIRE: That was done seriously, and you agreed to discuss the question even though your mind was made up.

Mr. GIROUARD: There wasn't that much of a discussion—

Mr. GRÉGOIRE: On the probabilities of the business.

Mr. GIROUARD: There wasn't that much discussion on the probabilities of the business. Because, when mention was made to me of my political future, I said that:

I had made up my mind to join the Conservative Party.

At that moment, the member for York-Scarborough got up and went to the telephone, and when he came back, he insisted that I meet Mr. Davey. There wasn't much discussion about that, and it would likely have been of no use.

Mr. GRÉGOIRE: So, Mr. Girouard, there were serious reasons, which you did not reveal, but which led you toward the Conservative Party rather than toward another.

Mr. GIROUARD: Obviously, decisions are always serious.

Mr. GRÉGOIRE: I'm going to read to you the speech you made on October 17th—

October 17th, 1963.

The advantage of a party in power and a big campaign fund for the next election.

(*Text*)

The ACTING CHAIRMAN: Did he not answer that question, between nine and eleven o'clock?

(*Translation*)

Mr. GRÉGOIRE: Mr. Girouard, as you were saying, you had made up your mind to join the Conservative party.

Mr. GIROUARD: Well, that's what I said.

Mr. GRÉGOIRE:—When you say—I quote:

> I don't envy the position of the Leader of the Official Opposition, who sits among 97 members whose only wish is to have his head from one minute to the next—

(*Text*)

The ACTING CHAIRMAN: No. On what date was it? Was it on October 17, 1963? I rule that out of order, Mr. Grégoire. It would be admissible if you entered the realm of the conversations that led into Mr. Grégoire making the statement immediately preceding what was said in the hotel about changing allegiance, but any statement he made last year is entirely out of order.

Mr. GRÉGOIRE: May I ask the question and before he answers it you could rule on the question? May I ask the question first? Maybe you will find this statement really relevant to the matter under consideration.

The ACTING CHAIRMAN: No. I do not want to get into a field where something is left on the record which might reflect unfavourably on the witness. I will not get into a witch hunt here. I am ruling anything that was said or written back in October, 1963 irrelevant to the matter now under consideration before the committee.

Mr. GRÉGOIRE: If I were able to show that the member for Labelle did not have, according to his previous statements, the intention of joining the Conservative party, would that not be relevant to the subject we are now studying?

The ACTING CHAIRMAN: I fail to see the relevancy of this issue, that is his intentions at that time, to the matter at hand.

Mr. NUGENT: I think I can help the Chair. I tried to answer Mr. Grégoire on a point of order half an hour ago but the Chair did not give me the opportunity. It is obvious from his line of questioning that he thinks the purpose

of this inquiry is to examine into the mind and reasoning of the witness why he changed his allegiance. Once the questioner disabuses himself of that notion he will cease bringing in so many irrelevancies.

Mr. GREENE: I should like to speak to the last point of order. I think that the honourable member is not completely stating the case. Mr. Girouard as a member is entitled to great respect. His view is that this inquiry is to determine whether or not he was trading, whether he was in fact rejected as a result of these trading negotiations. This is Mr. Girouard's view, with respect, Mr. Chairman. This is what I understood that Mr. Girouard had said yesterday at the outset of the hearings. He felt this point of privilege was to determine whether or not his privileges as a member had been breached by this statement that he was a reject. This is what I understood Mr. Girouard to have said. If so, and it is based on the fact that he was accused of the charge, that these negotiations should have been before the Department of Trade and Commerce, if this is the point of privilege, then surely his state of mind, his intent at the time he was meeting with these people, is very pertinent to the inquiry.

The ACTING CHAIRMAN: Let me say, Mr. Greene, that if all members had paid a little closer attention to the Chair they would find that in answer to Mr. Fisher I thought I made my position clear as to the matter before the committee. This keeps coming up. I made my position clear. I read the motion in the house that came out of the statement made by the hon. member on the 27th, that is the matter arising from the statement. That is what I said we were looking into.

I made it very clear, Mr. Greene, because Mr. Fisher put it to me very pointedly, quite early in the hearing, and I replied. So let us not keep going back over it.

Mr. GRÉGOIRE: The problem whether he was rejected or not.

The ACTING CHAIRMAN: The point of order was not whether he was rejected or not. That may be incidental to the consideration. But I will state once more that I stated this, and that I referred you back to the motion first of all. I think it would help everyone if we looked at Mr. Knowles' motion when he moved that the matters raised by the hon. member from Labelle in his question of privilege as reported in *Hansard* for Monday, April 27, be referred to the committee for consideration and report. It was the matters raised to be referred for consideration and report. At that time he alleged among other things that there was a fat election fund; reference was made to the party in power, and to certain hearsay remarks allegedly made by the Prime Minister. They are, in my respectful opinion, the main points for consideration because these are the things which would prejudice the privileges of members of the house. Other things would not prejudice them, but this is a committee on privileges and its function is to deal with anything that would prejudice the privileges of a member of the house; it seems to me it is crystal clear. I have stated my opinion and I cannot keep repeating it. It would just slow down the work of the committee. I have made my ruling and I would ask the committee to keep to it.

Mr. GRÉGOIRE: I wish to speak on the point of order because I think this is a very important problem now. The question we have in front of us is: were the privileges of the member for Labelle bribed or destroyed by the offer, if there was an offer, from Mr. Davey. The accusation was that he was a rejected Liberal. If the member for Labelle was always firm and serious in front of Mr. Davey, this accusation brought up by the member from Labelle is a good accusation. But if the member for Labelle gave reason to believe that he was open to any discussion, then I think it is a point we have to con-

sider. Mr. Chairman, I think that if you give me the opportunity, it may be that I will not prove it but I will give you some good arguments which would clear up the situation.

The ACTING CHAIRMAN: As a lawyer, the answer to your problem is coming out of your own mouth. Ask the question. Ask him what he said to Mr. Davey and what Mr. Davey said to him. This seems to be a very simple matter.

Mr. GRÉGOIRE: He said: how did it happen.

The ACTING CHAIRMAN: Ask him after they got into their room, what did they say?

Mr. GRÉGOIRE: He did not answer.

That is the only answer we received.

The ACTING CHAIRMAN: I cannot myself believe that you are so naive to be put off as easily as that. You are a lawyer, and I respectfully suggest you are a very competent one. I cannot help you if you do not ask relevant questions, when there are so many which could be asked. This is what amazes me. Let us get on.

Order, order. Are you reading from the letter of October, 1963? October, 1963?

Mr. GRÉGOIRE: Yes.

The ACTING CHAIRMAN: Well, I ruled on that. I would at least hope that you would have some respect for the Chair, for the committee, and for the House of Commons. Please believe me when I say that. So let us have no more of it.

(*Translation*)

Mr. GRÉGOIRE: So, Mr. Chairman, this may necessarily be my last question about the statement. You really did consult your constituency organizers, as you said in your statement.

Mr. GIROUARD: I said it in my statement, and my statement was true.

Mr. GRÉGOIRE: Was that before or after meeting Mr. Davey?

Mr. GIROUARD: If you read my statement carefully, it was before.

Mr. GRÉGOIRE: It was before?

Mr. GIROUARD: I told him:

> That my constituency organizers wanted me to be a Conservative.

Mr. GRÉGOIRE: Was that long before the meeting with Mr. Davey, or just before?

Mr. GIROUARD: I specified no date in my statement, and the time has no importance.

(*Text*)

Mr. GREENE: On a point of order, I submit that is a highly improper answer.

The ACTING CHAIRMAN: I agree. If Mr. Grégoire wants to put that question to him, it is a perfectly admissible question.

Mr. NUGENT: Yesterday he was trying to determine how far before, and it was ruled out of order. I suggest it is still out of order today.

The ACTING CHAIRMAN: Put your question Mr. Grégoire.

(*Translation*)

Mr. GRÉGOIRE: Was it a long time before the meeting with Mr. Davey, or just a few days before, that this meeting with your organizers took place?

(*Text*)

Mr. NUGENT: You have already ruled on that yesterday.

Mr. LOISELLE: Yesterday when you ruled this out of order, it was because he asked for some names.

The ACTING CHAIRMAN: I thought he was referring to the statement he prepared for the house. I misunderstood him.

Mr. LOISELLE: It is not a question of somebody asking how long he took his position, but did he meet his organizers.

The ACTING CHAIRMAN: You asked that question yesterday and I ruled on it. My ruling was appealed, and we had a vote on it.

Mr. GRÉGOIRE: If you will read the notes you will find that you declared the question to be irrelevant. The one I asked was "were these organizers"?

The ACTING CHAIRMAN: Yes. Put your question and I will rule on it.

Mr. GRÉGOIRE: My question is this:

(*Translation*)

That your organizers told you they wanted you as a Conservative. Was it only in the few days before your meeting with Mr. Davey?

Mr. GIROUARD: If the Chair asks me to answer, I shall; otherwise, I will not.

Mr. GRÉGOIRE: Mr. Chairman, I pass.

Mr. DUBÉ: Mr. Chairman...

(*Text*)

The ACTING CHAIRMAN: I rule the question to be irrelevant. If the witness wants to answer it, he may, but I rule that he does not have to answer it. Have you completed your questions?

Mr. GRÉGOIRE: Yes.

The ACTING CHAIRMAN: May I say that I have on my list, Mr. Dubé, Mr. Fisher and Mr. Rheaume as being interested on asking questions. I may have missed somebody.

Mr. RHEAUME: I think you ruled that before Mr. Fisher goes on for his second round I would be allowed to ask questions.

The ACTING CHAIRMAN: That is right. Then it would be Mr. Dubé, Mr. Rheaume, and Mr. Fisher, if he wishes to start a second time.

Mr. SCOTT: With respect to your ruling on Mr. Grégoire's question, did you rule it to be irrelevant?

The ACTING CHAIRMAN: Yes, I did. I felt that it was irrelevant to the issue before the committee.

Mr. FISHER: I think you might say that in carrying it to a logical conclusion I might wind up as being the last man at the time. But there are a lot of other members who have not indicated that they want to go on the list. I do not mind being last on the list that you have now. But if other members who have not asked questions keep on, then it seems to me—

The ACTING CHAIRMAN: I will deal with that. Now, Mr. Dubé.

(*Translation*)

Mr. DUBÉ: Mr. Chairman, to revert to the statement in the House, to the witness statement of April 27 as shown on page (2707) of Hansard. Mr. Girouard stated:

At that time the Liberal member got up and went to the phone. Mr. Girouard, did you agree to the Liberal member getting up and going to the 'phone?

Mr. GIROUARD: He did not ask for my permission. He did not even tell me what he was going to do.

Mr. DUBÉ: Your discussion before the telephone call had nothing to do with the possibility of your meeting Mr. Davey?

Mr. GIROUARD: Nothing at all at that time. I had merely announced my intention of joining the Conservative Party and immediately I had said that, or a couple of seconds later, the member for York-Scarborough got up from the table and went out.

(*Text*)

The ACTING CHAIRMAN: Would you speak up, Mr. Dubé; the intercom is not functioning too well.

Mr. DUBÉ: I will speak louder.

The ACTING CHAIRMAN: All right then.

(*Text*)

The ACTING CHAIRMAN: I am sorry. I was checking over here. Occasionally the attention of the Chairman is distracted. I did not quite catch your question.

(*Translation*)

Mr. DUBÉ: Mr. Chairman, I am coming back to the statement made in the House, to the statement of the witness, dated April 27, as reported in Hansard, on page 2707.

Mr. Girouard said this:

> At this moment, a Liberal member rose and went to the telephone.

Mr. Girouard, did you consent that the Liberal member rise to go to the telephone?

Mr. GIROUARD: He did not ask me permission to. He did not even tell me at all what he was going to do.

Mr. DUBÉ: Did not the discussion that preceded the phone call refer to the possibility of meeting Mr. Davey?

Mr. GIROUARD: Not at all at that moment, no. Simply that I have announced my intention to go into the Conservative Party, and it is immediately in affirming this or within a second or two that the Member for York-Scarborough rose from the table and withdrew.

Mr. DUBÉ: You are telling the committee that there was no question of your meeting Mr. Davey before the telephone call?

Mr. GIROUARD: No.

Mr. DUBÉ: Now, did the same Liberal member not make a second 'phone call?

Mr. GIROUARD: Yes.

Mr. DUBÉ: Was there no discussion between the two telephone calls?

Mr. GIROUARD: Precisely. When the member for York-Scarborough came back after the first 'phone call he said to me:

> I have just spoken to Keith Davey. You must meet him before you make up your mind.

I said: That will not help you at all, it is useless.

> Never mind, come and meet him, will you meet him? Come and meet him.

I do not mind meeting him, if he comes at my office tomorrow morning. After that the member for York-Scarborough got up and he agreed to the meeting with Mr. Davey taking place in my office.

Mr. DUBÉ: Did you remain at the table until the member for York-Scarborough returned?

Mr. GIROUARD: Yes.

Mr. DUBÉ: Now, during the conversation at the hotel before the first 'phone call and between the first and the second 'phone calls and after the second 'phone call, did you tell the member for York-Scarborough or the other members at the table that you liked the atmosphere with us, with the Liberal members of Parliament?

Mr. GIROUARD: I said to those young friends that I found them very congenial; that if the party and its organizers were like them, it would be well worth while.

Mr. DUBÉ: Did you not also say that your chances of being reelected in your riding in Quebec with the present leader of the Conservative Party were not much better than with Social Credit?

Mr. GIROUARD: Never.

Mr. DUBÉ: You never said that?

Mr. GIROUARD: Never. It was Mr. Tassé who said that.

Mr. DUBÉ: You say that the understanding was that the meeting would take place in your office and you insisted, and I quote:

In my office, you understand—

During the conversation was it not suggested that you should meet in Mr. Macaluso's office because his office is nearer yours.

Mr. GIROUARD: I think I said very definitely: in my office. It was a way of showing them their efforts were useless and that I was not in the least bit interested in such a meeting.

Mr. DUBÉ: Now, when you got to his office did you not have a discussion with the Liberal members before Mr. Davey arrived, did you not discuss a flag, a distinctive national flag, and the Liberal party's position up to that time?

Mr. GIROUARD: So far I have not gone beyond my statement and if the Rule applied to other people who have questioned me I would ask you . . .

Mr. DUBÉ: I am asking the witness whether he did not discuss the policy of the Liberal party regarding a distinctive national flag.

Mr. GIROUARD: I submit, Mr. Chairman, that I have so far refused to say anything about discussions that had nothing to do with my statement and you said several times . . .

(*Text*)

The ACTING CHAIRMAN: I rule that to be relevant since broadly speaking it is leading up to the allegation. There may have been inducement and so on which arose out of the general conversation at that time in the office which culminated in the formation of this committee. With respect I would rule it admissible. So I ask you to put your question.

(*Translation*)

Mr. GIROUARD: The question—

Mr. DUBÉ: Did you not discuss the Liberal party's policy regarding a distinctive flag.

Mr. GIROUARD: Before Mr. Davey came I talked with them, Mr. Chairman. They were talking about their party, about the advantages in joining them, politics in general and I know they talked about the flag at that time.

Mr. DUBÉ: Did not Mr. Macaluso go to his office and come back with a sample letter written by Mr. Pearson regarding his position concerning a distinctive national flag?

Mr. GIROUARD: I do not yet understand how we got into this discussion, Mr. Chairman—I will follow your instructions—If you want me to tell you everything I said in that connection, but as I said, this has nothing to do with my question of privilege.

Mr. DUBÉ: I submit that it certainly does have something to do with it, and that the question is related to the matter and that if the witness refuses to answer, other witnesses—

(*Text*)

The ACTING CHAIRMAN: I deem this to be relevant since it took place in the office where all this allegedly arose. I rule it to be admissible. Would you put your question, then?

(*Translation*)

Mr. DUBÉ: I am asking my question for the 4th time. The witness admitted he had a discussion concerning the flag.

(*Text*)

The ACTING CHAIRMAN: No, just ask the question.

(*Translation*)

Mr. DUBÉ: Did Mr. Macaluso come back with a form of letter of Mr. Pearson?

Mr. GIROUARD: Mr. Macaluso showed me a form of a letter which he told me Mr. Pearson very often addressed to people who wrote to him on the subject of the flag.

Mr. DUBÉ: Did you read that letter?

Mr. GIROUARD: Yes.

Mr. DUBÉ: Do you still have it?

Mr. GIROUARD: No.

Mr. DUBÉ: Did you give it to Mr. Macaluso?

Mr. GIROUARD: No, I think he gave me copies. He told me: "keep this."

Mr. DUBÉ: Did you not say, after reading that letter, that you were very happy about the position of the Liberal party on that subject, and that you were convinced? Did you not say: That convinced me?

Mr. GIROUARD: I said I was very happy to see that Canada was to have a distinctive flag but I did not admit that it was to convince me finally or to a certain extent to join the Liberal party.

Mr. DUBÉ: Now, when Mr. Davey came into the room, was there any discussion between you and him or did he do all the talking?

Mr. GIROUARD: I talked first to Mr. Davey. I said: I think you are aware of the fact that I announced to my friends that I was going to join the Conservative party, and I hope you evidently see that I came her merely to please my friends. That was the first warning.

Mr. DUBÉ: Did you ask Mr. Davey for the support of the Liberal party in my country . . .

Mr. GIROUARD: Not at all, he himself made the suggestions saying that the organizers were to take care of that, and, as for the defeated candidates, they would be taken care of.

Mr. DUBÉ: Was the statement you delivered at the House prepared in advance?

Mr. GIROUARD: Yes.

Mr. DUBÉ: Did you show it to others before making it at the House?

Mr. GIROUARD: That statement of privilege, no.

Mr. DUBÉ: I refer to the statement.

(*Text*)

The ACTING CHAIRMAN: They cannot hear you in the booth. Would you please speak up, and lean forward a little? Thank you.

(*Translation*)

Mr. DUBÉ: I refer to the statement of April 27?

Mr. GIROUARD: Did I show it? No.

Mr. DUBÉ: Nobody saw that statement before you made it at the House?

Mr. GIROUARD: My secretary, certainly. No, I say I think not that I remember, and not that I know of.

Mr. DUBÉ: Did you enter into negotiations with members of the Conservative party, before making that statement at the House?

Mr. GIROUARD: I could answer very easily, no. No, I did not speak about it to the Conservative party, neither speak nor show.

Mr. DUBÉ: I am asking you if there were negotiations with the Conservative party before the decision?

Mr. GIROUARD: I advised the whip of the Conservative party that I would raise a question of privilege regarding the accusation of Mr. Davey at my place.

Mr. DUBÉ: Now, you mention in your statement, in a separate paragraph:

> The benefits . . . a party in power and a fat electoral fund for the next elections.

Does this paragraph represent your own conclusion, or has anyone made an offer to you in those words?

Mr. GIROUARD: This represents the offer made by Mr. Davey to convince me to join the Liberal party.

Mr. DUBÉ: And where was this offer made?

Mr. GIROUARD: In the office which is always mentioned, the office of the member for York-Scarborough.

Mr. DUBÉ: When this offer was made, were the four Liberal members present?

Mr. GIROUARD: Yes.

Mr. DUBÉ: Do you remember the words which Mr. Davey used to make this declaration? I quote:

> The benefits . . ., a party in power and a fat electoral fund for the next elections?

Mr. GIROUARD: As I said yesterday, Mr. Davey was speaking in English, but this is almost the most accurate translation I can make of what he said at that time.

Mr. DUBÉ: Do you remember a few of the words which Mr. Davey would have used?

Mr. GIROUARD: I remember very well: party in power and fat electoral fund. Those are two precise expressions.

Mr. DUBÉ: Did he say that in English or in French?

Mr. GIROUARD: In English.

Mr. DUBÉ: In what words did he say that in English?

Mr. GIROUARD: I do not remember.

(*Text*)

Fat . . . I think it is "fat electoral funds".

(*Translation*)

He said:

Fat, fat electoral funds.

(*Text*)

Mr. PIGEON: That is awful.

(*Translation*)

Mr. GIROUARD: It is an almost exact translation.

Mr. DUBÉ: Are you sure?

Mr. GIROUARD: Yes, I am.

Mr. DUBÉ: You said also in your statement that one week later—

> One week later, a Liberal member of the same group approached me again to tell me, to his great disappointment that the M. H. P. Minister, Mr. Pearson . . . etc.

Could you tell us where and when was that statement made and by whom?

Mr. GIROUARD: One week approximately after our meeting in the office of the member for York-Scarborough, in the corridor of the 4th floor of the West Block, coming very close to my office, at room 423, by the member for York-Scarborough.

Mr. DUBÉ: You were referring a little while ago to a fat electoral fund. Did the 4 members who were present take part to the discussion concerning that particular point?

Mr. GIROUARD: No.

Mr. DUBÉ: They were present?

Mr. GIROUARD: Yes.

Mr. DUBÉ: Did you question Mr. Davey in that respect?

Mr. GIROUARD: No.

Mr. DUBÉ: Did you ask for precisions?

Mr. GIROUARD: No, it was clear.

Mr. DUBÉ: In other words, you did not ask Mr. Davey any question?

Mr. GIROUARD: Yes, in the meaning of my statement exactly.

Mr. DUBÉ: What do you mean?

Mr. GIROUARD: How are you? How are you? General discussions. But when he made these proposals I did not interfere.

Mr. DUBÉ: That is all for the moment.

(*Text*)

The ACTING CHAIRMAN: Would you proceed, Mr. Rheaume?

Mr. RHEAUME: Mr. Girouard, you stated the meeting in the Interprovincial hotel beer parlour involved yourself, Mr. Moreau, Mr. McNulty, Mr. Gray and Mr. Macaluso; is that right?

Mr. GIROUARD: Yes.

Mr. RHEAUME: Had you met there by accident or had there been any previous arrangement to meet for this particular purpose?

(*Translation*)

Mr. GIROUARD: Because I was at that time with one of the organizers of my county, and those members were at another table, and at one time we joined them for a drink together.

(*Text*)

Mr. RHEAUME: I take it you joined them just for social purposes because you are good friends?

(*Translation*)

Mr. GIROUARD: Exactly.

(*Text*)

Mr. RHEAUME: In the meeting that occurred the following morning in Mr. Moreau's office—and, I believe that is where it occurred—again, Mr. McNulty, Mr. Gray and Mr. Macaluso were present.

(*Translation*)

Mr. GIROUARD: Exactly.

(*Text*)

Mr. RHEAUME: On the previous evening in the Interprovincial hotel lounge had the other members in this group other than Mr. Moreau made overtures to you and discussed this in general or was it only the member for York-Scarborough?

(*Translation*)

Mr. GIROUARD: The member for York-Scarborough rose, without mentioning it personally at first. He then came back and said that Mr. Davey wanted to meet me. That is when the matter was discussed in general terms. They said: you have nothing to lose; before deciding, you must meet him and find out what he has to tell you.

It was all fairly general.

(*Text*)

Mr. RHEAUME: Are you prepared to state to the committee, for example, that Mr. McNulty also participated definitely in this kind of conversation?

(*Translation*)

Mr. GIROUARD: Except for the Member for York-Scarborough, I would find it very hard to identify the Members who passed remarks on that particular subject. I could not say.

(*Text*)

Mr. RHEAUME: Were there any of these other members who remained completely silent throughout this?

(*Translation*)

Mr. GIROUARD: I could not state this either. Sitting at a round table makes it impossible.

(*Text*)

Mr. RHEAUME: Now, on the following day we have just learned that Mr. Macaluso left Mr. Moreau's office and presumably went to his own office. You have told the committee that.

(*Translation*)

Mr. GIROUARD: I said he went out again, then came in carrying a letter. Of course, I am unable to say where he got the letter from.

(*Text*)

Mr. RHEAUME: And, he showed you this letter.

(*Translation*)

Mr. GIROUARD: Yes.

(*Text*)

Mr. RHEAUME: Did you read this letter? And, he identified this as a letter that the Prime Minister, Mr. Pearson, occasionally used.

(*Translation*)

Mr. GIROUARD: Yes, because it was not signed. Indeed, there was nothing to indicate to me it came from the Prime Minister. He said: Here is a letter which the Prime Minister addresses to people asking for information concerning a flag.

(*Text*)

Mr. RHEAUME: Was this letter—the model—in English or in French?

(*Translation*)

Mr. GIROUARD: I do not know; it could very well be written in English also, but this I do not know.

(*Text*)

Mr. RHEAUME: Was it a form letter or a circular letter which is used to send out to many, many people or was it a model for a personal kind of letter?

(*Translation*)

Mr. GIROUARD: It rather looked like a standard letter he was handing out to Members to tell them: Whenever someone writes you concerning the flag, tell them this. That is what it looked like.

(*Text*)

Mr. RHEAUME: You read this letter; did it state that the Prime Minister's views or the views of the Liberal party were that there should be two flags?

(*Translation*)

Mr. GIROUARD: It was indicated in the letter; it said: Time has come for Canada to have a distinctive flag but it would be suitable at the same time to keep the Red Ensign in order to show that we are still part of the Commonwealth.

(*Text*)

Mr. RHEAUME: Was there any suggestion in the letter that the Prime Minister supported the view that the flag for one part of Canada might be different from the flag for another part of Canada?

(*Translation*)

Mr. GIROUARD: No.

Mr. DROUIN: On a point of order, Mr. Chairman. Before going any further on this matter, I believe we should produce the letter. I think that he did not give it to Mr. Macaluso. It would thus be easier to interpret it, to know its exact meaning.

Mr. PIGEON: On the same point of order. Supposing that a member of Parliament tabled a letter . . . . it does not follow that it would be the letter seen by Mr. Girouard, it could be a forged letter.

Mr. DROUIN: I ask Mr. Girouard to produce the letter that he has seen.

(*Text*)

The ACTING CHAIRMAN: Please address your remarks to the Chair.

Mr. Rheame, the answer was "no" to your last question.

Mr. RHEAUME: Did Mr. Macaluso at this time also bring in a flag or something that appeared to be a flag?

(*Translation*)

Mr. GIROUARD: I do not recall having seen any flag designs.

(*Text*)

Mr. RHEAUME: Did Mr. Macaluso state by way of elaborating, on the meaning of this letter, that a flag design had been prepared for the Prime Minister?

(*Translation*)

Mr. GIROUARD: I do not think that the discussion has brought that out.

(*Text*)

Mr. RHEAUME: I would like to repeat the one question again. The letter did indicate that the red ensign—

Mr. GREGOIRE: Mr. Chairman, on a point of order, do we understand by the questions now being asked and the fact they are not being ruled out of order that we are widening the scope of this hearing?

The ACTING CHAIRMAN: No, no, we have not widened it.

Mr. FAIRWEATHER: This is part of the seducement.

The ACTING CHAIRMAN: We are dealing with what happened in the office when Mr. Davey and the other four members of parliament named were present.

Mr. RHEAUME: Those are all the questions I have, Mr. Chairman.

Mr. GREENE: Mr. Chairman, I would like a ruling from the Chair, as I was not quite sure of the point which Mr. Fisher raised in respect of procedure. I would like to have that clarified.

Mr. FISHER: It was just a point concerning putting my name down on the list in order to ask a question. I think everyone in the committee should do this; otherwise, I might not get my question put for another two days. However, my apprehension has been ill-founded because my turn is coming.

Mr. GREENE: I have questions to put but I have no objection to allowing Mr. Fisher to proceed.

Mr. FISHER: I wanted to ask you—

The ACTING CHAIRMAN: If I may interrupt, Mr. Scott, do you wish your name put on the list?

Mr. SCOTT: Yes.

Mr. FISHER: Have you received any requests from any of the people involved in this other than Mr. Girouard to place statements or give us anything in connection with the events that took place which would be their personal report? For example, I am thinking at any of these meetings of the four members of parliament.

If we are going to have the committee proceedings printed I am anxious we should have these as exhibits, and the sooner we can get them printed the better because it would allow the committee to make up its mind. Has anyone approached you in this connection?

The ACTING CHAIRMAN: There have been some people who, I presume, will be witnesses; they have indicated to me they are going to make an oral statement and, as Chairman, they have asked me to permit that. I understand they will not be written statements. Only two have spoken. However, they may not be witnesses. As you know, this is up to the committee. And, they may change their minds. However, I can tell you as Chairman it was indicated if they were called they would make an oral statement.

Mr. FAIRWEATHER: I think it should also be made clear if they give an oral statement they are open to cross-examination.

The ACTING CHAIRMAN: Oh, yes. As Chairman I would extend to all witnesses the courtesy of making an opening statement, and then offer them to the committee for questioning.

Mr. FISHER: Mr. Girouard, in describing Mr. Davey you used the words "eminence grise", gray eminence. As you know, this is an historical reference applied to the name of Cardinal Richelieu and Cardinal Mazenod. Do you realize that Cardinal Richelieu really ran France, that he was the king? And, by your use of this expression, are you giving an indication that you felt Mr. Davey really ran the Liberal party?

(*Translation*)

Mr. GIROUARD: I think, I am of the opinion that a party's chief organizer has a lot to do with a political party; and, when I said the power behind the throne (*eminence grise*) I was merely referring to someone who, in the background, controls the destinies of a party.

(*Text*)

Mr. BALCER: Mr. Chairman, on a point of order, it was not Cardinal Richelieu but Father Joseph.

Mr. FISHER: But, it follows that you felt Mr. Davey was a very important power in the Liberal party. Did these four members who talked to you suggest you meet with other people in the party such as Mr. Pearson?

(*Translation*)

Mr. GIROUARD: Not at all. After the first telephone call, first of all, I did not know it, and when Mr. Moreau came back from making his call, he said: I have called Mr. Davey, and he wants to meet you. That was the only suggestion made. Mr. Davey wanted to meet me.

(*Text*)

Mr. FISHER: You never raised the question that perhaps you had better talk with Mr. Pearson or Mr. Favreau or any other active politician rather than Mr. Davey?

Mr. GIROUARD: No.

Mr. FISHER: Did you think there was anything unusual in the approach that they would have you speak with the organizer rather than with the senior man in the party?

(*Translation*)

Mr. GIROUARD: I understood that, if one was ready to ask the chief organizer to come and see me, I was a very enviable member of the House of Commons.

(*Text*)

Mr. FISHER: But, at no time in the conversations you had with Mr. Davey himself did he raise the question of your talking with Mr. Pearson or with any of the other senior elected representatives of the Liberal party from Quebec?

(*Translation*)

Mr. GIROUARD: Suggest that I meet them, no.

(*Text*)

Mr. FISHER: And, their names were never brought in with the idea they should talk with you in respect of how you would fit in with the Liberal party?

(*Translation*)

Mr. GIROUARD: Very well, Mr. Davey told me that he would try to meet the Liberal party's provincial organizer, in order to attempt to bring pressure to bear on other members so that they would join the Liberal party.

(*Text*)

Mr. FISHER: Now, Mr. Girouard, I want to get this very clear. At all times Mr. Davey talked within the framework of the organization and the organizers and not within what we might call the level of the elected representatives or the cabinet?

Mr. GIROUARD: No.

Mr. FISHER: In connection with the talk you had which went on for three-quarters of an hour and which you said, not unkindly, was largely a monologue—

Mr. GIROUARD: Yes.

Mr. FISHER: In other words, Mr. Davey dominated the conversation. You were asked by Mr. Grégoire whether you had asked Mr. Davey any questions, and I think you said no.

Mr. GIROUARD: I did not say no. When he talked about the advantages to me of the party in power and the fat electoral fund I asked no question on this.

Mr. FISHER: Did Mr. Davey ask you any questions in order to determine whether you would be comfortable in the party in respect of the party's policies or program.

(*Translation*)

Mr. GIROUARD: The discussion covered all those facts. Here are the reasons why I should join the Liberal party, and Mr. Davey summarized the advantages there would be to being a member of the Liberal party.

(*Text*)

Mr. FISHER: But Mr. Davey never put questions to you to determine whether he felt you were fit and suitable for the Liberal party in respect of its programs and policies.

(*Translation*)

Mr. GIROUARD: This time it will be said that I am boasting . . . I shall repeat what he said to me, he told me that he had not had occasion to meet me very often but he had heard it said that I was a very desirable recruit for the Liberal party.

(*Text*)

Mr. FISHER: Could you give any indication—and I know this may embarrass you because, I suppose, it is flattering—why you would be a suitable acquisition to the Liberal party.

(*Translation*)

Mr. GIROUARD: I think he mentioned my talent as a speaker.

(*Text*)

Mr. FISHER: And, at no time did he raise any question with you whether you would be suitable from the point of view of the party in connection with the ideas that you have as distinct from the ideas of the constituency.

(*Translation*)

Mr. GIROUARD: He told me immediately that I was interesting to the Liberal party, he stated that firmly.

(*Text*)

Mr. FISHER: So, you never came back with any questions on your part probing Mr. Davey in respect of, for example, what the Liberal party stood for or what its attitude was to any of the issues in which you were interested as an individual politician.

(*Translation*)

Mr. GIROUARD: No, because of his own initiative, he settled all those questions. He spoke straightforwardly like that, he spoke of the organizer, of the defeated candidate, of the party in power. It was very clear. I swear it.

(*Text*)

Mr. FISHER: I want to ask you a question which you may not care to answer. Did you not feel it strange or odd that all the information that came to you from Mr. Davey was strictly concerned with organization and nothing of it concerned principles?

(*Translation*)

Mr. GIROUARD: Not so much the case. I said to myself: if he is intelligent, he will stop so as not to compromise others in that. I found it quite normal that he should take it upon himself to make advances without too much references or what have you.

(*Text*)

Mr. FISHER: I want to backtrack a little bit but it is still on this point. I would take it from your statement, Mr. Girouard,—this is your statement, not your other remarks in the House where you were very flattering to Mr. Balcer—that the key reason why you were prepared to move and you told these people you were going to move to the Conservative party, was that your organizers felt that this was what you should do. Is that correct?

(*Translation*)

Mr. GIROUARD: I did not say that it was my main reason. I merely said that my mind was made up—

> That my mind was made up, that the organizers in my county wanted me as a Conservative and that this meeting would probably be useless.

Those were the two reasons:

> My mind was made up and my organizers wanted me as a Conservative.

(*Text*)

Mr. FISHER: So that in this respect your decision was final. I have another question which you must determine yourself whether you want to answer or not; I cannot press it. Would you care to give us the reasons why your organizers were in favour of your joining the Conservative party? I should like to add a footnote to this question. The reason members of the committee and I would be interested is I think that Mr. Girouard's reply to this question of mine would be relevant to the matter of Mr. Girouard being called a Liberal reject.

(*Translation*)

Mr. GIROUARD: My answer would be that if more reasons are wanted . . . . my answer would be that I gave many reasons in the statement that I made in the House when I joined the Conservative party. Furthermore, if we continue in this way, we shall be ruled out of order again. If you want reasons, you will find many in the statement that I made in the House when I joined the Conservative party.

(*Text*)

Mr. FISHER: I would like to have them on the record if you could give them to us. It seems to me this is relevant. I am getting ahead of what we may hear from Mr. Davey, and I think we might save time in getting a reply from Mr. Girouard now because we will be dealing with this idea of a Liberal

reject. There are probably a number of reasons that may be advanced why Mr. Girouard is a Liberal reject and I think we should be fair to Mr. Girouard and give him the opportunity to state the reasons why he is definite and sure that this is a calumny. It seems to me that these reasons must relate to the reasons why he was certain he wanted to be in the Conservative party.

Mr. NUGENT: Mr. Chairman, on a point of order; it seems to me that once the witness has said there are other reasons that were sufficient to him, there is no need for us to delve further into them. The question whether or not he is a reject can be handled directly when we deal with whether or not there were invitations to him to joint the Liberal party. This was well covered and I fail to see why the particular reasons he had in mind for joining the Conservative party are relevant to this inquiry. Surely we cannot in this committee weigh up what he figures were his reasons and use this as a device for figuring out what he really meant.

Mr. FISHER: I had no intention of pressing this question; I thought it would be to his advantage. If he does not answer it, it is fine.

(*Translation*)

Mr. GIROUARD: It is not that I refuse to answer, it is that it will lead us out of order, perhaps to other matters having no bearing on the present case.

(*Text*)

The ACTING CHAIRMAN: I am inclined to agree with the witness. Whether he is a reject would have to be based on what happened; the use of this expression would have to be based on what took place during these interviews and what was in his mind. I feel it would not be relevant to discuss whether he did or did not communicate it to Mr. Davey.

Mr. FISHER: I will ask Mr. Girouard the following: Did Mr. Davey pause in the three quarters of an hour which was largely a monologue or did he give you any opportunity to comment upon the proposals or conversation he put forward?

(*Translation*)

Mr. GIROUARD: I recall having had a couple of opportunities to comment, but I have always abided very scrupulously to the idea. That is fine. Now you know how I came here and how I proceeded. If you want to speak, speak. But you are well aware of what I was thinking when Mr. Davey was talking and saying such and such a thing. As far as I am concerned I told you that I thought this was of no use.

(*Text*)

Mr. FISHER: Did Mr Davey, as the conversation drew to an end—and I am not talking about the other people there—express any disappointment or any indication that he could provide you with further information?

(*Translation*)

Mr. GIROUARD: He said: In any event think about what I proposed to you. I replied: Very well; good day.

(*Text*)

Mr. FISHER: What were the other things that Mr. Davey talked to you about?

(*Translation*)

Mr. GIROUARD: He did not talk to me about anything else besides what is contained in my statement, apart from the usual greetings and the mere trifles of no concern with the problems we have here.

(*Text*)

Mr. SCOTT: Mr. Chairman, on a point of order; surely the committee decides whether the conversations pertain to a matter under investigation.

The ACTING CHAIRMAN: I am afraid I did not even hear the question or the answer as I was trying to get an indication from you when the committee would rise.

Mr. WOOLLIAMS: I think it would give the reporters a chance to have a few minutes rest if we could adjourn for a short time now.

The ACTING CHAIRMAN: Do you want to finish this question?

Mr. FISHER: I should like an indication from Mr. Girouard. I have been moving very quickly. Were there other things talked about?

(*Translation*)

Mr. GIROUARD: Yes, of no concern at all with the matter but dealing with unimportant things, with the usual greetings.

(*Text*)

Mr. FRASER: Could you give us an idea of the subjects that were talked about?

(*Translation*)

Mr. GIROUARD: Apart from the statement therein, the conversation simply dealt with topics such as: How do you do? What county do you represent? And you are an organizer? The meeting of one man with another.

(*Text*)

Mr. FISHER: Let me ask you whether questions such as the following were raised by Mr. Davey. Did Mr. Davey get into any discussion of the relative advantages of his party as against any other party?

(*Translation*)

Mr. GIROUARD: No, I would not say that. He just pointed out the advantages there would be in being in his party.

(*Text*)

Mr. FISHER: Did Mr. Davey get into any of the advantages that might lie with the Liberal party for you personally in terms of your advancement to, say, senior positions in the party?

Mr. GIROUARD: No.

Mr. FISHER: Did Mr. Davey get into any of the areas of an analysis of the Liberal personalities in the province of Quebec who are in the House of Commons?

Mr. GIROUARD: No.

Mr. FISHER: Did he get into any such analysis in terms of the other parties in the House of Commons?

Mr. GIROUARD: No.

Mr. FISHER: Did Mr. Davey get into any questions concerning such things as judicial appointments or advantages that might come to you as a practising lawyer?

Mr. GIROUARD: No.

Mr. FISHER: Did he not touch on anything like that at all? Did he suggest to you that there was a patronage list that would be available to you?

Mr. GIROUARD: No.

The ACTING CHAIRMAN: There is a lot of levity in this committee. I am not casting any reflection on anyone and I am not referring to you, Mr.

Fisher, but there is a lot of levity around the table. I feel this is a grave matter and I would think committee members may find this is no matter for levity, so I would ask you to conduct yourselves accordingly, please.

Mr. FISHER: I have covered a number of possible subjects that Mr. Davey could have raised. I do not want to leave any unpleasant inference against you in this but I want to tell you that I am surprised that Mr. Davey could talk this long and only cover such a narrow range of subjects.

I should like to ask you this final question, the last one I will put to you. Is there anything that he brought up that is not touched upon in any of the remarks you have made or any of the suggestions I have made?

(*Translation*)

Mr. GIROUARD: There is nothing else which he has brought in concerning the present case. Whatever other conversations there could have been were of no interest to the case submitted before us.

(*Text*)

Mr. FISHER: What were these other things?

(*Translation*)

Mr. GIROUARD: I talked a little about it a few minutes ago when I said what he thought of me when he met me at a certain place and told me that he had heard about me. Those were the kinds of subjects we talked about. There was nothing dealing with the question of joining the ranks of the Liberal party. It was simply a matter of acquaintance between two men.

(*Text*)

Mr. FISHER: During the questions or the statement that you said Mr. Davey made was there an opportunity for you to say something? Could you remember whether, when this opportunity came, Mr. Davey put a question to you and then there was a pause?

(*Translation*)

Mr. GIROUARD: No, I think that Mr. Davey was interested in knowing what I thought of all his proposals. This is why I always seized the opportunity to tell him: You may talk, but you know that I have a mind of my own and that my mind is made up.

(*Text*)

Mr. FISHER: After the meeting with Mr. Davey broke up and you left, a week or some time later you encountered Mr. Moreau and three other members. I am asking you the following question because I know you live in proximity to them in so far as the west block is concerned. Did you have any conversation or words of any kind that hark back to this meeting with Mr. Davey with any of the four members of parliament?

Mr. GIROUARD: No.

Mr. FISHER: In other words, there was a complete void during that interval?

(*Translation*)

Mr. GIROUARD: This may seem strange but it was exactly at that moment that I said to myself: They realized that this is getting us nowhere. I found it also strange not to hear anything about it during that week.

(*Text*)

Mr. FISHER: In so far as you are personally concerned—you may have covered this yesterday but the repetition may not be harmful—in that week did you do anything in any way that related to the offer that had been put to you?

(*Translation*)

Mr. GIROUARD: No and, at any rate, certainly not in connection with what I said.

(*Text*)

Mr. FISHER: You did not take it back to your organizers, for example, who had already indicated to you that they preferred you to be a Conservative?

(*Translation*)

Mr. GIROUARD: Unless I have to, I shall not answer that question.

(*Text*)

Mr. FISHER: I would like a reply to that. You see, it seems to me it is relevant because it would indicate, if Mr. Girouard had gone to the organizers who had partly determined that he should go into the Conservative party, that he was taking this offer with a certain amount of seriousness.

Mr. NUGENT: On a point of order, it seems to me that any member who feels he should consult with his advisers and organizers and keep them happy would feel he should go back and report to them a conversation of such importance. I do not think that whether or not he did that would have any significance whatsoever. Just because he did it, if he did do it, would not necessarily make it relevant to this committee.

Mr. GREENE: On a point of order, I would think that Mr. Fisher's question is directed to the issue of whether or not these negotiations were being considered by the witness. If they were being considered, then reporting them to the organizers indicates that his state of mind was such that they were being considered. If so, this is surely pertinent to the statement he made denying the fact that he was a reject. Surely this is pertinent to the very essence of this inquiry.

The ACTING CHAIRMAN: My view at the moment is that he could answer whether he spoke to his organizers but not what he said to them or who they were. If you open the door on what he did say to them, then we might find ourselves in a field of questioning which could go on indefinitely.

Mr. FISHER: With respect— to use the phrase of my learned friend—if Mr. Girouard answered that he had gone to his organizers, it would open up the question. However, this is the responsibility with which we are charged. I am not going to push it any further.

The ACTING CHAIRMAN: I can see a lot of inherent dangers in this. The committee would then wallow in it and we would go on in another direction. I may be imposing court procedure but the courts do this because otherwise trials would drag on and on and never terminate.

Mr. BASFORD: On a point of order, surely the whole essence of the statement is that this member for Labelle was not shopping around for a political party. Surely that is the whole essence of his statement and surely therefore it is material for us to ask questions and get answers to determine whether or not he was shopping around. Surely part of his shopping around process would be having a discussion with the distinguished Canadian organizer of the Liberal party, as Mr. Woolliams described him, and reporting this conversation back to his organizers. Surely it is material.

Mr. NUGENT: The witness having already said that his mind was made up, that does not leave the committee much scope to draw any inference from the fact that he reported back. There is a perfectly logical explanation why he would feel it to be in his interests to communicate the conversation to his organizer and this does not give an indication as to his state of mind or any clue other than what he has already told us.

Mr. BASFORD: In answer to some questions put by Mr. Woolliams yesterday, we heard from the member for Labelle the fact that he spent a week pondering this.

Mr. SCOTT: On a point of order, it seems to me that one of the difficulties we are going to be in throughout is that almost everything we deal with will be hearsay, conversations and statements between people. I do not see how we are going to avoid facing up to the fact that throughout this inquiry we are going to be judging hearsay evidence and hearsay statements. I do not see how you can close this off at this point. This is all that will come before us, nothing will be in writing. I know it is difficult and even dangerous but I do not see how you can avoid dealing with it.

Mr. WOOLLIAMS: On that point of order just raised by the last member, hearsay evidence certainly is not evidence whether it is in writing or not, and if the witness has a conversation with Mr. Davey and tells us what Mr. Davey says, that is not hearsay evidence. If other members of parliament volunteer to give us evidence, if they describe the conversation they had with the witness or Mr. Davey, that is not hearsay evidence. I therefore do not see that there is much weight in the last argument.

Mr. BALCER: Mr. Chairman, the point has been raised that if Mr. Girouard has talked about his conversation with Mr. Davey to any of his organizers, it would leave the impression that Mr. Girouard has been shopping around. I do not think that is so. Even if Mr. Girouard had talked with three or four of his organizers, had related to them the circumstances of the conversation and had told the organizers that he told Mr. Davey he would not join the party, I do not think we can interpret that as a fact that he has approved Mr. Davey's offer.

Mr. RHEAUME: One of your fears I think is that if we insist that the witness discuss every person he might have had conversation with in that week, not only in Mr. Girouard's case but Mr. Davey's, we can end up with 300 or 400 witnesses.

The ACTING CHAIRMAN: My opinion is that he can be asked the question whether he spoke with the organizers and then not go any further than that. I will put the question to him.

(*Translation*)

Mr. GIROUARD: At this point, Mr. Chairman, I think one will want to go further; if you allow this question, I shall ask to go further and who knows what this is going to lead to . . . There are a lot of people who are going to come here. If one says that I have discussed the matter with organizers, it means that I was taking it seriously. Reporting everything that has been said during the week is going to be . . . .

(*Text*)

Mr. WOOLLIAMS: Listen to the ruling of the Chair.

The ACTING CHAIRMAN: My ruling was—if I understood Mr. Fisher's question correctly—

Mr. FISHER: May I put my question?

The ACTING CHAIRMAN: Yes.

Mr. FISHER: In the interval did you contact and speak with the organizers to whom you referred in your statement?

(*Translation*)

Mr. GIROUARD: I was approached by the organizers regarding this matter because they had heard about it through others. My own organizers came to ask me . . . The news had been published in *Le Devoir*, there were news to

the effect that members of the party would join the Liberal party . . . Some of my organizers asked me if this were true. I said no. That is what happened.

(*Text*)

Mr. FISHER: This is in the interval?

Mr. GIROUARD: Yes.

Mr. FISHER: Your organizers came to you rather than your going to them?

Mr. GIROUARD: Yes.

Mr. FISHER: After the Davey meeting, in leaving Davey was there any suggestion on his part?

The ACTING CHAIRMAN: Did he answer that? I do not want to have him say yes. I thought it should be clear that it was after the Davey meeting.

Mr. FISHER: Yes, he answered that his organizers approached him.

The ACTING CHAIRMAN: After the Davey conversation; that is the point.

Mr. FISHER: In leaving Davey, was there any suggestion made by Mr. Davey that he would have further meetings or negotiations with you?

Mr. GIROUARD: No.

(*Translation*)

Mr. GIROUARD: No, although when he told me: You will think about it, I could presume there would be. However, no appointment was made nor was it agreed to make one.

(*Text*)

Mr. FISHER: What was that last part again?

(*Translation*)

Mr. GIROUARD: That is what he told me: Think about my offers. I presumed there would be another meeting although, actually, there was no future meeting arranged and there was no question of our meeting again.

(*Text*)

Mr. FISHER: I want to ask you an omnibus question. In that interval of a week, did you take the matter raised with you by Mr. Davey to any of your immediate colleagues in what is known as the Social Credit party as distinct from the Creditistes party in the house?

(*Translation*)

Mr. GIROUARD: I would have many reasons for not answering this question the main one being that if such a thing had been disclosed to my colleagues, it would have been at a caucus meeting. I think everyone present is gentlemanly enough to agree that what goes on at a caucus meeting is not to be disclosed publicly.

(*Text*)

Mr. FISHER: What is that again? I do not understand?

(*Translation*)

Mr. GIROUARD: Had I informed some of my colleagues of this conversation at a caucus meeting, I would ask the honourable member to be gentlemanly enough not to question me on what happened at the meeting.

(*Text*)

Mr. FISHER: I will not ask you what happened in caucus, but aside from caucus, in your relations with Mr. Ouellet, had you discussed it with him?

Mr. GIROUARD: No.

Mr. FISHER: Or with other people who may be in your caucus but not at a caucus meeting?

(*Translation*)

Mr. GIROUARD: Mr. Chairman, I will not answer this question unless I am bound to do so.

—Recess.

—End of the morning session.

(*Text*)

Mr. FISHER: I shall have to ask the Chairman to rule on whether the question is relevant.

The ACTING CHAIRMAN: Your question was "did he speak to other members of the Social Credit party about this conversation with Mr. Davey?"

Mr. FISHER: Yes.

Mr. BASFORD: It seems to me that this is exactly the same question. His statement was in essence that he was not shopping around. I think we have the right to ask the question.

Mr. BALCER: I raise the same point of order. I do not think that members should use the expression "shopping around".

Mr. FISHER: I am not using that expression.

The ACTING CHAIRMAN: Let us take a break now for ten minutes after which we will resume, and I will ponder this question in the meantime.

—Recess.

—After recess.

The ACTING CHAIRMAN: Will the meeting now come to order. Perhaps this might be an opportune moment for us to consider our hours of sitting. The Chair is ready to entertain suggestions.

Mr. FISHER: I have only one and it is not connected with the hours of sitting. It is that before we have any other witnesses we should have the printed record to look at.

Mr. BALCER: And we should have it in French, too.

The ACTING CHAIRMAN: I agree. I do not think any transcript should be released to anyone until it is simultaneous in French and English.

Mr. WOOLLIAMS: That would delay proceedings, because it might be a week or two weeks from now, and we will never finish the matter referred to us by the House of Commons. We have never had that opportunity before. Surely we can examine or cross-examine witnesses without a transcript of the evidence. You do not even get that privilege at a trial.

Mr. FISHER: I do not think it should take two weeks. I think we should have it by Monday.

Mr. GREENE: I wonder if the Chairman could suggest to the committee when we might have the transcript, depending on when we adjourn.

The ACTING CHAIRMAN: I just throw this information to you. The French reporter informs me that if there were no sittings this afternoon he would have the transcript ready for the morning. The reporter says that. I do not say it.

Mr. BALCER: We want it in French as well.

The ACTING CHAIRMAN: I know. It was the French reporter I was speaking to.

Mr. RHEAUME: Do you mean that it would be printed and published?

The ACTING CHAIRMAN: No, no. May I say that the point is well taken. The information available is that it would be about Monday before it would be printed and available in both French and English.

Mr. FISHER: I am agreeable, if the committee wishes to go along with it.

The ACTING CHAIRMAN: When do you wish to adjourn today?

Mr. GREENE: I am not clear about Mr. Fisher's point. I think his point is very well taken. I think that before we decide when to adjourn, if we do not decide to adjourn until the afternoon, we would not have the transcript, by Monday, I take it, that is, if we sit this afternoon?

The ACTING CHAIRMAN: It would depend on the printing bureau. Monday is a holiday.

Mr. GREENE: If we adjourn at noon we definitely could have it by Monday. Is that it?

The ACTING CHAIRMAN: I cannot make any definite commitment.

Mr. FISHER: I am sorry that I raised the point. I withdraw it.

Mr. WOOLLIAMS: Tomorrow. I have heard rumours to the effect that the house may adjourn. It is a Friday, and then we will not be sitting on Monday. If we should proceed this afternoon I think we could then hold our next meeting next week.

The ACTING CHAIRMAN: I am going to say something which I hope will not touch off remarks in the House of Commons. If we meet this afternoon we will have only one French reporter. If you want to carry on, you will have to do so at a slightly slower rate because we will have to give the reporter a break. It is possible to go on, but we would only have one French reporter because the other reporter has duties to perform in the other place. I bring this to your attention.

Mr. GREENE: You mean one reporter in French and one in English?

The ACTING CHAIRMAN: Yes. We may have to give them a breather now and then because there is just the one reporter operating. Let us clear first things first. When do you want to arise this morning?

Mr. WOOLLIAMS: Twelve thirty.

An hon. MEMBER: Make it one o'clock.

The ACTING CHAIRMAN: I will compromise at 12:45 p.m., if that meets with everyone's approval. Now, in respect of this afternoon's sitting, do you wish to sit, bearing in mind we may not be sitting tomorrow? As you know, there is a rumour going around that the House will not be sitting.

Mr. WOOLLIAMS: I would not think this would hurt the Liberal feelings but I have a luncheon engagement at 12.30 with a Liberal lawyer from Calgary.

The ACTING CHAIRMAN: But, how about this afternoon. I am prepared to have a motion put now.

Mr. RHÉAUME: Mr. Chairman, I move we resume our hearing at 3.30 or after orders of the day this afternoon.

The ACTING CHAIRMAN: Yes, whichever is later. The other day I suggested 4.00 o'clock or after orders of the day, whichever was later, not sooner, and the committee met at 3.30.

It has been moved and seconded that we meet at 3.30 or after orders of the day. All those in favour? Contrary, if any.

Now, gentlemen, we have cleared the air in that respect. Then, we will meet at 3.30, or after the orders of the day, whichever is later, and we will adjourn at 12.45.

I now revert to the question raised by Mr. Fisher. As I understand it, his question was, did the witness speak to any other members of the Social Credit party about his conversations with Mr. Davey outside of caucus. I have given this matter very anxious and careful consideration and I must, with reluctance, say that I rule it inadmissible.

Mr. FISHER: Can I appeal your ruling?

The ACTING CHAIRMAN: Yes, if you wish to appeal the ruling, you may.

Mr. WOOLLIAMS: If I may interrupt, I have heard questions put in respect of the organizers and others. Surely when any member of parliament becomes a witness and questions are asked in respect of what discussions he has had with his leader or other colleagues in his own party, there is a recognized privilege here, through tradition. For example, surely this witness could not be asked what his discussions were with the Social Credit leader before he became a Conservative.

Mr. SCOTT: But, Mr. Chairman, the question was: "Did you consult?" That was not what you said.

Mr. WOOLLIAMS: Mr. Chairman, could I finish with my remarks. I do appreciate the remarks from the side. As I said, if a question was asked, did you have a discussion with your leader or other Liberal members, that goes to the direct point of privilege, which is a tradition which has been established. All of us have discussions with our own members and leader and, perhaps, our own organizers.

Mr. MARTINEAU: In respect of the appeal taken by Mr. Fisher, I would refer you to Beauchesne's, citation 295, which reads as follows:

> No standing order provides for an appeal from the chairman of a standing or select committee.

But, it says, despite that, at times an appeal is taken.

Then, it goes on to say:

> It seems therefore that a reversal by the committee, of the chairman's ruling, would be ineffective.

In other words, if the member persists in his appeal it would have no practical result and the Chair could still stand by his ruling.

Perhaps in view of what I have said the member may withdraw his appeal.

Mr. P. M. OLLIVIER (*Law Clerk, House of Commons*): There is no appeal to the house. There used to be but there is not any more.

The ACTING CHAIRMAN: I would welcome the parliamentary counsel's comment in this respect.

Mr. OLLIVIER: As you know, previously there were appeals from committee to the house. I think it was in 1956 that Mr. Speaker Beaudoin decided there should not be any more appeals from the decisions of the Chairmen of committees to the house itself. So, if there are no appeals at all from the Chairmen's decisions, it seems there would be none to the house and, therefore, there would be no remedy from such decisions. I think there could be an appeal in the committee because there cannot be an appeal to the house as that right has been abolished by a decision of a speaker of the house.

Mr. MARTINEAU: Would the parliamentary counsel comment on this last sentence of citation 295.

> It seems therefore that a reversal by the committee, of the chairman's ruling, would be ineffective.

That is set out at page 241, citation 295.

Mr. GREENE: Mr. Chairman, I think I might be of some assistance in this respect.

I think the hon. member from Pontiac-Temiscamingue inadvertently has not read the whole of this citation, which commences:

> Under standing 12, the speaker's decisions on points of order are subject to an appeal to the house . . . .

Everything that follows is subject to that. Probably he is speaking of an appeal from a standing committee to the house.

Mr. MARTINEAU: But, read the last sentence of citation 295.

Mr. GREENE: Reversal by the house.

Mr. MARTINEAU: It says: "reversal by the committee".

Mr. FRANCIS: In view of the fact an appeal from your ruling is not without precedent I think it is rather late in the day to raise this kind of point.

Mr. BASFORD: You are just trying to keep things out of the committee.

Mr. RHEAUME: Shame!

The ACTING CHAIRMAN: Have you any further comments, Mr. Ollivier?

Mr. OLLIVIER: Previously that was the only sort of appeal that could be taken. You could not take an appeal in committee from the chairman's decision.

My point is if you cannot take an appeal to the house now there would be no remedy at all and, therefore, I think it has developed that appeals could be taken in some very special cases. I do not think we should have a lot of appeals. But, otherwise, it seems unfair—and you already had a precedent. You already appealed a decision and the Chairman had to vote on his own decision.

Mr. FRANCIS: I am glad the parliamentary counsel made that reference because I had that in mind when listening to the argument. It seems from one day to another we experience trouble in keeping things consistent.

Mr. FISHER: I have appealed your ruling. In view of these arguments, you may want to put the question whether or not there is any appeal. However, at this time I would like to ask you directly.

The ACTING CHAIRMAN: Initially there were no objections raised to my ruling. It appeared everyone was unanimous and took no exception to it. Now there is a division I am satisfied I should put it to you whether there should be an appeal or not from my decision. I would only say that before I made the decision I gave anxious and careful consideration as to where it might lead us. If there are other witnesses to follow, where will that get us? I will now say to you that I have ruled that the question was out of order. All those who favour the opinion that there is an appeal from the Chairman's decision please stand up.

The CLERK OF THE COMMITTEE: Messrs. Balcer, Woolliams, Rheaume, Vincent, Scott, Fisher, Crossman, Dube, Green, Mullally, Basford, Morison, Rochon, Cameron, (*High Park*), Francis, Beaule, Gregoire, Chretien and Loiselle.

The ACTING CHAIRMAN: Contrary?

The CLERK OF THE COMMITTEE: Messrs. Nugent, Valade, Pigeon, Martineau, and Marcoux.

The ACTING CHAIRMAN: I will now put the appeal to the committee. Mr. Fisher appeals my decision.

Mr. GREENE: Would you read the question?

The ACTING CHAIRMAN: I do not want to misinterpret you, Mr. Fisher. What was your question?

Mr. FISHER: Mr. Girouard, did you in the interval of a week between the time you spoke to Mr. Davey and had a conversation with Mr. Moreau, speak

about the offer that had been made to you by Mr. Davey to any of your colleagues who are part of your caucus but not within the caucus?

The ACTING CHAIRMAN: I ruled that question to be inadmissible and Mr. Fisher appealed my ruling. Those in favour of sustaining the Chairman's ruling?

The CLERK OF THE COMMITTEE: Messrs. Balcer, Woolliams, Nugent, Rheaume, Vincent, Valade, Pigeon, Martineau and Marcoux.

The ACTING CHAIRMAN: Contrary?

The CLERK OF THE COMMITTEE: Messrs. Scott, Fisher, Crossman, Dube, Greene, Mullally, Basford, Rochon, Morison, Cameron (*High Park*), Francis, Beaule, Gregoire, Chretien and Loiselle.

The ACTING CHAIRMAN: I declare the Chairman's ruling has been overruled by the committee and I have no alternative but to declare the question admissible.

Mr. FISHER: Would you care to answer Mr. Girouard?

(*Translation*)

Mr. GIROUARD: Mr. Chairman, in case I answered this question, may I ask you whether one of the honourable members present at this table would have the right to require of me that I name the persons I would have informed of this matter? May I ask you this?

(*Text*)

The ACTING CHAIRMAN: The question was put to you and you have to answer it; you cannot answer it with a question.

(*Translation*)

Mr. GIROUARD: In that case, Mr. Chairman, I have a statement to make. In that case, I leave it to the committee; I refuse to answer. I have come in person before the committee to explain my case, and I am prepared to have the question referred to the House. In any case, I don't intend to allow that a question of privilege, raised, in all honesty, by me in the House, to be made into a political question. No other friends of mine had to see to that. So, I claim, and I point out:

Continues in English . . . . (*Sic*)
(Disobedience to the orders of the Committee . . . .) (*Sic*)
(Mr. Girouard—after English) . . . . (*Sic*)

I hold that, at the present time, the Committee has not the authority to ask me to reveal the names of those of my friends with whom I had conversations. I am ready to go before the House to explain.

(Actg.-Chairman: All I can say, the question
has been put to you . . . .) (*Sic*)

(*Text*)

The ACTING CHAIRMAN: All I can say on that, Mr. Girouard, is that the question has been put to you and you either have to answer or refuse to answer.

Mr. GIROUARD: I refuse.

Mr. BALCER: I have a question for clarification, Mr. Chairman. I am not quite sure if I understood Mr. Fisher's question correctly. Is Mr. Fisher asking Mr. Girouard whether he has discussed this matter with some members of the Social Credit party or is he asking him to name them?

The ACTING CHAIRMAN: He just asked him whether he discussed this with some members of the Social Credit party.

Mr. FISHER: Did he discuss with them the offer of Mr. Davey?

Mr. GIROUARD: I refuse to answer.

Mr. FISHER: Then we have a situation where the witness refuses to answer a question that had been put with the approval of the majority of the committee. I can only ask you to consult with the parliamentary counsel and authorities as to what the regulations provide.

(*Translation*)

Mr. GIROUARD: I refuse to answer (*Sic*). I refuse to answer.

(Mr. FISHER: Then, we have a situation where the witness refuses... (*Sic*)

(*Text*)

The ACTING CHAIRMAN: This is subject to further consultation with the parliamentary counsel but it is my understanding that the Chairman has no power to deal with it in the committee and that it has to be reported to the house and then the house makes the order as to what is to be done. I say that on the strength of May's Sixteenth Edition, page 674:

> If a witness refuses to answer a question properly put to him, or to produce a paper which he has been directed to produce, the matter is usually reported to the house. In such cases the house has ordered the recalcitrant witness to attend at the bar, where he has been admonished by the Speaker as to the necessity of answering such questions as may be put to him by the committee.

Mr. WOOLLIAMS: I wonder, Mr. Chairman, if I could ask the witness one question. Did he appreciate the question is not to name anybody but whether he had actually discussed any problem with the Social Credit party organizers or members?

Mr. FISHER: I did not say "any problem". I was more exact than that, I said "the Liberal offer".

Mr. WOOLLIAMS: Do you appreciate you are not being asked to name anyone; you are merely asked whether you discussed it?

(*Translation*)

Mr. GIROUARD: Questions have been asked me by members of the Conservative Party before this Committee; they would have liked—it's easy to understand—they would have liked me to play the game, I refused to play politics. Questions were asked me by members of the Liberal Party; I again refused to play politics. And now, a member of the NDP would also like to play politics; I can tell him that I'm not prepared to do it, and that I prefer to undergo the discipline of the House.

(Mr. FISHER: I don't have to take that .... (*Sic*)

(*Text*)

Mr. FISHER: I do not have to take that.

Mr. GREENE: I wonder if the counsel could help us, if Dr. Ollivier could help us by telling us what the procedure is now?

Mr. OLLIVIER: You would have to report him to the house but he would not be cited at the bar of the house. A member has to answer from his seat to the report that would be made in the house.

Mr. BASFORD: I think this is the only thing we can do. We have come to a very serious impasse here. We have a motion referring this matter to the Committee, a motion of which Mr. Stanley Knowles spoke and which raised a very serious charge of bribery.

The ACTING CHAIRMAN: Let us have that clear, Mr. Basford. What Mr. Knowles may or may not have said in the house is not relevant to this committee, but just the motion he made. Let us have no talk of bribery in these proceedings. After the hearing is completed let us make an examination and a finding of fact on the evidence presented to us. The committee will determine this question and we will proceed with the questions. There may be a number of questions you want to raise. There may be other questions raised which the witness feels he does not wish to answer. The committee may wish to report these to the house. I suggest we proceed with further questioning.

Mr. FISHER: I am not going to proceed with any further questions.

Mr. GREENE: I think this is unfair to other witnesses. There are other witnesses who could conceivably in time have to answer. It is very unfair. It is left hanging in the air as to what questions a member has to answer. I think they should be taken in turn, and until he is forced to answer the questions the hearing cannot continue.

Mr. RHÉAUME: Since it is now 12.45 p.m., and we are at the point of being about to adjourn, might I suggest that the Chairman may wish to review the matter with learned counsel and prepare some report to the committee before the thing bogs down in petulance or anything else.

Mr. FISHER: I would like this matter reported to the house.

(*Translation*)

Mr. PIGEON: Mr. Chairman, just one comment. We had agreed to stick to the statement made in the House by the member for Labelle. Since we have been sitting in this Committee, you have given many decisions; you called the members to order so that they would confine themselves to the statement made in the House of Commons by the member for Labelle. So I don't think it would be right to refer to all manner of speculations for which the member for Labelle is not responsible, since he asked that it be solely a matter of the statement he made in the House.

(*Text*)

The ACTING CHAIRMAN: What I propose to do is to adjourn the committee, and we will come back at 3.30 p.m., or following the orders of the day.

Mr. FISHER: You do not have a motion to adjourn. There is a process which takes place and I want that process to take place. This is not a case of petulance. There have been some comments made, on my putting this question. But I think it is a fair question, and I thought I had the support of the committee. But there is a process now, I want that process to take place.

Mr. NUGENT: The process is automatic, that we adjourn at 12.45 p.m., because we agreed upon it. So we are now adjourned.

The ACTING CHAIRMAN: Just a moment; before I took this stand, I said it was without any deep examination of it. I want to make sure that the committee is charted on the right course, and that we are doing the correct thing. I have no desire to protect or shield any witness. But nevertheless I want to keep the committee in its proper course of action. In my experience I have not run across this sort of problem before. We said we should adjourn at 12.45 p.m. I want to give it consideration. I think in fairness to the Chair I should do so.

Mr. FISHER: That is fine, but I am not going to ask any more questions until the matter is cleared up.

The ACTING CHAIRMAN: All right. I take it that there is no exception to that position. The committee is now adjourned until 3.30, or until after the orders of the day.

The committee adjourned until 3.30 p.m. or until after the orders of the day.

AFTERNOON SITTING

THURSDAY, May 14, 1964.

(*Text*)

The ACTING CHAIRMAN: I would ask the members of the committee to come to order at this time.

At approximately 2.30 p.m. Mr. Girouard came to me and handed me this note.

Mr. PIGEON: May I ask if the hon. member for Saint-Denis is a member of the committee?

The ACTING CHAIRMAN: I understood he was placed on the committee. To the best of my knowledge, that is so. However, I will rely upon the members to advise me.

(*Translation*)

Mr. PRUD'HOMME: Mr. Chairman . . .

(*Text*)

The ACTING CHAIRMAN: If I may continue, at approximately 2.30 Mr. Girouard came to me and handed me this note. I will table this statement and read it into the record. It reads as follows:

> Mr. Chairman: My colleagues from the Social Credit party gave me permission to answer Mr. Fisher's question. I am ready.
>
> This note is signed by Mr. Girouard, Labelle.

Mr. FISHER: It seems to me, with respect to the wishes of Mr. Girouard wanting to consult his colleagues, that his statement raises something which is outside the question whether or not he is prepared to answer the question. In other words, all I am saying is that he is prepared to answer the question because of internal factors and this does not give me any satisfactory basis on which to proceed.

Mr. Chairman, I am not going to make any great issue of this but I would like to suggest if a question is accepted by the Chair, no matter what other people outside the committee may be prepared to do, the witness should answer it. That is the undertaking I would like.

The ACTING CHAIRMAN: I attached no significance to it. This note was handed to me and I just put it into the record.

May I point out that had he been brought before the house it probably would have ordered him to answer the question. However, since he is ready to answer it we will now deal with it.

Mr. WOOLLIAMS: Mr. Chairman, let us have the question put again and if he is going to answer it let him do so.

Mr. FISHER: Are there any other members who wish to comment upon this matter?

Mr. FAIRWEATHER: If I may do so, Mr. Chairman, my impression, for what it is worth, is that this witness has been trying to protect friendships which, of course, is not unusual. As I say, it is not an unusual thing for a decent person to want to do that. I think we want to be sure we do not construe something beyond what he is attempting to do when he does not answer. He tried this yesterday, and I thought it was very courteous on his part not to involve other people. It is in that context I prefer to look at the lack of an answer to a question.

The ACTING CHAIRMAN: It seems to me that this is going to further delay the proceedings. I think you can draw your own conclusions and, inevitably,

you will have to do this by expressing them. Now then, it is not going to make any difference. It seems to me you have formed your own opinions.

Mr. FISHER: I will repeat my question. In the interval between the time you had an offer from Mr. Davey and Mr. Moreau approached you in the corridor did you consult with any of your colleagues of the Social Credit party, but not within the formal caucus framework?

(Translation)

Mr. GIROUARD: I have not consulted with my colleagues, but I have told some of them what went on.

(Text)

The ACTING CHAIRMAN: I did not hear the answer.

Mr. GIROUARD: I did not consult anyone but I announced or related to them what happened in Mr. Moreau's office—that is, to some of them.

Mr. FISHER: You went to see them with this information?

Mr. GIROUARD: Yes.

Mr. FISHER: Why?

Mr. GIROUARD: Just because they were my friends and I wanted them to know what was going on.

Mr. FISHER: Would you object to telling us what the reaction was?

Mr. GIROUARD: They said do what you want; you are free.

Mr. FISHER: They said you are free. I want to ask another question, and you may not wish to answer it. I will not press it. However, this question does interest me very much and, to my mind, I think it does relate to the case.

Would you tell us why there was such a long interval from the time you were positive you were a Conservative or were going to join the Conservative party until the time you formally made it, which introduced this whole matter here?

(Translation)

Mr. GIROUARD: I know that, had I seen several organizers, I wanted to see as many as possible, and as many voters as possible. It was only after I had fully satisfied my curiosity that I decided to announce my decision.

(Text)

Mr. FISHER: I just want to reflect on your answers because it may suggest to some people in this committee that the very fact you had this much more to do in order to finalize your opinion might be an indication your mind was not made up as formally as you have indicated.

(Translation)

Mr. GIROUARD: I had quite made up my mind, but that was not enough in itself, it was sufficient that the greatest number possible in my constituency should have accepted it, when my organizers were pressing me to join the Conservative party, I also wished to assure myself that those who voted for me thought the same way. After I had had time to assure myself that those who voted for me thought the same way, I announced my decision.

(Text)

Mr. FISHER: Well, I think that is a fair answer.

I wanted to ask you another question, which I will not press. However, as I said before, it seems to me to be relevant.

You left us with the impression that Mr. Davey had made you an offer. I think that is fair. Now, I would like you to tell us, if you wish, whether you had any other offers at any time in mind during this whole proceeding?

(*Translation*)

Mr. GIROUARD: I don't understand the question. You want to say: Had Mr. Davey offered me something else?

(*Text*)

Mr. FISHER: No, no. I mean any offers from any other sources.

Mr. GIROUARD: No.

Mr. FISHER: Not of this character or kind?

Mr. GIROUARD: No.

Mr. FISHER: I have no further questions.

The ACTING CHAIRMAN: Now, although I might have the wrong list I have here Mr. Scott, Mr. Greene, Mr. Balcer and Mr. Grégoire. I do not know whether or not I am looking at yesterday's list.

Mr. SCOTT: I thought we were not to have a second round.

The ACTING CHAIRMAN: Is there anyone who has not questioned?

Mr. GREENE: I will pass for the time being.

Mr. RHEAUME: Let us have a ruling.

The ACTING CHAIRMAN: I will recognize any person who has not had an opportunity to date to put questions ahead of those who have.

Mr. SCOTT: I wanted to ask one or two concluding questions in respect of your state of mind both at the time you met the four members of parliament and at the time you met Mr. Davey.

In answer to various questions from Mr. Grégoire you used phrases which indicated to me that at that time your mind was formally and unchangeably made up to join the Conservative party. Would that be a fair statement?

Mr. GIROUARD: Yes.

Mr. SCOTT: Did you make clear, in your opinion, to the four members of parliament that your decision to join the Conservative party was firm and unchangeable?

(*Translation*)

Mr. GIROUARD: Oh! absolutely, it was the first time, when we met at the hotel, the first thing I said to him was: I intend to join the Conservative party. I made it quite clear.

(*Text*)

Mr. SCOTT: Immediately that you had the meeting with Mr. Davey did you make clear to him right at the start that your decision to join the Conservative party was unchangeable?

(*Translation*)

Mr. GIROUARD: After discussing things that had nothing to do with the matter, that were not related to the matter, the first thing I said to him was: I hope you are aware that I have told these people that I am joining the Conservative party and that I only came here to please them.

(*Text*)

Mr. SCOTT: Did you say or do anything which, in your opinion, would have led the four members of parliament to assume you were open to negotiation on this decision?

(*Translation*)

Mr. GIROUARD: I do not think I did anything in that connection. Now, as for them, the fact that I agreed to meet him might have raised their hopes, but hopes that what I said proved to be quite unfounded.

(*Text*)

Mr. SCOTT: Did you do or say anything to Mr. Davey that would have made him think you were open to negotiations?

(*Translation*)

Mr. GIROUARD: I did not say anything in that connection but, as I said, the fact that I listened to him patiently may have raised his hopes.

(*Text*)

Mr. SCOTT: You told us yourself you made your statement in the House of Commons from a prepared text and I believe you also sent a text to the press gallery by way of a press release?

(*Translation*)

Mr. GIROUARD: I do not think so, my statement of privilege, I still had it when I announced that I was joining the Conservative Party. I am not sure, mind, but it can be easily checked, but I do not think I made it. I may have. It is easy to check, I do not think I did.

(*Text*)

Mr. SCOTT: If it turned out you did, in fact—

Mr. WOOLLIAMS: What difference does it make?

Mr. SCOTT: I am informed that in the statement to the press you made no mention of the alleged monetary offer, and I was curious about that.

(*Translation*)

Mr. GIROUARD: Maybe.

(*Translation*)

If I gave out a press release in duplicate or in several copies it is all the same because I had one in front of me. I could easily remember if I had a minute or two to think it over. I do not think so. I do not think my statement of privilege was given to the press.

(Turning to the newspaper reporters) Did I send it?

(*Text*)

Mr. SCOTT: That will be all, thank you.

The ACTING CHAIRMAN: Mr. Balcer, I believe I had your name next.

Mr. BALCER: I have no questions.

The ACTING CHAIRMAN: Then I have Mr. Grégoire, Mr. Pigeon and Mr. Greene.

Mr. GREENE: I will pass for the time being.

The ACTING CHAIRMAN: Then that leaves Mr. Grégoire.

Mr. GRÉGOIRE: I will pass for the time being.

The ACTING CHAIRMAN: Then I will come back to Mr. Pigeon.

(*Translation*)

Mr. PIGEON: Mr. Chairman, referring to a statement Mr. Davey made to Mr. Girouard regarding a well-filled election fund, a large fund in other words, according to you Mr. Girouard, when Mr. Davey made the suggestion, otherwise said, the offer, did you feel he was speaking with authority, and in the name of the Prime Minister of Canada, when he made such an offer?

Mr. GIROUARD: No, I have merely repeated what Mr. Davey said without checking.

Mr. PIGEON: Did he seem to be speaking with authority?

Mr. GIROUARD: I do not know what he seemed to be doing. I merely noted what he said and I do not know Mr. Davey well enough to distinguish his face from someone else's.

Mr. PIGEON: That was apparent from Mr. Davey's version.

(Text)

The ACTING CHAIRMAN: Now, now.

(Translation)

Mr. BALCER: Did he have his fund with him?

Mr. PIGEON: Did he mention any specific amount?

Mr. GIROUARD: No.

Mr. PIGEON: $60,000, $70,000, $100,000?

Mr. GIROUARD: No.

(Text)

Mr. OLSON: Mr. Chairman, I would just like to ask whether or not this witness will be recalled later if we wish to have him recalled?

The ACTING CHAIRMAN: Mr. Olson raised the rather pertinent question whether the witness would be subject to recall.

Mr. NUGENT: If, after the committee has heard the rest of the witnesses the committee feel that there is some necessity for recalling him, then I think it is within our power to do so.

The ACTING CHAIRMAN: That was my reaction. If there are any questions which have not been put to him and are new, then the committee might desire to recall him on something that has arisen as a result of questions put to other witnesses. However, we are getting ahead of ourselves for the moment.

Mr. OLSON: It makes quite a difference. I would like to ask the witness if he is prepared to come before the committee again after we have questioned some of the other witnesses?

(Translation)

Mr. GIROUARD: I came here the first time to answer pertinent questions. I am still prepared to do so.

(Text)

The ACTING CHAIRMAN: I think we should proceed on the basis that we are examining him for the final time, and then we will have to cross that bridge when we get there.

(Translation)

Mr. BEAULÉ: Mr. Chairman, I should like to ask a few questions. Mr. Girouard, a while ago you said to Mr. Fisher that you preferred to take your time, to consult your organizers and constituents before making a statement before the House. Could you advise us about the number of your organizers at the present time?

Mr. PAUL: Out of order, Mr. Chairman.

(Text)

The ACTING CHAIRMAN: I am ruling that question as not relevant to the issue.

(Translation)

Mr. BEAULÉ: The day you made your statement before the House, have you met Mr. Gerard Ouellette, member for Rimouski, either in the forenoon or before the opening of the House?

Mr. GIROUARD: I met him in the forenoon.

Mr. BEAULÉ: This morning, you stated that you had never met anyone.

Mr. GIROUARD: I have never said that. I was asked whether I had met Mr. Davey or Mr. Ouellette and my answer was no.

Mr. BEAULÉ: These organizers to whom you referred, are they new organizers or the one you had before?

Mr. PAUL: Objection.

Mr. BALCER: This is child's play.

(Text)

The ACTING CHAIRMAN: That is out of order.

Mr. GRÉGOIRE: Mr. Chairman, on a point of order, he is not asking for any names; he is just asking a general question regarding when Mr. Girouard consulted his organizers—were they the organizers with whom he was elected or were they other organizers?

Mr. NUGENT: What is the difference?

Mr. GRÉGOIRE: That is a general kind of question.

Mr. MARTINEAU: We are opening a vast field that has nothing to do with the inquiry.

The ACTING CHAIRMAN: I am ruling it irrelevant.

Mr. OLSON: On another point of order, if we keep using the word "organizer" we should have some definition of it.

(Translation)

Mr. BEAULÉ: Mr. Chairman, in his statement, the member for Labelle mentioned that he had consulted his constituency's organizers. I think that these questions are related to his statement, if we stick to his statement.

Mr. PAUL: Mr. Chairman . . .

(Text)

The ACTING CHAIRMAN: That is what he said. He was talking to his organizers. Whom he deemed to be his organizers is his personal opinion. You may not think they are his organizers.

Mr. RHÉAUME: You might even be surprised to find out who they are.

The ACTING CHAIRMAN: Mr. Beaulé can continue his questions.

Mr. OLSON: On a point of order; inasmuch as he was elected as a Social Credit member in the first instance I wonder whether when he calls someone an organizer he is speaking about an elected executive of the Social Credit party within his constituency or is he speaking about other people in the polls with whom he had contact?

Mr. NUGENT: I do not think there is any point in that either. You ruled on the same basis before.

The ACTING CHAIRMAN: If he wants to state the type of person he had in mind, he can do so.

(Translation)

Mr. GIROUARD: I think that each political party has organizers who are your organizers and I hope that the members here have enough merit to have men dedicated to them. I have men who are devoted to me, who remained devoted to me and who will be so during the next election.

Mr. BEAULÉ: My questions are concerning these organizers and, in my opinion, they are in order.

(Text)

Mr. FISHER: Mr. Girouard, did you get any indication from Mr. Davey that not only had they presented an offer to him but that he or his colleagues were going to do some checking on you in the interval after the offer?

(Translation)

Mr. GIROUARD: Nothing could have directly led me to believe this. I can not recall any particular sentence that could have allowed me to believe such a thing.

(Text)

Mr. FISHER: The central point from which this whole matter arose was your reaction to Mr. Davey's statement that you were a Liberal reject. Is that a fair statement?

(Translation)

Mr. GIROUARD: I meant that my main purpose in making my statement was to destroy Mr. Davey's allegation, yes.

(Text)

Mr. FISHER: Have you any explanation of how it could be possible for Mr. Davey to take this view?

Mr. WOOLLIAMS: On a point of order, that is a hypothetical question. Surely the witness does not have to decide on probabilities and possibilities; he is here to answer facts.

The ACTING CHAIRMAN: Will you put the question again? I keep asking members to repeat their questions. I assure you it is not on purpose, but I get trapped every now and then.

Mr. FISHER: Mr. Girouard, have you any idea of how Mr. Davey could have the view that you are a Liberal reject?

The ACTING CHAIRMAN: Unless Mr. Girouard can base it on some specific fact, then I would rule it inadmissible because he would be giving an opinion. So unless he can base it on some specific fact I would not allow this question.

Mr. FISHER: This is what I want to know. I am assuming we are going to hear from Mr. Davey and we will be dealing with this particular question so I want to get his opinion. It is frankly an opinion, not a fact.

(Translation)

Mr. GIROUARD: It would be most interesting to answer that question.

(Text)

Mr. FISHER: Did Mr. Moreau give you at any time any indication that this attitude would be taken by Mr. Davey?

(Translation)

Mr. GIROUARD: I shall answer this. I had no idea that such a thing could happen and when the reporters came up with this, following my joining the Conservative party, I did not dare believe it. I told them: "It cannot be, it is impossible".

(Text)

Mr. FISHER: I am not sure what you mean here.

(Translation)

Mr. GIROUARD: When Mr. Moreau told me what I said in my statement, namely that the Prime Minister had asked Mr. Davey to cease all pressure, I was firmly convinced that such dealings were over. Now, that Mr. Davey should one day take advantage of that, I don't think a gentleman would do such a thing.

I never thought at first that Mr. Davey would mention the fact that he had wanted to meet me and still less that he would make a false statement on that subject.

(Text)

The ACTING CHAIRMAN: Are there any further questions?

Mr. OLSON: I would like to ask Mr. Girouard this question: In your conversation with Mr. Davey, which took three quarters of an hour in Mr. Moreau's office, did Mr. Davey say to you that he would consult with the members of the Liberal organization in the Labelle constituency?

(Translation)

Mr. GIROUARD: No, I said that he had said he would like to meet the provincial organizer of the Liberal party to see whether there was a possibility to get others.

Mr. PRUD'HOMME: Other what?

Mr. GIROUARD: Other "creditistes".

Mr. GRÉGOIRE: Mr. Chairman, I should like to ask the member for Labelle one or two questions not directly concerned with his statement. When you said that you had definitely made up your mind to join the Conservative party—that was in February, in the middle of February—had you had at that moment conversations with the official members of the Conservative party? Or had they already accepted your adherence to the party?

Mr. GIROUARD: This question does not concern my statement, but I am pleased to say no.

Mr. GRÉGOIRE: Was it accepted by them?

Mr. GIROUARD: I did not make any proposition to them at that time.

Mr. GRÉGOIRE: No steps had been taken yet. Now, after your meeting with Mr. Davey, did you tell Conservative members of this meeting, Conservative members or Conservative organizers?

Mr. GIROUARD: Not before the matter was made public.

Mr. GRÉGOIRE: Was made public by your question of privilege of April 27th?

Mr. GIROUARD: Definitely.

Mr. GRÉGOIRE: Before April 27th you had not talked to any Conservative member or candidate?

Mr. GIROUARD: You assume a reply that I did not make.

Mr. GRÉGOIRE: Did you, between February 18th and April 27th, talk to the Conservative organizers about your meeting with Mr. Davey?

Mr. GIROUARD: I should like you to specify the organizers of my riding or the national organizers.

Mr. GRÉGOIRE: At the party level?

Mr. GIROUARD: No.

Mr. GRÉGOIRE: Conservative organizers at the level of your riding? I am talking about that meeting with Mr. Davey?

Mr. GIROUARD: No.

(Text)

Mr. GRÉGOIRE: The question you asked is whether he spoke to any Conservative organizers in his constituency about his meeting with Mr. Davey.

Mr. NUGENT: Is that not the same question?

The ACTING CHAIRMAN: I ruled on that question.

Mr. NUGENT: Mr. Grégoire went over that whole line of questioning.

Mr. GRÉGOIRE: I never asked that question and now I am asking my question to the point. Did Mr. Girouard talk with any Conservative organizers in his constituency or Conservative organizers at the national level about that meeting with Mr. Davey and what happened there?

Mr. GIROUARD: No, not about that meeting.

Mr. GRÉGOIRE: So it was the Social Credit members of the Thompson group who heard about it before April 27th?

Mr. GIROUARD: Would you please repeat?

Mr. GRÉGOIRE: Only Social Credit members and none from the other parties except the four Liberal members mentioned this meeting with Mr. Davey before April 27th?

Mr. GIROUARD: I said before that I had advised the whip of the Conservative party that I would raise the question of privilege in order to refute Mr. Davey's charges.

(*Translation*)

Mr. GRÉGOIRE: Did you make your application to the Conservative party before or after Mr. Moreau told you that he wanted the pressure to cease?

Mr. GIROUARD: About two days before I said it in the House.

Mr. GRÉGOIRE: It was then only that you entered upon negotiations?

Mr. GIROUARD: Yes. There were no negotiations, I just offered my services.

Mr. GRÉGOIRE: You went around to all your organizers in the Labelle riding to ask them whether they would accept you as a Conservative member?

Mr. GIROUARD: You assume something I did not say. All the organizers!...

Mr. GRÉGOIRE: Let's leave out the "all" . . . You went to see certain organizers or several organizers of your riding to ask them whether they would accept you as a Conservative member, and you went around, as you said, to find out whether you would be accepted?

Mr. GIROUARD: Yes.

Mr. PRUD'HOMME: Is it . . .

Mr. PIGEON: Keep to the rules.

Mr. GRÉGOIRE: This question is in line with the one Mr. Dubé asked this morning regarding the flag when you were apparently shown a letter by Mr. Pearson. Did you state that morning to other members of the Social Credit Rally or the Thompson group that if a political party undertook to give us a distinctive national flag and to take certain steps to give family allowances then you would be ready to join that party?

Mr. GIROUARD: I can answer that question. It has always been my opinion that a party which would give us a distinctive national flag would be a worthwhile party. But I do not remember saying I would join such a party.

Mr. GRÉGOIRE: And concerning the increase of family allowances?

Mr. GIROUARD: I do not remember saying I was ready to join such a party.

(*Text*)

Mr. VALADE: I want to raise a point of order. I do not think a member of parliament should be asking another member of parliament what would be his attitude in the House of Commons if a certain point were to be raised.

The ACTING CHAIRMAN: You are quite right, but no matter who the witness is, if he wants to answer a question I will not take it upon myself to stop him from doing so. If he refuses to answer, then I will rule on that. This strikes me as the proper thing to do.

Mr. WOOLLIAMS: I think, Mr. Chairman, that surely we have the privilege of raising points of order.

The ACTING CHAIRMAN: That is right. However, if a witness wants to answer a question I do not want to be in the position of stopping that witness from answering the question.

Mr. NUGENT: I trust that when you know a question has been asked before and ruled out of order you will not wait for the witness to object because then we are going to be in great difficulty.

The ACTING CHAIRMAN: I do not want to get into another argument with members of this committee. I have objected when a question has been ruled out of order and the next question flows out of it. I do not want a witness saying that he would have gladly answered a question but the Chairman stopped him.

Mr. WOOLLIAMS: Speaking to that point of order, if we leave it in that fashion, then we are going to have to object on points of order continuously. We trust you will rule on the relevancy of the questions and answers as they come forward.

The ACTING CHAIRMAN: Your point is well taken.

Mr. RHÉAUME: I should like to speak to a refinement of this point of order. I can foresee the danger of asking a witness, who is under oath and who is a member of parliament, what his position will be on any given issue, when it may be subsequently presented to the house, concerning a subject of legislation which requires a vote. There is a subtle refinement there.

The ACTING CHAIRMAN: Yes, you are correct.

Mr. GREENE: I take it then that if it is a type of hypothetical question concerning your position in the house, it is out of order. Is that your ruling? I have heard submissions in this regard and I did not hear your ruling.

The ACTING CHAIRMAN: If I feel a question is out of order I assume the responsibility of pointing it out to the witness. If the witness wants to answer the question, I will not stop him.

Mr. NUGENT: May I suggest that if you are going to give the witness the opportunity to answer questions which are out of order, then surely he can have the same opportunity of refusing to answer because he does not feel like answering them. I think a question cannot be put and answered by the witness if the Chair rules it out of order and that his wishes in this regard, whether or not he wishes to answer, should not matter. Out of order questions cannot be answered.

Mr. MARTINEAU: If he answers a question that is out of order it would become in order to follow up that question with another one.

Mr. WOOLLIAMS: This is a vicious circle.

The ACTING CHAIRMAN: I have had this point brought to my attention and I will govern myself accordingly.

(*Translation*)

Mr. GRÉGOIRE: With regard to the national flag, which was brought under discussion during the meeting that last three quarters of an hour in Mr. Moreau's office with Mr. Davey, who brought up the matter of the national flag to the extent that a member went to the trouble of fetching a letter in his office?

Mr. GIROUARD: It was certainly one of the group, I cannot identify him, it was one of the group.

Mr. GRÉGOIRE: A Liberal member is supposed to have brought the matter up. Mr. Chairman, this may seem rather an odd question but it can nevertheless help to throw light on the matter. A fat election fund was mentioned. . .

The advantages of a party in power.

Mr. Girouard, during the meeting with Mr. Davey did you let him know that if you changed parties you would bring along several other members of your former group, of Mr. Thompson's group?

Mr. GIROUARD: Definitely not because I did not even give him the impression that I would come in myself.

Mr. GRÉGOIRE: Without speaking of the Liberal party but of another political party?

Mr GIROUARD: I never said anything of the kind. I did not do anything that could have given that impression.

Mr. GRÉGOIRE: One final question. When you joined the people of the Conservative party, was one of the reasons for your joining, one of your main reasons for joining at that time, and which might have encouraged your colleague to join, which might have convinced him, the fact that you were assured the member for Three Rivers would get the better of the leader before long?

(*Text*)

The ACTING CHAIRMAN: No, no. You do not have to answer that question. I rule it out of order.

Mr. RHÉAUME: If the questioner insists on this kind of slurring, then we shall have to move a motion of censure against him for this kind of talk.

Mr. GRÉGOIRE: I have some written statements.

The ACTING CHAIRMAN: I am not interested in them.

Mr. GRÉGOIRE: I shall not read them, but I have them.

Mr. GREENE: I do not understand your ruling. Have you ruled that questions relevant to other conversations, other negotiations, are ruled out of order, or merely this reference to the Leader of the Opposition?

The ACTING CHAIRMAN: I am not making any generalities I will rule when the questions severally arise, Mr. Greene.

Mr. GRÉGOIRE: Can we have an answer, as Mr. Greene mentioned, to the offers which might have been made?

The ACTING CHAIRMAN: When the questions are raised, I will deal with them.

Mr. GRÉGOIRE: Did you deal with mine?

The ACTING CHAIRMAN: Now, Mr. Greene.

Mr. GREENE: Witness, the first time you met the four members in Hull, did you know all of them personally?

Mr. GIROUARD: Not exactly by their names, but I knew their faces pretty well, because with two of the four men I was quite friendly.

Mr. GREENE: You were quite friendly with two of them?

Mr. GIROUARD: Yes.

Mr. GREENE: Which two were they?

Mr. GIROUARD: Moreau and Macaluso.

Mr. GREENE: But you did not know their names, I take it.

Mr. GIROUARD: By name, no, but I knew Mr. Moreau and Mr. Macaluso. They were familiar faces to me.

Mr. GREENE: But you did not know them well enough to be familiar with their names?

(*Translation*)

Mr. GIROUARD: With Mr. Moreau, yes.

(*Text*)

Mr. GREENE: I think in your statement you alluded to the fact that you carried on conversation by reason of your friendship with these four. How long had you known Mr. Moreau who was the only one whose name you knew?

(Translation)

Mr. GIROUARD: Since I am in parliament, since the last session.

(Text)

Mr. GREENE: Had you not known him apart from your association in parliament?

(Translation)

Mr. GIROUARD: No, we met very frequently, since I am in Parliament.

(Text)

Mr. GREENE: And any association you had with him was as a member of the house?

(Translation)

Mr. GIROUARD: I do not quite understand what that means.

(Text)

Mr. GREENE: Had you been out with him socially before on any other occasions?

(Translation)

Mr. GIROUARD: Yes, on several occasions.

(Text)

Mr. GREENE: On several occasions, and he was the only one of the four with whom you were on this degree of intimacy, then?

(Translation)

Mr. GIROUARD: Yes.

(Text)

Mr. GREENE: Therefore it was because of the friendship which was displayed that you carried on the negotiations with these friends. Was that the reason? It was because of your friendship with Mr. Moreau, I take it?

(Translation)

Mr. GIROUARD: Yes, and also because I had a very high regard for him and I firmly believed in his honesty and sincerity.

(Text)

Mr. GREENE: Now, you told us that your conversation with these members lasted for some half an hour, in the establishment at Hull; is that correct?

(Translation)

Mr. GIROUARD: More or less.

(Text)

Mr. GREENE: And during that entire period of half an hour the matter of your political association was the subject of discussion?

(Translation)

Mr. GIROUARD: I do not think I said we discussed this matter only. We discussed a number of things. In fact, in our overall discussion, this question of politics did not take too long.

(Text)

Mr. GREENE: Was there any political discussion prior to your declaration of intention to leave the party?

Mr. NUGENT: On a point of order, I do not mind the question if something is going to come out of it, but this has been gone over by at least five questioners,

and there is no new approach in Mr. Greene's questions. I wonder how long we must continue to go over and over the same thing? Perhaps Mr. Greene wants this to go on all day. But surely there is a limit to how many times the same point may be threshed out.

Mr. GREENE: On the point of order, I believe as a member of parliament and a member of this committee I have the right to carry on such relevant examination and with admissible questions as I deem advisable. While I thank the hon. member for his advice, I prefer to rely on my rights as a member of this committee.

Mr. NUGENT: I would ask for a ruling. Is there an unlimited right to ask the same question about the same subject matter?

The ACTING CHAIRMAN: If it is a relevant question I would hope that the members would conduct themselves accordingly. I appeal to their good judgment and common sense in their approach to these matters. If this were a court of law, I could make a quick decision and determine it. But, unfortunately, I am not in that position and I have to rely on the members' good judgment.

Mr. MARTINEAU: There is a rule in parliament about repetition. It is against the rules to engage in repetition.

The ACTING CHAIRMAN: I have heard the same thing in my short time here said over and over again on many occasions. Let us get back to the business at hand, Mr. Greene?

Mr. GREENE: Was there any discussion of a political nature before you made this declaration of your intentions to leave the party?

(*Translation*)

Mr. GIROUARD: It would be very embarrassing for me to answer to this. As much as I would like to say "no", a discussion between five politicians may always involve a matter of politics.

(*Text*)

Mr. GREENE: And what proportion of the conversation was devoted to political matters?

(*Translation*)

Mr. GIROUARD: That would be the last part. You ask me how long it took? This is most embarrassing. Now, say the time to introduce my story, then the first telephone call, and also the second call: that would amount to approximately twenty minutes for the part referring specifically to this question.

(*Text*)

Mr. GREENE: Approximately 20 minutes? Would that be correct?

(*Translation*)

Mr. GIROUARD: Once more, after three months, it would be difficult to say.

(*Text*)

Mr. GREENE: And was this information with regard to your intention to leave your party elicited by reason of some question, or did you volunteer it.

(*Translation*)

Mr. GIROUARD: No, if there was a question . . . I was asked at a certain time, which I do not recall: What are you going to do at the next elections? I told them: I do not know what I am going to do at the next elections, but what I do know is that I strongly intend to join the Conservative party.

(*Text*)

Mr. GREENE: Now, this intention that you demonstrated on this occasion—had you ever demonstrated that intention, or told anyone of that intention before you told it to these four men?

(*Translation*)

Mr. GIROUARD: I could give you an answer but I hope this is going to be out of order as I do not wish to proceed any further on this subject. However, as it happened at the opening of the session, it was easy to figure that I had been in my riding just before and that I had decided along those lines at the time of my arrival.

(*Text*)

Mr. GREENE: Had you ever indicated that intention to any other member of parliament?

(*Translation*)

Mr. GIROUARD: No, it was the first time, it was the opening of the session.

(*Text*)

Mr. GREENE: Had you ever indicated your intention to any member of the party to which you were going to switch your allegiance?

The ACTING CHAIRMAN: I think he answered that question earlier. I am positive about that. It was in answer to Mr. Grégoire.

Mr. GREENE: Excuse me. I did not recollect it. Since I have not received a transcript, I have not got it in my notes.

Do you recall any other specific matters of conversation in the grill in Hull?

(*Translation*)

Mr. GIROUARD: In that connection, no. It was the main and only topic discussed that evening.

(*Text*)

Mr. GREENE: This is the only specific recollection that you have of that entire conversation which lasted some 20 minutes?

(*Translation*)

Mr. GIROUARD: Yes, convince me to meet Mr. Davey, I suppose.

(*Text*)

Mr. GREENE: Now, Mr. Moreau made his first phone call. Did he make any request of you with regard to reconsidering your position?

(*Translation*)

Mr. GIROUARD: No.

(*Text*)

Mr. GREENE: Did he indicate to you prior to making his first phone call that he was phoning Mr. Davey?

(*Translation*)

Mr. GIROUARD: No.

(*Text*)

Mr. GREENE: Did he ask your permission whether he might phone Mr. Davey?

(*Translation*)

Mr. GIROUARD: No.

(*Text*)

Mr. GREENE: Prior to making his second phone call, between the two phone calls, there was some considerable discussion about this matter?

(*Translation*)

Mr. GIROUARD: There was some discussion, yes.

(*Text*)

Mr. GREENE: Do you recall any specific matters which were discussed?

(*Translation*)

Mr. GIROUARD: It was then that my friends tried to convince me that I should meet Mr. Davey. They said: You simply must meet him. I said to them: It would be useless.

"Never mind, we are asking you to at least come along and meet him", in other words it was an attempt to have me meet Mr. Davey.

(*Text*)

Mr. GREENE: Was there any discussion during this period of the advantages of joining the Liberal party, or of the great benefits in doing so?

(*Translation*)

Mr. GIROUARD: No. No.

(*Text*)

Mr. GREENE: None of the members pointed out any inducement to you at that time?

(*Translation*)

Mr. GIROUARD: No, I am quite positive about that.

(*Text*)

Mr. GREENE: The sole matter of discussion was the question of your meeting Mr. Davey. Prior to making the second phone call did Mr. Moreau indicate to you that he was going to call Mr. Davey?

(*Translation*)

Mr. GIROUARD: He had not said anything to me before the first phone call. When he returned after phoning he said: You should meet Mr. Davey; I have called him and he is ready to meet you.

(*Text*)

Mr. GREENE: You had then agreed to meet Mr. Davey when he went to make the second phone call?

(*Translation*)

Mr. GIROUARD: On the condition I have mentioned several times, yes, on condition everyone was told that I was going to be a Conservative, that the meeting was absolutely useless.

(*Text*)

Mr. GREENE: And did you tell him that you were permitting him to make this phone call then, having that firm design?

(*Translation*)

Mr. GIROUARD: They knew why because I told them: I am not going, I am not going. They said: It will not put you under any obligation, come and meet him.

O.K., you want me to go, then I will.

(*Text*)

Mr. GREENE: Your evidence I take it is that you did not indicate to him that you were permitting him to make the call?

(*Translation*)

Mr. GIROUARD: I think I showed them why by saying: O.K., if you insist I will go. I think it was clear that it was because they insisted.

(Text)

Mr. GREENE: Is there anything further that you recall of the conversation after the second phone call?

(Translation)

Mr. GIROUARD: No, because when he came back after the second phone call he said to me: Very well, Mr. Davey will see you at his office tomorrow morning. I said: Goodnight, see you tomorrow morning. And I left immediately.

(Text)

Mr. GREENE: When Mr. Moreau returned with an appointment, you agreed to keep that appointment?

(Translation)

Mr. GIROUARD: Yes.

(Text)

Mr. GREENE: I want to be quite sure of this in order to be fair. Is that all of the conversation that took place in this 20 minute period? Is that all you can recall?

(Translation)

Mr. GIROUARD: Yes.

(Text)

Mr. GREENE: During that period who of the four members was doing the talking?

(Translation)

Mr. GIROUARD: As I told you, Mr. Moreau did most of the talking but the conversation was general.

(Text)

Mr. GREENE: So all the members had something to say?

(Translation)

M. GIROUARD: I cannot say all the members, but in my opinion the conversation was general.

(Text)

Mr. GREENE: And their conversation was directed towards the end of holding a meeting?

(Translation)

Mr. GIROUARD: That is right.

(Text)

Mr. GREENE: Was the conversation carried on in French or in English?

(Translation)

Mr. GIROUARD: In French. There may have been a mixture, but mostly in French.

(Text)

Mr. GREENE: Was there any English spoken at all?

(Translation)

Mr. GIROUARD: I believe the three gentlemen are bilingual.

(Text)

Mr. GREENE: So far as you can recall it, nearly the entire conversation was in French?

(Translation)

Mr. GIROUARD: Yes.

(Text)

Mr. GREENE: You have told us that there was a fifth person present.

(Translation)

Mr. GIROUARD: Not at that time.

(Text)

Mr. GREENE: You say there was a fifth person present before any discussion of politics.

(Translation)

Mr. GIROUARD: Yes.

(Text)

Mr. GREENE: And the person was one of your organizers? Is that correct?

(Translation)

Mr. GIROUARD: Organizer and friend, one and the other and one without the other.

(Text)

Mr. GREENE: Mr. Chairman, I wish to ask two questions of this witness at the present time and in order to be completely fair I would like to have a ruling on them beforehand. I will give you my reasons why I submit they are admissible, if you have any doubts about them. Had you indicated to this organizer who was with you from your county your intension of changing to the Conservative party before you indicated it to the others?

The ACTING CHAIRMAN: I rule that question to be inadmissible. We have been through the question of organizers and our attitude on it.

Mr. GREENE: I would submit that the question is permissible for this reason: You sire, have ruled on the question of organizers generally, quite properly, and I submit and bow to that ruling. But the information that this particular organizer was there was volunteered by this witness It was not elicited in any other way. In his examination—and I made very careful notes at the time—he volunteered the fact that there was an organizer there from his county.

Mr. NUGENT: The first time I heard it was in reference to the question if there was anyone else present, anyone at all, and he had to give that information.

Mr. GREENE: That is exactly the point and I thank my honourable friend. The question was asked: Was there anyone else present? And in answer the witness said "Yes, one of my organizers".

Mr. NUGENT: He volunteered the information.

Mr. GREENE: He did not have to say who was there. He was asked if anyone was there and he volunteered the information that there was an organizer there. So I point out that his organizer was there with the entire group, apparently.

Mr. NUGENT: I object to Mr. Greene misquoting the evidence The evidence is clear that the organizer had left before any relevant conversations. I do not think it is right for any member of parliament to misquote evidence. That was evidence volunteered in response to a question which the witness was required to answer. I think the Chairman should ask Mr. Greene to observe some sort of propriety and remember his position as a member of parliament.

Mr. GREENE: I thank the hon. member for lecture No. 2. I would point out that I did not misquote the evidence. What I said was that there was an organizer there.

The ACTING CHAIRMAN: Let us come quickly to the point. I suggest to you that if the witness says that an organizer was not present during the discussion of political parties, it seems to me it is irrelevant. Ordinarily, the reason I would consider any question whether he was there is that some person on the committee might want to have him called as a witness. But in view of the answers given by Mr. Girouard that he was not present, it seems to me that this disposes of the matter.

Mr. GRÉGOIRE: On this point of order, the witness was not present at the conversation with the four Liberal members, but he was before that time with the witness, and the witness volunteered his views on politics to the four Liberal members among whom he included the names of one or two. But before that he was with one of his organizers. It would be interesting to know if he talked about his change of political parties with this organizer.

The ACTING CHAIRMAN: It would be interesting all right, but the question is whether it is relevant. I do not doubt that it was very interesting.

Mr. GREENE: Might I point out that all these people were present.

The ACTING CHAIRMAN: Might I suggest to you that you put a question to the witness. I do not want to conduct the inquisition—oh I beg your pardon, I mean the inquiry.

Mr. GREENE: I do not think my inquiry has been any inquisition.

The ACTING CHAIRMAN: I suggest that you ask him the question, and if he says no, then I would think the point was adequately covered.

Mr. GREENE: I only point this out. I am bound by your ruling subsequently, if it is against me. The five people were all present. The witness has said his memory of the conversation after three months is not complete. But, he has said he believes the man had left at the time the conversation with respect to politics began.

So we also know that that state of the witness' mind in regard to his intent at this time is very important, I submit, having an organizer there present either at the time or immediately before with this entire group, whether or not this information that was volunteered to these four Liberals is an act of friendship, whether that information was or was not given to his own organizer immediately before is surely relevant in the determination of this.

The ACTING CHAIRMAN: Mr. Greene, I ruled on this. As I understood it, this witness said that he thought the fifth person had left.

(*Translation*)

Mr. GIROUARD: Yes, certainly.

(*Text*)

The ACTING CHAIRMAN: That is, before any discussions in respect of politics arose. Is that right?

(*Translation*)

Mr. GIROUARD: Yes.

(*Text*)

Mr. GREENE: I bow to your ruling, Mr. Chairman.

An hon. MEMBER: Bow to the facts.

Mr. GREENE: When was the next meeting you had with any of these people?

(*Translation*)

Mr. GIROUARD: With whom?

(*Text*)

Mr. GREENE: With these four people that you had met.

(*Translation*)

Mr. GIROUARD: The next morning.

(*Text*)

Mr. GREENE: Was there any further discussion between yourself and any of these people prior to that meeting?

(*Translation*)

Mr. GIROUARD: No, because I left right away to go home, and I returned to my office the next day at about ten o'clock, and I received a phone call.

(*Text*)

Mr. GREENE: Whom was the phone call from?

(*Translation*)

Mr. GIROUARD: Mr. Moreau.

(*Text*)

Mr. GREENE: What did he say?

(*Translation*)

Mr. GIROUARD: He said to me: "Davey was to meet you in his office. Now, could you come to mine? That's because it would be better if Mr. Davey were not seen going into your office".

(*Text*)

Mr. GREENE: Was this in French or English?

(*Translation*)

Mr. GIROUARD: I think so.

(*Text*)

Mr. VALADE: That is about the fifth time you asked the question.

Mr. GREENE: Was that in French or English?

Mr. GIROUARD: I think it was in French.

Mr. GREENE: And what did you say in answer to that request?

Mr. GIROUARD: I remember I hesitated a little bit and I said "all right, I will go over".

Mr. GREENE: Did you give any indication to him at that time you still had a firm resolve you were not interested?

Mr. GIROUARD: Not in that phone call, no.

Mr. GREENE: You then went to Mr. Moreau's room?

Mr. GIROUARD: Correct.

Mr. GREENE: Who was present when you arrived?

Mr. GIROUARD: I think the four members were there.

Mr. GREENE: Are you sure of that.

Mr. GIROUARD: Sure, pretty sure.

Mr. GREENE: No one else?

Mr. GIROUARD: No.

Mr. GREENE: How long were you there on this occasion?

Mr. PIGEON: You keep repeating the question.

The ACTING CHAIRMAN: Just to the best of your belief.

(*Translation*)

Mr. PRUD'HOMME: Oh, never mind.

Mr. GIROUARD: Three quarters of an hour later.

(*Text*)

Mr. GREENE: During this period of three quarters of an hour the entire discussion was about politics?

(*Translation*)

Mr. GIROUARD: No, I said at the beginning that we talked of many other things.

(*Text*)

Mr. WOOLIAMS: We have had that a million times.

Mr. GREENE: When you first got in there do you recall what was said? When you first came into the room do you recall what was said?

Mr. GIROUARD: Not what was the first thing said, no.

Mr. GREENE: What matters of that discussion do you specifically recall with respect to politics?

(*Translation*)

Mr. GIROUARD: I remember perfectly well having said, "I hope that Mr. Davey is well aware that my intention is to join the Conservative party. I hope that has been made quite clear to him".

(*Text*)

Mr. GREENE: This was said before Mr. Davey came in.

(*Translation*)

Mr. GIROUARD: Yes.

(*Text*)

Mr. GREENE: Were there any other political discussions you can recall before Mr. Davey came in?

(*Translation*)

Mr. GIROUARD: Yes, I was asked that question. The flag question was discussed that morning.

(*Text*)

Mr. GREENE: Were there any other matters that were discussed which you can think of?

(*Translation*)

Mr. GIROUARD: I don't think so.

(*Text*)

Mr. GREENE: Can you remember anything that any specific one of these four people said?

(*Translation*)

Mr. GIROUARD: No.

(*Text*)

Mr. GREENE: Can you remember anything specifically that you said during this entire period apart from the one statement?

(*Translation*)

Mr. GIROUARD: I remember perfectly well having said the sentence I've just said. That caution on the subject of my political intention.

(*Text*)

Mr. GREENE: Can you recall anything else or is this the only recollection you have?

(*Translation*)

Mr. GIROUARD: I think that's the only thing I remembered, because I considered it to be very important.

(*Text*)

Mr. GREENE: Again, can you help us with the amount of time in that 45 minutes that was spent on political discussion and the amount of time spent on other matters?

(*Translation*)

Mr. GIROUARD: I think we waited for Mr. Davey, oh, I don't know, about ten or fifteen minutes; and during that time, those fifteen minutes, we spoke of one thing and another and then, when Mr. Davey was there, twenty minutes, a half hour...you know...

(*Text*)

Mr. GREENE: Would it be fair to say there were approximately, so far as you can recall 35 minutes of political discussion? Is that fair?

Mr. GIROUARD: That is, as far as I can recall.

Mr. GREENE: You are not too certain of the exact time but it was somewhere in the neighbourhood of 35 minutes?

Mr. GIROUARD: Yes, it is possible.

Mr. NUGENT: Mr. Chairman, on a point of order, again I hate to bring this up but I would point out that it is not just Mr. Greene who has rights as a member of parliament in this committee. During this entire time he has not brought out a new point or asked a new question. He is deliberately repeating questions that have been asked two or three times, and the rights of every member in this committee are affected. We all have rights, one of which is not to have the Chairman allow a member of a committee to so abuse our time and our purpose here by deliberately repeating over and over again questions which have been answered clearly and in detail. Also, I think it is an abuse of the witness. I would hate to think we are going to conduct ourselves in this way with any witness appearing before us. If that is the case the witnesses may expect that every member of the committee in order can ask all the same questions over and over again. Certainly I think it is up to the Chairman to protect the rights of the other members from our time being so abused, as it has been by Mr. Greene during the last 30 minutes.

Mr. GREENE: I think we can see who is wasting the time of the committee. But, if the hon. member has any specific questions he wishes to object to and to which he knows the answers he can verify it by the record.

Mr. NUGENT: I can in respect of every one of these questions of yours; they are all on the record.

Mr. GREENE: You can object with respect to each question and then we will check the transcript when it comes out; but, in the meantime I believe that I, as a member of this committee, am permitted to cover the grounds I deem essential in respect of this inquiry. I do not believe it is up to the hon. member to decide whether questions have been answered. As I said, if he wishes to object to an individual question he can do so.

The ACTING CHAIRMAN: I must say that I have a certain measure of sympathy for the point raised by the hon. member. I believe there has been some repetition. However, I do feel there were a couple of points raised which might have some bearing. However, Mr. Greene, I would hope you would move along and get to the gist of the matter.

Mr. WOOLLIAMS: I wonder while Mr. Greene is perusing his notes if we might at this stage consider whether we are sitting this evening. As you know, there is a motion before the house at 5 o'clock with respect to the production of certain papers. Then, I believe on Friday—and we can all smile at this—some of us will have time to go home. And, I believe there is a holiday on Monday. It may come to the point of when we may meet again.

The ACTING CHAIRMAN: First of all, as I understand it, the question is when are we going to rise today?

Mr. BEAULÉ: At 5.30.

Mr. WOOLLIAMS: That might speed Mr. Greene's cross-examination somewhat.

Mr. LESSARD (*Saint-Henri*): Five thirty.

The ACTING CHAIRMAN: Is 5.30 acceptable to the committee?

Mr. PIGEON: At 5 o'clock we discuss Mr. Paul Martineau's motion.

The ACTING CHAIRMAN: Will some of the members of the committee be participating in that debate?

Mr. WOOLLIAMS: It is our motion.

The ACTING CHAIRMAN: If it is the wish of some of the members of this committee to be in the house at the time this motion is heard I think the committee might accede to your request and take this into consideration when we are discussing the time to rise.

Mr. MARTINEAU: I would suggest at 4.55.

The ACTING CHAIRMAN: Yes. The next question is when do you want to reconvene?

An hon. MEMBER: Tonight.

An hon. MEMBER: Thursday.

An hon. MEMBER: Eight o'clock

An hon. MEMBER: Tuesday.

Mr. WOOLLIAMS: Some of us have to get back.

The ACTING CHAIRMAN: I would hope we would not be meeting before Wednesday. I do not want to delay this because I know certain witnesses have expressed a desire to get on with it. On the other hand, some of the witnesses have a long distance to come and Monday being a holiday they may not be back on Tuesday. Wednesday struck me as good day. But, if you wish to leave it until Thursday I am in your hands in this regard.

Mr. WOOLLIAMS: On Wednesday there is caucus.

Mr. GRÉGOIRE: Tuesday afternoon, I suggest.

Mr. WOOLLIAMS: That is all right for you, Mr. Grégoire, but if the holiday is to be of any advantage to anyone in western Canada we would have to fly back Tuesday morning. A lot of us fly at night over these long distances.

Mr. GRÉGOIRE: Wednesday is all right with me, Mr. Woolliams.

The ACTING CHAIRMAN: It is going to be either Wednesday afternoon or Thursday morning.

Mr. WOOLLIAMS: Mr. Chairman, I suggest we will be organized by Thursday.

Mr. BALCER: Is there no sitting tonight?

The ACTING CHAIRMAN: Let us have some order here. Are we meeting next Wednesday at 3.30 or next Thursday at 10 o'clock?

Mr. BEAULÉ: I move that we sit next on Thursday at 10 o'clock.

The ACTING CHAIRMAN: All those in favour? Contrary?

Mr. PIGEON: There is Mr. Davey to consider.

Mr. GREENE: Mr. Davey will be in Ottawa for many years.

The ACTING CHAIRMAN: What about the question of sitting tonight?

Mr. PIGEON: Not tonight.

Mr. GRÉGOIRE: Mr. Chairman, we have only the one reporter and after a whole day I think he deserves a rest. We must have pity on him.

The ACTING CHAIRMAN: Mr. Girouard has been on the stand quite a long time and if we are going to continue tonight I think out of deference to him I should let him stand down. As you know, he has been under heavy fire for quite some time and I think we have a duty toward him. If Mr. Girouard has any engagement tonight I think he should be granted that courtesy; that is, if his evidence is not concluded.

Mr. GREENE: I understood the motion was that we would adjourn until Thursday.

The ACTING CHAIRMAN: Unless I hear any remarks to the contrary I suggest we rise at 4.55 and return at 10 o'clock next Thursday.

Some hon. MEMBERS: Agreed.

The ACTING CHAIRMAN: Will you continue, Mr. Greene; you have 10 minutes.

Mr. GREENE: During the 35 minutes of political conversation how many minutes would you say that Mr. Davey was there?

(*Translation*)

Mr. GIROUARD: I couldn't say. I think Mr. Davey was there with us for about a half hour. It's hard to put a time on that, too hard. When Mr. Davey arrived, the first thing—

(*Text*)

Mr. GREENE: Now, you have told us what you recall about the exact words that you used to the four Liberal members who were there before Mr. Davey got there, and there was some discussion of a flag. You say that is all you can recall in that regard. Can you tell us exactly what you remember or what words were spoken while Mr. Davey was there either by yourself, the four members or Mr. Davey?

(*Translation*)

Mr. GIROUARD: When Mr. Davey arrived, the first thing which I remember very well, was to again warn him of my intention to join the Conservative party.

I also remember his answer, to the effect that anyway, it wasn't serious, that he wanted to tell me that the doors to the Liberal party were wide open.

Then the advantages were mentioned, speaking about the defeated Liberal candidate, that he could take care of him, and that, as for the organizers, there was no problem, "I could have them changed—"

The advantages of the party in power, the campaign funds—

Those are the main points I remember from the conversation with Mr. Davey. I think that's already quite a lot.

(*Text*)

Mr. GREENE: That is all you can remember of the conversation during that period?

(*Translation*)

Mr. GIROUARD: I think that's already quite a lot, yes, that's quite a lot.

(*Text*)

Mr. GREENE: And, this conversation was in English?

(*Translation*)

Mr. GIROUARD: Mr. Davey was speaking in English.

(*Text*)

Mr. GREENE: Before he got there was the conversation in English or French?

(*Translation*)

Mr. GIROUARD: In French most of the time.

(*Text*)

Mr. GREENE: Can you recall any specific words that Mr. Davey spoke or are you just going by your general recollection?

(*Translation*)

Mr. GIROUARD: I remember, quite well, the words:

"Party in power".

And I remember, quite well,

"Electoral funds".

I remember these words quite well, because they are so striking. I remember quite well.

(*Text*)

Mr. GREENE: Are there any other specific words that you can recall? Are there none that you can recall?

(*Translation*)

Mr. GIROUARD: Certainly, many words, the important words in connection with the statement being about the only ones. I remember he bid me good day.

(*Text*)

Mr. GREENE: Any other specific words in respect of political matters that you can recall were used?

(*Translation*)

Mr. GIROUARD: No, nothing special except what I recalled very well when I made my statement. At that time, I tried to remember what had happened.

(*Text*)

Mr. GREENE: Now, is there any reason why you recall these few specific words and no others of a 35 minute conversation?

(*Translation*)

Mr. GIROUARD: I believe it is on account of their importance. One may easily presume that they were so important as to remain in my memory.

(*Text*)

Mr. GREENE: Now, did the other four members talk at all while Mr. Davey was there, or did they remain mum.

(*Translation*)

Mr. GIROUARD: They may have spoken about it but they did not say anything of importance regarding this discussion because I do not recall any significant intervention on the matter.

(*Text*)

Mr. GREENE: Was there any discussion with regard to other party matters besides organization, funds and the flag?

(*Translation*)

Mr. GIROUARD: No, I do not recall.

(*Text*)

Mr. GREENE: Were there any discussions in respect of party policies?

(*Translation*)

Mr. GIROUARD: No, besides party policies, most of the discussion was on the flag issue.

(*Text*)

The ACTING CHAIRMAN: Gentlemen, I do not want to cut in but I would ask the steering committee to meet with me tonight so we can prepare the agenda for the next witness. As you recall, that was left to the steering committee. If we do that, we can have it lined up when we reconvene.

I am sorry to interrupt you, Mr. Greene, but I would ask the steering committee to meet in room 16 right after the house reconvenes at 8 o'clock.

Mr. GRÉGOIRE: Could we ask the steering committee to meet tomorrow morning instead of tonight?

Mr. GREENE: I think some members are leaving tonight.

The ACTING CHAIRMAN: We can meet after our meeting this afternoon, if you wish.

Our meeting should be very brief. I am sorry, Mr. Greene; would you please carry on. I am going to suggest we meet at 5.30 in room 16.

Mr. GREENE: Are you suggesting the steeering committee meet at 5.30 in room 16?

The ACTING CHAIRMAN: We will meet right here as soon as we break up from this meeting

Mr. RHÉAUME: Come on, Joe, let us go.

Mr. GREENE: There was no discussion of the policy apart from the flag, I think you have told us.

(*Translation*)

Mr. GIROUARD: I said: I do not recall, but as to another subject matter, except for the flag issue, as regards general policy, after due consideration, nothing else did call my attention.

(*Text*)

Mr. GREENE: You made no request to know more of the policy that the Liberal party stood for?

(*Translation*)

Mr. GIROUARD: No, the whole time was taken by the flag issue.

(*Text*)

Mr. GREENE: Who commenced the discussion about the flag?

(*Translation*)

Mr. GIROUARD: One of the four members initiated the discussion but I could not say which one did.

(*Text*)

Mr. GREENE: Was there any discussion in regard to the leadership of the respective parties?

(*Translation*)

Mr. GIROUARD: I do not think so.

(*Text*)

Mr. GREENE: Was the name of the Leader of the Opposition ever mentioned by anyone?

(*Translation*)

Mr. GIROUARD: I do not think so.

(*Text*)

Mr. GREENE: Was the name of the Prime Minister ever mentioned by anyone?

(*Translation*)

Mr. GIROUARD: I do not think so.

(*Text*)

Mr. GREENE: Was there any discussion of the fact that the leadership of the Liberal party might be more attractive in the province of Quebec?

(*Translation*)

Mr. GIROUARD: I do not think so.

(*Text*)

Mr. GREENE: You say, "je ne pense pas". I wonder if you do not remember. Is it possible that there was such a discussion and you would not remember?

(*Translation*)

Mr. GIROUARD: I do not remember.

(*Text*)

Mr. GREENE: Was there any discussion with regard to the acceptability of the Liberal party in Quebec? As opposed to the Conservative party in Quebec?

(*Translation*)

Mr. GIROUARD: That is a very hypothetical statement. I believe that if such a subject had been discussed, I would remember. I do not believe so.

(*Text*)

Mr. GREENE: Was there any discussion with regard to your chance of success of being re-elected under one party as opposed to another party in the province of Quebec?

(*Translation*)

That thing, the liberal members, after raising that question, when they talked about their flag, I think that at some time there was one who said: It would do very well in Quebec. But there was no discussion on the attraction of one party or of another in the province of Quebec.

(*Text*)

Mr. NUGENT: How about the price of wheat in China?

Mr. GREENE: The only discussion then that you recall was with regard to finances and with regard to the words "party in power"?

Mr. GIROUARD: "Organization," "defeated candidates," "flag", "think it over". That covers pretty well the whole discussion.

Mr. GREENE: You took an active part in this discussion or was Mr. Davey doing all the talking?

Mr. GIROUARD: Before Mr. Davey came I took part in the discussion on the question of the flag; when he came he was the one who talked on that subject.

Mr. GREENE: When he made the statements which you told us about as a witness, did you ask him to enlarge on them or did you ask him what they meant or what the results would be?

Mr. GIROUARD: No, and I had a good reason for that.

Mr. GREENE: When he first came in did you inform him why you were in the room?

(*Translation*)

Mr. GIROUARD: No.

I had no intention of letting him think that I was interested. That is why I let him explain his business but I was careful not to intervene so as not to raise his hopes with regard to my intentions.

(*Text*)

Mr. GREENE: Did you inform him at that time that there was no point in having any discussion and that you were only there to please your friends?

(*Translation*)

Mr. GIROUARD: Yes, I remember that very well.

(*Text*)

Mr. GREENE: You remember very well?

(*Translation*)

Mr. GIROUARD: Yes.

(*Text*)

Mr. GREENE: What words did you use to give that intent to Mr. Davey?

(*Translation*)

Mr. GIROUARD: I remember saying..... maybe not the exact words..... I remember saying to him that I had already told my friends that I was joining the Conservative party and that I wanted to make sure that he understood that I was coming to the meeting only to please them.

(*Text*)

Mr. GREENE: When was the next meeting that you had with any member of this group?

(*Translation*)

Mr. GIROUARD: A week later, approximately.

(*Text*)

Mr. GREENE: Could it have been less than a week?

(*Translation*)

Mr. GIROUARD: I think that a week was plenty. If you want, one day more or less perhaps, but it was approximately one week.

(*Text*)

Mr. GREENE: Could it have been more than a week?

(*Translation*)

Mr. GIROUARD: Yes, give or take one day, perhaps.

(*Text*)

Mr. GREENE: It could not have been three or four weeks?

Mr. GIROUARD: No.

Mr. GREENE: Could it have been three weeks?

Mr. GIROUARD: No.

Mr. GREENE: Could it have been two weeks?

Mr. GIROUARD: No.

Mr. GREENE: You are sure then that it was not more than ten days?

Mr. GIROUARD: As sure as I can be.

Mr. GREENE: As sure as you are of the rest of your evidence concerning that Thursday?

Mr. GIROUARD: Mr. Chairman, listen to that.

Mr. GREENE: I withdraw that question. You are sure it could not have been more than ten days after the meeting with Mr. Davey, so it was somewhere between seven and ten days.

Mr. GIROUARD: Something around seven days.

Mr. GREENE: During that period between the meeting with Mr. Davey and the time you had some further communication with Mr. Moreau, did you have any telephone conversations or meetings?

Mr. GIROUARD: What is the question?

The ACTING CHAIRMAN: I suggest you put the question again because the witness does not understand it. I also suggest it be the last question.

Mr. GREENE: Was that meeting you had with Mr. Moreau some seven days after the meeting with Mr. Davey?

Mr. GIROUARD: Yes.

Mr. GREENE: Where would that have taken place?

(*Translation*)

Mr. GIROUARD: In the corridor on the fourth floor of the West Block, near the door to my office, 423.

(*Text*)

Mr. GREENE: Was it a casual meeting or was it arranged?

(*Translation*)

Mr. GIROUARD: That was accidental, because we were both coming back from the House, I believe. At any rate, I was coming back from the House.

(*Text*)

Mr. GREENE: Were there any telephone communications apart from that meeting?

The ACTING CHAIRMAN: The meeting will adjourn until next Thursday at ten o'clock, and I would ask the steering committee to please stand by for a moment.

HOUSE OF COMMONS

Second Session—Twenty-sixth Parliament

1964

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Acting Chairman: MR. LAWRENCE T. PENNELL

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 3

THURSDAY, MAY 21, 1964

Matters raised by the honourable member for Labelle (Mr. Girouard) in the house Monday, April 27, 1964.

WITNESS:

Mr. Gérard Girouard, M.P.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20823—1

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Acting Chairman: Mr. Larry Pennell

Vice-Chairman: Mr. Jean-Eudes Dubé

and Messrs.

Balcer,	[1] Jewett (Miss),	Pennell,
Beaulé,	Lessard (*Saint-Henri*),	Pigeon,
Cameron (*High Park*),	Marcoux,	Prud'homme,
Cashin,	Martineau,	Rhéaume,
Chretien,	Mullally,	Rochon,
Crossman,	Nielsen,	Scott,
Fisher,	Nugent,	Valade,
Francis,	O'Keefe,	Vincent,
Greene,	[2] Olson,	Woolliams—29
Grégoire,	Paul,	

(Quorum 10)

Maxime Guitard,
Clerk of the Committee.

[1] Mr. Klein replaced Miss Jewett, on May 21, 1964.

[2] Mr. Chapdelaine replaced Mr. Olson, on May 21, 1964.

ORDERS OF REFERENCE

THURSDAY, May 21, 1964.

Ordered,—That the name of Mr. Klein be substituted for that of Miss Jewett on the Standing Committee on Privileges and Elections.

THURSDAY, May 21, 1964.

Ordered,—That the name of Mr. Chapdelaine be substituted for that of Mr. Olson on the Standing Committee on Privileges and Elections.

Attest.

LÉON-J. RAYMOND,
The Clerk of the House.

20823—1½

MINUTES OF PROCEEDINGS

THURSDAY, May 21, 1964.
(8)

The Standing Committee on Privileges and Elections met at 10.05 o'clock a.m. The Acting Chairman, Mr. Pennell, presided.

Members present: Miss Jewett and Messrs. Balcer, Beaulé, Cameron (*High Park*), Cashin, Chrétien, Crossman, Fisher, Francis, Greene, Grégoire, Lessard (*Saint-Henri*), Marcoux, Martineau, Mullally, Nielsen, Nugent, O'Keefe, Olson, Paul, Pennell, Pigeon, Prud'homme, Rhéaume, Rochon, Scott, Valade, Vincent, Woolliams—(29).

In attendance: Mr. Gérard Girouard, M.P.

Also in attendance: Dr. Maurice Ollivier, Parliamentary Counsel and Parliamentary interpreters interpreting.

On motion of Mr. Francis, seconded by Mr. Prud'homme,

Resolved,—That the Committee be empowered to print 800 copies in English and 400 copies in French of its Minutes of Proceedings and Evidence.

The Acting Chairman instructed the Clerk of the Committee to read the Third Report of the subcommittee.

THIRD REPORT

WEDNESDAY, May 20, 1964.

The Subcommittee on Agenda and Procedure of the Standing Committee on Privileges and Elections met at 10.30 o'clock a.m. this day. The Acting Chairman, Mr. Larry Pennell, presided.

Members present: Messrs. Dubé, Fisher, Grégoire, Greene, Pennell.

Your subcommittee recommends:

1. That the witnesses to be called should appear in the following order:

Next to Mr. Girouard, M.P., Mr. Moreau, M.P., then Mr. Davey, followed by the other three liberal Members mentioned during the previous sittings of the Committee, i.e. Messrs. McNulty, Gray and Macaluso.

2. After completing his evidence, a witness should be subject to be recalled at the will of the Committee.

And debate arising thereon, Mr. Martineau seconded by Mr. Paul moved, in amendment thereto, that Mr. Keith Davey be called as a witness immediately after Mr. Girouard has completed his testimony.

And the question being put on the said amendment, it was negatived on the following division:

Yeas: Messrs. Balcer, Marcoux, Martineau, Nugent, Olson, Paul, Pigeon, Rhéaume, Scott, Valade, Vincent, Woolliams—12.

Nays: Miss Jewett, Messrs. Beaulé, Cameron (*High Park*), Cashin, Chrétien, Crossman, Fisher, Francis, Greene, Grégoire, Lessard (*Saint-Henri*), Mullally, O'Keefe, Prud'homme, Rochon—15.

The Acting Chairman ruled out of order, a question posed by Mr. Grégoire to Mr. Girouard.

Whereupon Mr. Grégoire appealed the decision of the Chair.

And the question being put by the Acting Chairman: "Shall the decision of the Chair be sustained?"

It was decided in the affirmative on the following division:

Yeas: Miss Jewett, Messrs. Cameron (*High Park*), Cashin, Crossman, Francis, Greene, Mullally, Nielsen, Nugent, O'Keefe, Paul, Pigeon, Rhéaume, Scott, Valade, Woolliams—16.

Nays: Messrs. Beaulé, Chrétien, Fisher, Grégoire, Lessard (*Saint-Henri*), Prud'homme, Rochon—7.

Mr. Fisher moved, seconded by Mr. Greene, that the witness, Mr. Girouard, M.P., be dismissed and that Mr. Moreau, M.P., be called as the next witness.

And debate arising thereon, Mr. Nielsen, seconded by Mr. Valade, moved as in amendment thereto that Mr. Davey be called as witness immediately after Mr. Moreau is heard.

Both the mover and seconder of the main motion agreed to their motion being so amended.

Whereupon the question being put on the said motion as amended, it was decided on the following division:

Yeas: Miss Jewett, Messrs. Beaulé, Cameron (*High Park*), Cashin, Chrétien, Crossman, Fisher, Francis, Greene, Grégoire, Lessard (*Saint-Henri*), Mullally, Nielsen, O'Keefe, Paul, Prud'homme, Rochon, Scott, Valade, Vincent, Woolliams—21.

Nays: Messrs. Nugent, Pigeon, Rhéaume—3.

His examination being concluded, the witness, Mr. Girouard, M.P., withdrew.

At 12.05 o'clock p.m. on motion of Mr. Fisher, seconded by Mr. Rochon, the Committee adjourned until 3.30 o'clock p.m. this day.

AFTERNOON SITTING

(9)

The Standing Committee on Privileges and Elections reconvened at 3.35 o'clock p.m. this day. The Acting Chairman, Mr. Pennell, presided.

Members present: Messrs. Balcer, Beaulé, Cameron (*High Park*), Cashin, Chrétien, Crossman, Fisher, Francis, Greene, Grégoire, Klein, Lessard (*Saint-Henri*), Marcoux, Mullally, Nielsen, Nugent, O'Keefe, Paul, Pennell, Pigeon, Prud'homme, Rhéaume, Rochon, Scott, Valade, Vincent, Woolliams (27).

In attendance: Mr. Moreau, M.P.

Also in attendance: Dr. Maurice Ollivier, Parliamentary Counsel and Parliamentary interpreters interpreting.

At the opening of this afternoon's sitting the Acting Chairman informed the Committee that there would be no French shorthand reporter available this afternoon.

And debate arising thereon, Mr. Greene moved, seconded by Mr. Scott, that the Committee proceed and examine the English speaking witnesses that have already been called to appear, it is to say Messrs. Moreau and Davey.

And the question being put on the said motion, it was resolved, by a show of hands, in the affirmative: yeas, 14; nays, 0.

The second witness, Mr. Moreau, was then called, sworn and examined.

The examination of the witness continuing, Mr. Francis moved, seconded by Mr. Grégoire, that the Committee sit this evening.

And the question being put on the said motion, it was resolved, by a show of hands, in the affirmative: yeas, 15; nays, 8.

At 5.45 o'clock p.m. the Committee adjourned until 7.30 o'clock p.m. this day.

EVENING SITTING

(10)

The Standing Committee on Privileges and Elections reconvened at 7.45 o'clock p.m. this day. The Acting Chairman, Mr. Pennell, presided.

Members present: Messrs. Balcer, Beaulé, Cameron (*High Park*), Cashin, Chapdelaine, Chrétien, Crossman, Fisher, Francis, Greene, Grégoire, Klein, Lessard (*Saint-Henri*), Marcoux, Mullally, Nielsen, Nugent, O'Keefe, Paul, Pennell, Pigeon, Prud'homme, Rhéaume, Rochon, Scott, Valade, Vincent, Woolliams (28).

In attendance: Mr. Maurice J. Moreau, M.P.

Also in attendance: Parliamentary interpreters interpreting.

The Committee resumed examining the witness, Mr. Moreau, M.P.

The Committee discussed the date of its next sitting.

Whereupon Mr. Grégoire moved, seconded by Mr. Prud'homme, that when the Committee adjourn this evening it stay adjourned until 3.30 o'clock p.m. on Monday, May 25, 1964.

And debate arising thereon, the question being put on the said motion, it was, by a show of hands, negatived: yeas, 8; Nays, 13.

Further discussion took place on a tentative date for the next sitting.

Whereupon Mr. Rhéaume moved, seconded by Mr. Marcoux, that the Committee sit at 10.00 o'clock a.m. on Tuesday, May 26, 1964.

After debate thereon, the question being put on the said motion, it was resolved, by a show of hands, in the affirmative: Yeas, 17; Nays, 0.

And the examination of the witness continuing, at 9.55 o'clock p.m. the Committee adjourned until 10.00 o'clock a.m. on Tuesday, May 26, 1964.

Maxime Guitard,
Clerk of the Committee.

EVIDENCE

THURSDAY, May 21, 1964.

The ACTING CHAIRMAN: I call the committee to order. It has been brought to my attention that while a motion was passed approving that copies of our proceedings be printed in both English and French, there was an apparent oversight, and the number to be printed in both languages was not designated. I felt this should be dealt with at once. For your guidance, might I say that last year this committee published 800 in English and 400 in French; and in 1962 there were 800 in English and 250 in French. The Chair would be pleased to entertain a motion to determine the matter.

Mr. FRANCIS: I move that we print 800 copies in English and 400 copies in French.

Mr. PIGEON: I second the motion.

The ACTING CHAIRMAN: You have all heard the motion moved by Mr. Francis and seconded by Mr. Pigeon. All those in favour? Contrary minded? I declare the motion agreed to.

Motion agreed to.

There was a meeting of the subcommittee and I shall ask the clerk to read the report of it. Before any comment is made concerning it, or any motion, perhaps you would permit the Chair to make one brief comment.

CLERK OF THE COMMITTEE:

Third report (*see Minutes of Proceedings, morning sitting*), May 21, 1964.

The ACTING CHAIRMAN: May the Chair be permitted a word of explanation as to the thinking behind calling Mr. Moreau as the next witness to be followed by Mr. Davey. Mr. Moreau has been more or less throughout the proceedings at Mr. Girouard's hand. It was he who made the phone calls and set up the meetings, and it was he who was present when the discussions took place with Mr. Davey, and at the subsequent discussion with Mr. Girouard, when the relations were terminated. Therefore it was felt that Mr. Moreau should follow.

(*Translation*)

Mr. PIGEON: Mr. Chairman, it had been well understood, at the very first meeting, that, following Mr. Girouard, Mr. Davey would be the second witness to appear before the Committee. I wonder why some want Mr. Moreau to be heard before Mr. Davey. I even believe that Mr. Davey is anxious to appear before the Committee. Therefore, I wonder for what reasons some want to have Mr. Moreau called before Mr. Davey.

(*Text*)

The ACTING CHAIRMAN: It was felt by those present when the motion was made to call Mr. Moreau and then Mr. Davey, that Mr. Moreau having been present through the whole proceedings should be able to state clearly in front of the committee the story from the other side, and then Mr. Davey would be called. No proposed witnesses were consulted, and Mr. Davey has the right to follow Mr. Girouard in the box. I thought I would explain the thinking behind the motion.

Mr. VALADE: The only objection is that we are here on terms of reference on a question of privilege from the house to study both the declarations by Mr. Davey and Mr. Girouard, and in terms of the reference there was no mention of Mr. Moreau at that time. I do not think it would be in order to change the procedure actually because of events developing in this committee. I think we should follow the original plan.

Mr. NUGENT: I find it difficult to understand how the committee can decide to call Mr. Moreau. In so far as the whole committee was concerned there were only two witnesses initially who were going to be called by this committee. We have not decided in the committee to call any more. The committee decided to call Mr. Girouard and Mr. Davey, but no other names initially came up, and there was no decision by the full committee to call anyone else, so I think that the action of the subcommittee was a little premature. I do not see the name of any Conservative at that committee meeting, and I wonder why. I know that Mr. Woolliams was out of town.

Mr. WOOLLIAMS: As the Chairman knows, I stated that I would be away on Wednesday. I do not know if the committee was notified about a substitution. I am not complaining about it. I believe somebody did move to call Mr. Davey next. I think that is the procedure we should follow. There have been certain statements made by the present witness and we did not oppose the fact that Mr. Girouard be called first. There seemed to be an understanding that Mr. Davey would follow him. I am surprised that he is not to be called next. It seems to me that this would give him an opportunity to hear what Mr. Girouard and Mr. Moreau would say, so that he might fit and shape his words to answer those particular witnesses. I am not questioning his integrity at the moment. But I say it is only natural if he hears other witnesses, then he can answer them because he knows what they have already said. I think Mr. Davey should come as the next witness so that we know what he has to say.

Mr. MARTINEAU: I think it was accepted by the committee that Mr. Davey would be called immediately after Mr. Girouard had concluded his testimony. Therefore I move seconded by Mr. Paul, that Mr. Keith Davey be called as a witness immediately after Mr. Girouard has completed his testimony.

Mr. FISHER: As a member of the steering committee and believing that I have been given the proper recommendations I would have to vote against this motion, because I think in the interest of continuity Mr. Moreau's appearance is the right one. Most of the information we have received, and most of the questioning which all of us carried out really focussed on the encounter between Mr. Girouard and Mr. Moreau, and what was said by Mr. Moreau. We have heard a great deal about their friendship and intimacy. It seems to me that it is quite proper that now, in order to keep it in continuity, we should get Mr. Moreau's position before we turn to Mr. Davey. For that reason I would vote against the motion.

Mr. CAMERON (*High Park*): I support Mr. Fisher. I am going to vote against the motion. I have no recollection that this committee decided that Mr. Davey should be called after Mr. Girouard. What is the purpose of having witnesses present if they cannot hear what the opposition is saying. That is a proper and regular procedure to follow. And I would go further and say that the other three members who were at the Interprovincial hotel are the linchpin in this whole thing, and we should have that intermediate evidence before we hear from Mr. Davey. For these reasons I shall vote against the motion.

Mr. BALCER: What I have to say is that the interest of this committee is focussed on what Mr. Girouard is saying, and on what Mr. Davey will be saying. I think that maybe after listening to Mr. Davey the committee may stop right there. Otherwise we might stretch the sittings of this committee for a month. We might as well have Mr. Davey. That was my understanding. There is nothing unfair in doing so.

Mr. WOOLLIAMS: Might I speak to the matter again. This matter really arose, and we are here because of April 28, 1964. We do not know whether Mr. Davey was misquoted or not, but he may not have had the same interview with the press which was covered in the Ottawa *Journal* and other newspapers across the country. The press clipping reads:

> Keith Davey, national organizer for the Liberal Party, today bluntly and flatly denied charges he'd discussed campaign funds or money with Gérard Girouard, MP for Labelle.
>
> Mr. Girouard, who switched from the Social Credit to the Conservative party recently, charged Monday that Mr. Davey offered money for election campaigning.
>
> Steps are being taken to air the issue in a commons committee—a move Mr. Davey says he welcomes.
>
> He said Mr. Girouard's statement to the house "contains many inaccuracies."
>
> "For instance, at no time in my conversation with Mr. Girouard was there any discussion of campaign funds or money of any kind.

Mr. GREENE: Mr. Chairman, on a point of order—

The ACTING CHAIRMAN: Order, order.

Mr. GREENE: Mr. Woolliams is purporting to be arguing a motion relative to a point of order and he is apparently reading volumes of a newspaper into the record which have nothing to do with it.

The ACTING CHAIRMAN: I would hope that we might have starting this morning's proceeding by restraining ourselves a bit. Mr. Woolliams is speaking I hope to the point of order. I wish the members of the committee would ponder their adjectives before they use them. It might help matters considerably.

Mr. GREENE: Is the Chair ruling that this newspaper article is relevant to the motion which is before the committee now?

The ACTING CHAIRMAN: I notice the article he is reading does not appear to be a very long one. I think it is somewhat germane to the point of order as to the order of witnesses, but I hope he will conclude quickly.

Mr. CAMERON (*High Park*): What relevancy does it have to the motion?

Mr. WOOLLIAMS: It was as a result of this article that the whole statement was made by Mr. Girouard. Mr. Davey continued:

> I completely deny this allegation. While this is the most serious error in Mr. Girouard's statement, there are others, including his suggested reason why his bid to join the Liberal party was rejected," said Mr. Davey.

I am going to pause there. The statement says that he was rejected by the Liberal party, but Mr. Girouard categorically denies it. If this newspaper article had not appeared, there never would have been this committee looking into the matter. It was that relevancy. Therefore I suggest that Mr. Davey should come forward and give his evidence at this stage. There should be no opposition to it, surely what has he got to hide? I continue:

> "Because of the serious nature of some of the accusations, the public should realize that as Mr. Girouard's statements were made on the floor of the House of Commons, he has complete legal immunity.
>
> "This statement, of course, is not similarly privileged," Mr. Davey said.

Mr. Knowles moved the motion to look into the matter raised by Mr. Girouard on April 27. Surely it naturally follows that if Mr. Davey comes

forward and give his evidence as to the facts, this might wind up the thing very expeditiously. It may be that there is some difference in the evidence of Mr. Girouard, and that Mr. Davey has been misquoted in the newspapers, and that he never said that Mr. Girouard was rejected by the Liberals. It may be that he will agree with Mr. Girouard's evidence, and if he does so, there is no use in calling other witnesses. Maybe some members of parliament would be very embarrassed, and it is not relevant. Why should they be embarrassed?

The ACTING CHAIRMAN: It seems to me that most of you are satisfied in your own minds how you feel the matter should be dealt with so far as the order of witnesses is concerned. I hope we will be able to resolve this matter very quickly. Perhaps if one or two more speak then we may have a vote.

Mr. RHÉAUME: My question is on a technical and procedural point. I do not think the committee decided to call Mr. Moreau. The whole committee decided to call Mr. Girouard and Mr. Davey definitely. We presented that two part motion which reads first not only that Mr. Davey will be the witness, but that Mr. Moreau be heard first. This makes it a double-barrelled motion, because not only does it introduce a new witness, but a new order in which witnesses shall be heard. I do not think it is fair for this committee to have that kind of two part motion which can be interpreted towards anyone's ends.

(*Translation*)

Mr. PAUL: Mr. Chairman, following Mr. Knowles' motion in the House, for the study of two statements, one by the member for Labelle and the other by Mr. Davey, the Committee will soon have . . .

(*Text*)

The ACTING CHAIRMAN: I am sorry to interrupt but the interpreter says he cannot hear you. Would you kindly speak up and raise your voice, please?

(*Translation*)

Mr. PAUL: When Mr. Knowles made his motion in the House, the purpose was to investigate two statements, one by Mr. Girouard, member for Labelle, the other by Mr. Davey. If we are practical . . . I believe we will soon have finished with Mr. Girouard's evidence, it would of course be logical to hear Mr. Davey immediately, and thus in the light of Mr. Davey's statements and evidence, if the Committee deems it advisable to question other witnesses like Mr. Moreau and other members, it could do so. In my opinion, that is how we should proceed, if we want to do what the House has asked us to do. I think we should first question Mr. Davey. That is why I have seconded the motion of the honourable member for Pontiac-Témiscamingue, so that we may proceed in an orderly fashion and follow the instructions given to us by the House with regard to this matter.

(*Text*)

The ACTING CHAIRMAN: Mr. Chrétien wishes to speak next.

(*Translation*)

Mr. CHRÉTIEN: On that motion, I think that the other day, in the course of our proceedings, we agreed that the Steering Committee would determine in what order the witnesses would be heard, and that was done; according to Mr. Fisher's statement, the Steering Committee has examined certain matters relative to the question and has arrived at that conclusion. In the second place, it is logical that we know exactly what has happened in the interval between the meetings at the Interprovincial Hotel and the discussions in the office of the member for York-Scarborough.—

It is therefore logical that we follow the chronological sequence and it is in order that we vote on the motion made by the member for Pontiac-Témiscamingue.

(*Text*)

Mr. PIGEON: I think it is very important to have Mr. Davey as our next witness. I am surprised to see a few members opposing the idea. I do not know why we are anxious to ask questions of the chief organizer of the party.

(*Translation*)

Mr. PRUD'HOMME: Mr. Chairman, Mr. Chairman.

(*Text*)

Mr. GREENE: Mr. Chairman, I would point out to Mr. Woolliams, that, as an eminent barrister in the province of Alberta, I believe he would in the normal course of events at a trial on an issue such as this wish to call the evidence in chronological order. I would point out that there would be a very distinct gap in the evidence if we jumped at this time to Mr. Davey. We would not have any other evidence of what was given before the Davey meeting, namely, the meeting at the hotel in Hull, except Mr. Girouard's evidence. In normal trial procedure I feel sure my honourable friend would bring first things first. I realize that my honourable friends opposite are very anxious to get at the target but I think it might be preferable if they waited until they got all the facts that are available from all the witnesses who were present at the earlier meetings, so that the background would be completely filled in, in a normal chronological manner.

I think there is no question that Mr. Davey will give evidence, and that all these people will have to give evidence. That is a rather specious argument. There are questions of credibility here which are quite obvious, and unless my honourable friends do not want all the evidence in, it would appear that at first sight all persons present at the conversations would have to give evidence, if it is the truth we are seeking in this inquiry.

The ACTING CHAIRMAN: I shall put the question.

Mr. NUGENT: The Chair still has not answered my inquiry about the steering committee meeting and why there was not a Conservative member present. I do not know if anyone was notified. And in respect of Mr. Greene's point about the chronological order, I said at a previous meeting, that if we were really interested bringing this evidence forward in a chronological manner, in a logical order, we should have Mr. Davey, and I still think we should have him. And after calling other witnesses now, it seems strange that we would be bringing next witnesses who might corroborate the evidence one way or the other. Who is to be called among the people involved, if the committee feels that there is a need to call other witnesses to straighten out the matter, in the discussions between witnesses. If we feel that some of the evidence which might be given has to do with some other time rather than with the conversation between these two, they could be called. But how Mr. Greene with a straight face can put forward that kind of argument, I fail to comprehend. As a lawyer he should be more interested in a logical approach.

The ACTING CHAIRMAN: I am putting the motion. It is Mr. Martineau's motion as to the calling of witnesses, and this should normally determine the will of the committee as to what witnesses they desire.

(*Translation*)

Mr. MARCOUX: Mr. Chairman, I apologize for taking the floor. I do not think that two parties were represented at the meeting of the Steering Committee and I have not heard it said that we had been invited. The only thing I remember is that, at a meeting held here, it was agreed that the second witness would be Mr. Davey. Some even wondered why. We were told: that matter was considered by the Steering Committee. So, we had to submit gracefully because, in spite of the fact that Mr. Girouard's statement had been read, in spite of the fact that the very intelligent members here present knew the sequence of events, it had been decided that Mr. Davey would be the second witness.

I do not see why we should change from one day to the next the order in which we are to hear the witnesses. Otherwise, it is useless to come here and to make decisions, it is useless to vote. That is why I agree with Mr. Martineau's motion, not because I am against one more than the other or that I am for one more than for the other, but it has been said that we would abide by the decisions that we had made.

(*Text*)

Mr. CAMERON (*High Park*): When did we decide to call Mr. Davey immediately after Mr. Girouard?

The ACTING CHAIRMAN: The transcript will confirm this. I am speaking subject to correction by Mr. Pigeon, but I recollect hearing just the contrary. Mr. Pigeon said that he would bow to the motion, if they were satisfied that Mr. Davey be called not merely as a witness but as the next witness.

Mr. PIGEON: I support Mr. Marcoux's motion.

Mr. NUGENT: My motion was that Mr. Davey be called as the witness rather than just be invited to attend.

The ACTING CHAIRMAN: That is right.

Mr. NUGENT: Since the committee only had two witnesses, and still only has two witnesses, there should be no other interpretation. I do not see how it could be interpreted in any other way.

Mr. WOOLLIAMS: I do not see why we should be cut off in our discussion. It is my understanding that there are only two witnesses at the present time that we have decided to call, namely, Mr. Girouard, and Mr. Davey. Let no one deny that. That is surely clear before this committee. That was the situation. Now you have had a steering committee meeting knowing full well that I was away at the time.

(*Translation*)

Mr. PRUD'HOMME: Come on, come on, let's be serious.

(*Text*)

The ACTING CHAIRMAN: I am not putting the steering committee's motion. I am dealing with Mr. Martineau's motion.

Mr. WOOLLIAMS: That is right, but this motion would never have arisen if the steering committee had not come forward with its report this morning, read by you. As far as I am concerned there were two witnesses to be called. This is a pretty hot procedural shakeup by the Liberal party and their friends.

Mr. RHÉAUME: I seconded the motion, and I want to explain what I understood at the time. The issue that was debated at length before the committee was the one which I put as protagonist in this matter, and that was that Mr. Davey should be heard first. There was a feeling among many people in the committee at the time concerning Mr. Davey and for the reasons which have been elaborated upon already. There was a feeling in another part of the committee at the time concerning Mr. Girouard when the motion was put. First of all, the committee accepted that Mr. Girouard be heard first. The implication was that we would hear the two main contenders and not hear just one of them and then begin to corroborate a story we have not even heard yet from Mr. Davey. There are no two ways about it. Are we going to pass motions upon an understanding in this committee only to have the Liberal majority subsequently out-vote us at another opportunity so that we do not know from one committee meeting to the next what is going to happen? Is the preponderance of Liberals going to out-vote us? If so, we may as well call the whole thing off.

(*Translation*)

Mr. BALCER: Mr. Chairman, the reason for our meeting is that a member of the House of Commons has risen on a question of privilege, protesting that a political organizer had, according to him, insulted him and that his word had been doubted.

I believe Mr. Davey should have been the first witness. Mr. Girouard, to my way of thinking, in accepting to be heard first placed himself in a more difficult position than that in which he would have found himself had he been the third or fourth witness to be heard.—In all fairness to Mr. Girouard, in all fairness also to the members of this Committee, I believe that it is very important that Mr. Davey be questioned. The matter has been settled the other day.—The Committee has had the opportunity to discuss the matter. I do not see why, to day, Mr. Davey, or Mr. Davey's friends, are trying to protect him as long as possible, so that the truth about the matter is not revealed too soon.

Mr. Chairman . . .

Mr. PIGEON: Mr. Chairman . . .

(*Text*)

The ACTING CHAIRMAN: Mr. Grégoire is next.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, frankly, I do not mind who is going to be our first witness. I can assure our Conservative friends of our full support and also that Mr. Davey will be a witness, that he will be called as a witness. Now, it does not matter who is going to appear first. I suggest we take a vote at once. I move for a vote.

Mr. PIGEON: We have the right to speak to that motion.

Mr. PRUD'HOMME: It is time . . .

Mr. PIGEON: I think it is in the public interest that Mr. Davey should appear as a witness before the committee. I wonder why members of the Government try to hide Mr. Davey. Do they not want him to appear before the committee?

Mr. ROCHON: Mr. Chairman, we have nothing, Mr. Chairman, we have nothing to hide, absolutely nothing.

(*Text*)

The ACTING CHAIRMAN: Order, order, order. Let me read to you from page 10 of the minutes of the proceedings. The reason I have not circulated them is that the copies in French are not yet available.

> The Acting Chairman instructed the Clerk of the committee to send the appropriate letters to both Messrs. Girouard and Davey.
>
> The subcommittee feels it is now too early to establish a schedule of the witnesses to be called according to priority and to the chronological order of the events that took place. However, the subcommittee prefers to defer this decision after each sitting of the committee.
>
> Thereupon Mr. Greene moved, seconded by Mr. Francis,
>
> That the above report dated Friday, May 8, be adopted as read.
>
> And debate arising Mr. Pigeon moved, seconded by Mr. Balcer,
>
> That the motion be amended and that the order in which the witnesses are to appear be changed and that Mr. Keith Davey be called first and Mr. Girouard second.
>
> After debate thereon, the question being put on the said proposed amendment, it was, by a show of hands, negatived; yeas: 7; nays: 18,
>
> and debate continuing on the main motion,

Mr. Nugent moved, seconded by Mr. Rhéaume,

That the said report be amended to include the following:

"That Mr. Keith Davey be summoned to appear before the standing committee on privileges and elections, as a witness".

After further debate, the question being put on the said amendment, it was resolved, by a show of hands, in the affirmative; yeas: 24; nays: nil.

And the question being put on the main motion as amended, it was resolved, by a show of hands, in the affirmative; yeas: 19; nays: 1.

I speak, subject to correction from Mr. Pigeon, but I believe that it was Mr. Pigeon who took exception because we had not stated that Mr. Davey was to be the second witness, since he had moved it earlier. I thought I should read this minute to the committee.

(*Translation*)

Mr. PIGEON: Mr. Chairman, it was decided at the committee that Mr. Girouard would be called as a witness first. The original discussion was to decide whether Mr. Davey or Mr. Girouard would be the first witness.

Mr. PRUD'HOMME: That's right—

Mr. PIGEON: Then, after Mr. Girouard was to have given his evidence, I think it was well understood that Mr. Davey would be the second witness.

Some hon. MEMBERS: No, no.

Mr. PIGEON: I think we feel, as members of this committee, that it is in the public interest and it was well understood that Mr. Davey would be the second witness. Why would the Members of our Government want to hide Mr. Davey? It is our right to call Mr. Davey as a witness, as the next witness. We believe in the Bill of Rights, and we want Mr. Davey to appear. The Government is afraid to call Mr. Davey before this committee because truth will come out. Mr. Davey mentioned campaign funds and patronage. He spoke about many things. We want to know the truth, and it is our right to find out.

(*Text*)

The ACTING CHAIRMAN: Mr. Martineau, are you asking me to put your motion to a vote? I am leaving it up to you, Mr. Martineau.

Mr. MARTINEAU: I want the motion disposed of after the discussion has been completed.

Mr. RHÉAUME: May I make a brief comment?

Mr. FRANCIS: What is the order of speakers, Mr. Chairman?

Mr. RHÉAUME: Mr. Chairman, I know the minutes only record the actual motion but you will recall that I suggested the following possibility at the time, and what I am worried about now is that the committee can decide to call Mr. Moreau or anyone else who is a secondary witness, and then decide that there is no question of privilege, put the motion that the committee be disbanded and by sheer weight of numbers have the Grits and their friends out-vote us so that we would not get Mr. Davey as a witness.

The ACTING CHAIRMAN: If the motion carries that Mr. Davey be heard, as far as the Chairman is concerned he will be called.

Mr. RHÉAUME: They out-voted you once before when you made a ruling; your own party decided, for practical purposes, to over rule you.

Mr. GREENE: I had my hand up long before Mr. Rhéaume wished to take the floor. I would point out that the motion very clearly says that the witnesses will be called in chronological order. Some of the speakers over here have attempted to misinform the committee this morning.

Mr. NUGENT: Name them, Mr. Greene, and say how they misinformed the committee.

Mr. GREENE: It very clearly says, "in chronological order", and it was passed that way. The Conservative members of this committee have been very anxious to delay proceedings.

The ACTING CHAIRMAN: Order, order.

Mr. GREENE: I have the floor.

Mr. VALADE: This is a political speech.

The ACTING CHAIRMAN: We are turning this into a shambles. We went through this procedure before. Obviously this is a very simple question.

Mr. GREENE: Mr. Chairman, I have the floor and the Conservative members have been permitted to ramble at large.

The ACTING CHAIRMAN: You may have the floor but I am the Chairman, Mr. Greene. Let us have that clear. Order, order, gentlemen. Everyone knows in his heart that it is a simple matter which can be resolved very quickly. This prolonged debate is not going to change the ultimate voting. I am not going to cut off the debate at this moment, but let us have some order here and let us not give opinions on why another man is arguing the way he is; let us just state facts and get on with the motion.

Mr. GRÉGOIRE: On a point of order, Mr. Chairman, I have made a motion which was seconded by Mr. Rochon that the question be put now. That calls for a vote. Do you not agree, Mr. Chairman?

Mr. GREENE: I would just like to finish because I have the floor. I would point out that Mr. Davey must be called, so that the arguments that we are going to hide him for political purposes are completely specious. I would point out that apparently the Conservative members of this committee are very anxious not to hear these other witnesses. They have been putting accusations on the record and using this for political purposes. We want to hear all of the witnesses and all of the truth.

The ACTING CHAIRMAN: Order, order, please speak to the Chair.

Mr. VALADE: Be polite.

Mr. BALCER: I disagree entirely with Mr. Greene. The honour of Mr. Davey is at stake and we want to give him the opportunity to clear his name as soon as possible.

Miss JEWETT: Please put the question, Mr. Chairman.

Some hon. MEMBERS: Question, question!

The ACTING CHAIRMAN: Order.

Mr. GRÉGOIRE: I would like to ask you if you accepted my motion.

Mr. WOOLLIAMS: Mr. Chairman, I should like to speak on a procedural matter and keep it impersonal, if I might, for a moment. We have a motion before the committee that Mr. Davey be called as a witness. That is the only motion in reference to the witness. We have no motion to call anyone else as a witness. Surely the committee must finish up the business it started out with. I say that we must now proceed by calling Mr. Davey because the committee has already voted on it. There are only two witnesses: Mr. Girouard on the one hand and Mr. Davey on the other. If there are two witnesses, one and one make two, and so it must follow that Mr. Davey must follow Mr. Girouard, and there is no other motion to call any other witnesses. If we proceed in any other way, then I say, Mr. Chairman, we are totally out of order. I am going to repeat this: We have a motion that Mr. Girouard be called first and a motion that Mr. Davey be called as a witness. There are only two witnesses.

Surely one should follow the other in chronological order. That is procedural. Surely we would not be in order if we called any other witnesses.

Some hon. MEMBERS: Question, question!

The ACTING CHAIRMAN: I am going to put Mr. Martineau's motion to a vote.

Mr. PIGEON: Mr. Chairman, if this committee can be assured that we will have Mr. Davey as the next witness, then it is important to know the facts and to know the truth. Mr. Davey made a statement to the press concerning patronage and so on.

The ACTING CHAIRMAN: Let us not have any of this. If Mr. Martineau wants this put as an amendment to the steering committee motion, then Mr. Davey would definitely be the next witness. Is that what you want?

Mr. MARTINEAU: What is your suggestion, Mr. Chairman?

The ACTING CHAIRMAN: Do you want to put your motion as an amendment that the committee recommend that Mr. Moreau be called, then Mr. Davey and then the three other members of parliament would follow him, so that Mr. Davey would be the third witness? Your motion does not deal with that; your motion stands by itself and I am prepared to let it stand by itself.

Mr. MARTINEAU: You should, Mr. Chairman.

The ACTING CHAIRMAN: I am prepared to do it. I will put the question.

Mr. NUGENT: I still think the committee, having once decided that there were two witnesses to be called, should take the logical step of finding out, after we have heard those two witnesses, if there are any other witnesses to be called. I have not heard anything in support of the committee's recommendation that Mr. Moreau should be called rather than one of the others because they were all there. How can the committee pretend to be fair or to be interested in the truth when they do not call Mr. Davey next. The appearance of the next witnesses may not be necessary at all after we hear Mr. Davey. The hearing of his evidence is a necessary step before we can possibly decide how many other, or if any other, witnesses should be called.

The ACTING CHAIRMAN: I have a motion from Mr. Martineau and I will put it to you.

Mr. VALADE: I want to say something on this point of order.

Mr. GREENE: This is a filibuster.

Mr. VALADE: I take exception to the remark made by Mr. Greene. He is the one who has been filibustering the committee since the beginning of its hearings. The Chair has placed itself in a very bad position in the public's mind by making a statement which was made this morning in the committee and publicly admitting that there were no members of the opposing party at the steering committee meeting.

The ACTING CHAIRMAN: I am not dealing with the report of the steering committee. The motion has nothing to do with the steering committee report.

Mr. VALADE: This was pursuant to the statement made by the Chair this morning. It is a very bad thing for the committee to take such an action knowing that there were no members of the opposition party present at the steering committee meeting. It was a bad time to recommend to this committee that there would be a change in the order of the witnesses. This committee is considering a case of public importance and public interest, and if we change this order we will show the public that Mr. Davey is afraid to be the next witness before this committee.

Mr. CASHIN: That is out of order.

The ACTING CHAIRMAN: I will read the proceedings of this committee from which it is clear that Mr. Pigeon moved, seconded by Mr. Balcer, that Mr. Davey be called as the next witness. That was defeated in the committee. A motion was then made and carried according to which Mr. Davey should be definitely included as a witness. That disposes of the point whether Mr. Davey should be heard as a witness or not. If the motion carries he will be heard.

Mr. VALADE: I did not finish my point. My point is that we as a committee should hear members of parliament and should not place too much importance on hearsay evidence by someone outside of parliament who has nothing to do with parliament. If we minimize the importance of Mr. Davey's statement to confirm statements made by members of parliament, then I think we could as well adjourn parliament as a whole because members of parliament are not accorded any privileges by the present administration. I do not think this is an impression we should leave.

Mr. MARCOUX: Question, Mr. Chairman.

The ACTING CHAIRMAN: If this motion carries, it will determine the matter; if it does not, I will proceed with the hearing of evidence at this time. I will put the question on the motion as put by Mr. Martineau, seconded by Mr. Balcer, that Mr. Keith Davey be called as a witness immediately after Mr. Girouard has completed his testimony. All those in favour?

CLERK OF THE COMMITTEE: Messrs. Woolliams, Nugent, Rhéaume, Balcer, Valade, Pigeon, Vincent, Paul, Martineau, Scott, Olson, Marcoux. Contrary? Crossman, Fisher, Greene, Chrétien, Mullally, Rochon, Cashin,, Grégoire, O'Keefe, Francis, Cameron (*High Park*), Beaulé, Miss Jewett, Prud'homme, Lessard (*Saint-Henri*).

Motion negatived: Yeas, 12; nays, 15.

The ACTING CHAIRMAN: I declare the motion lost.

Mr. Girouard informs the Chair he wants to raise a point of privilege regarding a press statement.

(*Translation*)

Mr. GIROUARD: I raise a question of privilege. I am doing this without any grudge. I believe every member of this committee has been able to read in the press—

(*Text*)

The ACTING CHAIRMAN: No translation.

(*Translation*)

Mr. GIROUARD: On a question of privilege, concerning the information—

All right. I will start all over again. I would like to rise on a question of privilege concerning some information published in the press, that is by the news media. In most of those articles and on television, it seems that some of the expressions I used and which, I confess, were not very academic, were given an exaggerated importance.

I would remind the members of this Committee and those who represent such news media and who are in this room that the expressions which were quoted, had, I believe, absolutely nothing to do with the evidence I submitted. Maybe less than 10% of the members heard the observations I made to those sitting next to me. It may be that the language I used was not always academic. If those words have hurt someone's feelings I would surely retract them.

I would also ask the Press to take into account the fact that when I said those words, I was extremely tired and nervous. If I used a few words of slang,

it may be up to them to warn me . . . I also wish to add that it is extremely difficult to testify before a political tribunal and that I should at least be entitled to the most exact reporting possible.

(*Text*)

The ACTING CHAIRMAN: As I recall, when the committee rose last Thursday I think Mr. Greene was in the midst of an examination of Mr. Girouard. I would ask Mr. Greene to continue.

Mr. RHÉAUME: He finished.

Mr. GREENE: Mr. Girouard, I believe at the end of the meeting the other day we were discussing a casual meeting, as you described it, that you had with Mr. Moreau after the meeting with Mr. Davey in the hallway of the parliament buildings some seven to ten days after the meeting with Mr. Davey. Do you recall what was said at that meeting with Mr. Moreau some seven or ten days after the meeting with Mr. Davey?

(*Translation*)

Mr. GIROUARD: It is then that he said to me: I am very sorry, but the Prime Minister has instructed Mr. Davey to stop using pressure, because he is afraid of losing the support of the Social Credit party if we steal a few of their members.

(*Text*)

Mr. GREENE: Did Mr. Moreau tell you where he had received that information?

Mr. GIROUARD: No.

Mr. GREENE: Did you ask where he could receive it?

Mr. GIROUARD: No.

Mr. GREENE: Did you have any meetings after that time with Mr. Moreau before you made your point of privilege in the house?

(*Translation*)

Mr. GIROUARD: Look, I met Mr. Moreau many times after that, because, as I said before, we have seen a lot of each other. I already stated that we were friends.

(*Text*)

Mr. GREENE: Was there any further discussion of these matters at any of those later meetings?

(*Translation*)

Mr. GIROUARD: Perhaps there were a few discussions, but at that time they were not related to this matter which had been settled, to my mind, by Mr. Moreau's statement.

(*Text*)

Mr. GREENE: So in your mind this meeting, some seven to ten days after the Davey meeting, completed the matter. Is that correct?

(*Translation*)

Mr. GIROUARD: I would say yes. I will take the opportunity which is given to me now to go through what I have repeatedly told this committee; I was asked if this was all I had said, all I could remember, and I was also asked if I could remember anything else. I then stated that I remembered everything that had been said concerning this particular matter. I also wish to add that if something else comes up in the next hearings and which I can remember, I will be happy to come back and elaborate on it.

(*Text*)

Mr. GREENE: But at the present time that is all you recollect?

(*Translation*)

Mr. GIROUARD: Yes, concerning the case we have here.

(*Text*)

Mr. GREENE: And at that time, on the date of the meeting with Mr. Moreau, that is the meeting seven to ten days after the Davey meeting, had you demonstrated to anyone your intention of joining the Conservative party apart from your organizers, a question which the Chairman had ruled out of order?

(*Translation*)

Mr. GIROUARD: Yes, I already stated that I had talked about it to some members of my party. I already said that.

(*Text*)

Mr. GREENE: Of your own party? Had you indicated your intentions to anyone else besides the members of your own party?

(*Translation*)

Mr. GIROUARD: The organizers and members of my party and people who were present with me at the time of that interview. It is possible that at the time I have to some people, that I have said that I had the intention of joining the Conservative party, but I do not want to say to whom.

(*Text*)

Mr. GREENE: Had you indicated this intention at that time to the Conservative party?

(*Translation*)

Mr. GIROUARD: No, not as the party of the national organization, no.

(*Text*)

Mr. GREENE: In the discussion you had with Mr. Davey was there any mention made of your obtaining the nomination in Labelle?

(*Translation*)

Mr. GIROUARD: I do not recall anything specific on the matter. Let us say that I assumed from what he said that it was automatic, that I only had to cross over and that automatically I would be the candidate.

(*Text*)

Mr. GREENE: You recall no specific discussion on this subject?

(*Translation*)

Mr. GIROUARD: No.

(*Text*)

Mr. GREENE: You told us, I believe in all fairness, that at the time you had your first meeting in the hotel you had an unalterable intent to join the Conservative party, an intent that could not be changed?

Mr. GIROUARD: Could you repeat it please?

Mr. GREENE: You told us, I believe in all fairness, that at the time you had your first meeting in the hotel you had an unalterable intent to join the Conservative party, an intent that could not be changed.

Mr. GIROUARD: I said in French, an unalterable intent . . . yes.

Mr. GREENE: When did you make that intention first known to the Conservative party?

(*Translation*)

Mr. GIROUARD: If Mr. Chairman asks me to answer that question, I shall.

(*Text*)

Mr. GREENE: Mr. Chairman, with respect, if I may be of some help to the Chair in this regard, I would point out that again the whole import of these discussions, if we take Mr. Girouard's point of privilege as being what he says it is, is the fact that he was called a reject. Surely the whole point of these proceedings is to determine whether he in fact was looking at other possibilities with an open mind or whether or not he had firmly closed his mind, in which event the term "reject" might not have been appropriate. If he had demonstrated this intent to someone, then I am sure it is extremely important. If he did not demonstrate it to the very party of which he proposed to be an adherent until after the negotiations with the Liberal party were completed, then it might help the committee to determine whether he was looking for a better deal or whether he had a firm intention. That is my submission on this point.

Mr. NUGENT: I would think Mr. Greene is a little in error when he says that what we are investigating is whether or not this witness had an open mind or had considered parties other than the Conservative party. What the committee is investigating is whether in fact he was trying to join the Liberal party, and was Mr. Davey telling the truth when he called him a Liberal reject. This goes to the point whether the Liberal party in fact rejected him. Did he try to join them and was he rejected—that is what we are looking at. It is when Mr. Greene tries to twist facts to that extent that we have this interminable questioning from him which gets us nowhere.

Mr. OLSON: Mr. Chairman, to help you I should like to say that I think there is a little more to it than that. The testimony Mr. Girouard has given us up to this point has indicated that he had already made an unalterable decision. Therefore, there were no such things as negotiations between the witness and Mr. Davey or anyone in the Liberal party, and it surely must be germane to the question before this committee whether or not there is evidence to substantiate his claim that his decision had been made.

The ACTING CHAIRMAN: Does anyone else wish to speak? My ruling is that the question is admissible.

Mr. GREENE: I do not understand you. The question was: Had he at that time indicated his intention to the Conservative party?

The ACTING CHAIRMAN: He had answered yes to that question.

Mr. GIROUARD: As I said, I had not indicated my intention at that time.

Mr. GREENE: So my next question then is: When did you indicate that intention?

The ACTING CHAIRMAN: If Mr. Girouard says he had not indicated his intention to the Conservative party prior to the meeting, that disposes of the point.

Mr. OLSON: Is this the meeting in the hotel?

Mr. GREENE: You are ruling then that my next question is out of order. My next question is: When did you indicate your intention to the Conservative party, and you, Mr. Chairman, ruled it is out of order.

The ACTING CHAIRMAN: That is right.

Mr. GREENE: In your conversation with Mr. Davey do you recall the name of a Mr. Guiguere being mentioned?

Mr. GIROUARD: Yes.

Mr. GREENE: In what connotation was it mentioned?

(*Translation*)

Mr. GIROUARD: Mr. Davey said that Mr. Guiguere was gone, that he would like to meet him to discuss the opportunity of trying to get other members of the Social Credit into the Liberal party.

(*Text*)

Mr. VALADE: Mr. Chairman, on a point of order, could we have the first name of Mr. Guiguere mentioned by Mr. Greene? Which Mr. Guiguere is he alluding to? There can be many Guigueres.

Mr. ROCHON: Robert Guiguere.

Mr. GREENE: The witness apparently knows to whom I am referring.

Mr. VALADE: I want this put on the record. It is a question of order. I want it to be indicated on the record that Mr. Greene does not know the first name of Mr. Guiguere, so what is the sense of the discussion?

Mr. GREENE: I am not in the witness box, Mr. Valade.

The ACTING CHAIRMAN: Please speak to the Chair, Mr. Greene and Mr. Valade.

Mr. FISHER: You might be in the witness box.

Mr. VALADE: You will be in the witness box.

Mr. GREENE: Mr. Girouard, was it ever pointed out to you that Mr. Guiguere was going to be seen by Mr. Davey with regard to your joining the Liberal party?

(*Translation*)

Mr. GIROUARD: At that time, to go pretty far back, I remember very well that Mr. Davey said: We shall try to have others; that would be more interesting. As if we give the national flag, we want to be sure to be in power two years after, before having a new election.

(*Text*)

Mr. GREENE: Was there then some question about your being mentioned to the Liberal party at that time?

(*Translation*)

Mr. GIROUARD: There is more than the question of being admitted. There are the words: The door is wide open, come when you please.

(*Text*)

Mr. GREENE: Your evidence then, Mr. Girouard, is to the effect that all you remember of the conversation in respect to Mr. Guiguere was that he was going to be seen about other people besides yourself?

(*Translation*)

Mr. GIROUARD: It is very, very clear, because I remember very well that it was said to me, that there was no problem for me, that the door was wide open.

Mr. Davey told me: I shall see Mr. Guiguère, when he comes back, to discuss whether there was any way to have others so as to obtain a majority.

(*Text*)

Mr. GREENE: And that was the only context in which Mr. Guiguere was mentioned according to your evidence?

Mr. GIROUARD: Yes.

Mr. GREENE: Did Mr. Davey or anyone else indicate to you during the conversations that they had the right to admit you to the Liberal party?

(*Translation*)

Mr. GIROUARD: No, except that, when Mr. Davey told me: The door is open, come whenever you wish, I thought that he had the authority.

(*Text*)

Mr. GREENE: This was a general statement, "the door is wide open"?

(*Translation*)

Mr. GIROUARD: It was a phrase like the others:

The door is wide open.

(*Text*)

Mr. GREENE: Do you recall any other specific statement he made which might have led you to believe that he had the authority to admit you to the Liberal party?

(*Translation*)

Mr. GIROUARD: The simple fact of saying:

The organizers, I will look after them.

Yes, it was very clear to me at that time: Anytime.

He told me squarely: The door is open.

Squarely.

(*Text*)

Mr. GREENE: When you left that meeting you anticipated, I think you said, a further meeting?

(*Translation*)

Mr. GIROUARD: I was almost sure, yes, that Mr. Davey would try to meet me once more, because he had told me: Think it over.

(*Text*)

Mr. GREENE: What was to be the purpose of that meeting as you saw it?

(*Translation*)

Mr. GIROUARD: That is, if I had changed my mind, if I were ready at that moment to say to him: I am now ready to become a Liberal. He wanted to know what was my personal decision. Up to that time I had told them that I was going to be Conservative.

(*Text*)

Mr. GREENE: And yet, when you met Mr. Moreau some ten days after, he told you it was the Liberal party that was not interested in having you?

(*Translation*)

Mr. GIROUARD: He did not say that. He said:

I am very sorry, but the Prime Minister asked Mr. Davey to stop using pressure.

(*Text*)

Mr. GREENE: So when you were awaiting this next meeting, as you told us, it was to be a meeting where you expected to be asked again whether you changed your mind?

(*Translation*)

Mr. GIROUARD: I expected, I was certain that there would be a moment when they would come to me and say: What do you decide now? Are you ready? I did not know how that would be done, but I was sure that they would put the question to me at a given moment.

(*Text*)

Mr. GREENE: In any event, until the time that Mr. Moreau did tell you that the Liberal party was not interested, you did not indicate to the Conservative party that you were going to join them?

(*Translation*)

Mr. GIROUARD: No, I had not told them before either.

(*Text*)

Mr. GREENE: In the discussion with Mr. Davey was there any mention of party philosophy apart from the flag?

(*Translation*)

Mr. GIROUARD: No, if the question arose, it would have been with the members before his arrival; I think now that it was about the flag and almost completely about the flag, from what I remember now. I recall that we were five and if there are others who remember something else, I shall be glad to testify to that effect.

(*Text*)

Mr. GREENE: Was there any discussion of election tactics and how to win elections and how to lose them?

(*Translation*)

Mr. GIROUARD: No, I don't remember.

(*Text*)

Mr. GREENE: I think you have told us there was no discussion about leadership of the two parties?

(*Translation*)

Mr. GIROUARD: Not specifically; if it came, it did so in a discussion that was so broad that I don't see a connection. But I don't think it was mentioned specifically in connection with what we have now before us, I don't think so.

(*Text*)

Mr. GREENE: Was there any discussion of your likelihood of winning an election in either the Liberal or the Conservative party if you ran next time for one or the other parties in Labelle?

(*Translation*)

Mr. GIROUARD: I know that the members somehow stressed the fact that a flag could certainly make an impression in Quebec province. They laid some stress on that. But there was another side to the question, there was the question of belonging to the Commonwealth, and on that we were not sure whether it would be so good in Quebec.

(*Text*)

Mr. GREENE: So the only discussion as to your likelihood of success was on the flag question; and there was no aspect other than that question discussed?

(*Translation*)

Mr. GIROUARD: All I can remember now, yes.

(*Text*)

Mr. GREENE: Did you indicate at any time to Mr. Davey or to your four colleagues in the hotel that there were other members of your party who were thinking of leaving?

The ACTING CHAIRMAN: I did not hear the question; would you mind repeating, please?

Mr. GREENE: My question was whether there was any discussion either with Mr. Davey or with the four members at the hotel whereby Mr. Girouard indicated to anyone that there were other members of his party thinking of leaving with him?

The ACTING CHAIRMAN: As part of the discussion with Mr. Girouard and the members I would rule it to be admissible, if it was in fact discussed.

Mr. NUGENT: I fail to see what this has to do with the matter before us, whether there were other members thinking of leaving or not. I cannot see how it is relevant.

Mr. GREENE: The witness brought it up himself.

Mr. NUGENT: I do not think Mr. Thompson was there at the hotel.

Mr. GREENE: I think that in respect of Mr. Guiguère, and in respect to what the witness has told us, there was a discussion that other members were leaving with him and I suspect from the answer it follows it is relevant that we find out who anticipated this.

The ACTING CHAIRMAN: I am not interested in names. I am not going to get into names.

(*Translation*)

Mr. GIROUARD: I think I was asked that question, but in any case it was mentioned whether there would be others who might be interested. But I think that at that moment, I think. . . . if I said something, it is quite possible that there are some, it was asked so often, this question, that I cannot say whether it was during that interview. I was asked this question everyday. I think I said: Ask them, those people. I do not think it came that day.—It is the reporters who asked us: Are there other members of your party who intend to change? I do not think that question was asked that day. If you want to know, ask them, if you want to know.

(*Text*)

Mr. GREENE: In any event you do not suggest that there were others?

Mr. GIROUARD: Oh no.

Mr. GREENE: Did you suggest that you might have any influence or leadership over the others who were thinking of leaving?

(*Translation*)

Mr. GIROUARD: No. I could not claim that I wield any influence or whatever you want over the members of my party. I don't think I claimed that.

(*Text*)

Mr. LESSARD (*Saint-Henri*): Which party? Which one?

Mr. GREENE: At the further discussion was there any mention made with regard to the defeated Liberal candidate in Labelle?

(*Translation*)

Mr. GIROUARD: Yes, that he told me clearly:

That, never mind, I'll handle it.

(*Text*)

Mr. GREENE: But it was brought in?

(*Translation*)

Mr. GIROUARD: Mr. Davey said to me: very well, the Liberal candidate he would handle him very well, that there would be no difficulty with that.

(*Text*)

Mr. GREENE: Are these the words he used, as clearly as you can recollect them?

(*Translation*)

Mr. GIROUARD: Yes, very, very clear.

(*Text*)

Mr. GREENE: Before you made your point of privilege in the house did you give any statement in writing on that point of privilege either to *Hansard* reporters or to reporters from the press?

(*Translation*)

Mr. GIROUARD: Is it important? Is it important?

(*Text*)

Mr. VALADE: I do not think that it is quite in order that a member of parliament should be asked if he has given a communication to the press. That is his personal involvement as a member of parliament, and I do not think we should go into the personal behaviour of members and of the press, or with other members of parliament.

Mr. GREENE: I am only asking him specifically about his statement on a point of privilege, and nothing else that he has ever said to the press.

Mr. PIGEON: I think his statement was made when he placed this down.

Mr. GREENE: I think we should let the witness answer the question. I raised a point of order.

The ACTING CHAIRMAN: It was a double barrelled question. The first one was: did he give *Hansard* reporters a statement that appeared in *Hansard* in written form?

Mr. GREENE: Perhaps in order to help the witness I might split the question.

The ACTING CHAIRMAN: Yes.

Mr. GREENE: Mr. Girouard, either before or after you made your point of privilege, did you give a statement in writing to the press?

(*Translation*)

Mr. GIROUARD: In writing—I hesitated—

(*Text*)

Mr. WOOLLIAMS: On a point of order; I object to the question. It is entirely irrelevant. If the statement he gave was concerning the matter in question, there might be some question of relevancy, but if it was about, as I have said before, the price of beef in China, it certainly has nothing to do with this committee. At page 2583 the question of privileges was raised. Surely we are getting too far afield if we ask him what press interviews he had, because when we get to other witnesses we may find that they had several interviews with the press, and it might go into questioning people on what they did with the press in high offices.

Mr. GREENE: My question is specifically related to the exact point of privilege you made in the house on April 27. I submit my question is relevant to the particular point of privilege that you made on April 27, which appears in *Hansard*. I submit that it is relevant.

Mr. VALADE: On a point of order, inasmuch as the statement was issued to the press, if Mr. Greene can produce that report, then we do not need to go on to discuss it further. I do not see why we have to do that. There are political questions involved.

Mr. SCOTT: The witness told us earlier in the inquiry that he read from a written text. I think that if this is so, it is certainly relevant that it be produced as an exhibit.

(*Translation*)

Mr. GIROUARD: I have no objection, I have no objection to that. (*said in a low voice*)

(*Text*)

Mr. RHÉAUME: *Hansard* is the only official report. Surely we have in *Hansard* what the witness stated to be his point of privilege. Do you want to to go and search around for every scrap of paper which had something on it, or some statement about it? I suggest that that is not what we are supposed to be discussing here. We are supposed to be discussing what was said in the House of Commons on a point of privilege, and that is all.

(*Translation*)

Mr. PAUL: Mr. Chairman, I think we cannot ask the witness to give an explanation on what may have been said before he made his statement in the House. We are bound to the statement of privilege made by the witness, this is the only statement concerning which the members of the Committee can ask questions.

In my opinion, we cannot refer to the comments which the press may have reported or which may have been made by Mr. Girouard, before his statement of privilege.

(*Text*)

Mr. FISHER: Have you made your ruling, Mr. Chairman.

The ACTING CHAIRMAN: Not yet.

Mr. GREENE: Did he give that statement that appears in *Hansard* to the press?

The ACTING CHAIRMAN: From time to time we give statements to the press and what he said to the press is not under investigation; it is what he said in the house that is under investigation.

Mr. FISHER: If there is an inconsistency or a gap between the two statements, surely that is of interest and may be of great importance.

The ACTING CHAIRMAN: Quite right. The question was put: Did he give an inconsistent statement? If that is the question it would be acceptable. It makes it so difficult for the Chair if questions are not put in a proper form so as to be more direct. If questions are put properly it would assist the Chairman immeasurably.

Mr. GREENE: I do not want to put words into the witness' mouth. I have to lay a foundation for that statement.

The ACTING CHAIRMAN: You asked whether he did or did not.

Mr. GREENE: I asked whether he gave a written statement first to the press, and that was my first question. I was waiting to hear whether that aspect is relevant.

The ACTING CHAIRMAN: It becomes relevant, in my opinion, only if he gave a different statement on a material point now before the committee. If he did it it would then become relevant. We make statements to the house and then make statements to the press that do not necessarily dovetail precisely, but if there is a difference of material importance to the committee, then I might consider the question relevant. I will not tell you how to put your question but I will rule on it as you ask it.

Mr. VALADE: Mr. Chairman, on a point of order, I raised this question not to stop Mr. Girouard from answering it because Mr. Girouard showed willing-

ness to answer it, but I am opposed to this line of procedure because if we accept this procedure we can ask any witness to produce to the press all the written statements he prepared and which he has in his files. If we read what the Liberal party has, we might find some comical statements.

Mr. PIGEON: Mr. Chairman, on the same point of order, Mr. Girouard stated that he will limit his answers to his statement in the house. He had the unanimous consent of the committee to do so, and I think questions should only be asked concerning his statement in the house.

Mr. WOOLLIAMS: Would you make your ruling, Mr. Chairman, so that we can proceed?

Mr. GREENE: You ruled on the question, and I bow to your ruling.

The ACTING CHAIRMAN: The way the question was framed it was inadmissible.

Mr. GREENE: My next question is: Did you give to the *Hansard* reporter a written statement on the point of privilege as you made it in the House of Commons on April 27?

(*Translation*)

Mr. GIROUARD: No! I would have answered no to the first question and I answer no to that one. Simply because I think we are deviating from the subject.

(*Text*)

Mr. GREENE: You did not give the *Hansard* reporter or anyone else a statement?

The ACTING CHAIRMAN: I think you should be more specific on this.

Mr. GREENE: You did not give the *Hansard* reporter a written statement purporting to be your point of privilege in the house?

Mr. WOOLLIAMS: Surely that is out of order because *Hansard* takes down what the witness said in the House of Commons.

Mr. GREENE: May I be permitted to finish the question and then you can rule on its propriety or not? The written statement which you gave to them in the house on a point of privilege contained no mention of election funds?

(*Translation*)

Mr. GIROUARD: No. I have already been asked that question. I wonder? Is it possible that I gave one when I joined the Conservative party? I had made some. At that time—I just glanced at my secretary—I recall having had one copy, which I read in the House. Your questions lead me to entertain some doubt, I had only one, and if there is a carbon copy that went somewhere, I don't know where it went. Anyway it would be identical. I do not think copies would have gone out of my office.

(*Text*)

Mr. GREENE: Do you still have the sheet from which you read containing your statement?

(*Translation*)

Mr. GIROUARD: I may still have it; I may have destroyed it. I think I have sent it to the *Hansard* after I made it. Has it come back? Most likely, I am not sure.

(*Text*)

Mr. GREENE: You think you probably gave it to the *Hansard* people?

(*Translation*)

Mr. GIROUARD: Most likely, because they are always asking for it after we have made a statement. I think someone came for it.

(*Text*)

Mr. GREENE: Was that written text identical with what is in *Hansard?*

(*Translation*)

Mr. GIROUARD: Word for word, according to my verification.

(*Text*)

Mr. GREENE: You added nothing to your *Hansard* statement that was not contained in the statement?

(*Translation*)

Mr. GIROUARD: No, I have not even made one correction, since it was taken from the text.

(*Text*)

Mr. GREENE: Did you discuss your point of privilege with anyone before you made it in the house?

(*Translation*)

Mr. GIROUARD: I do not mind answering the question, if you want me to do so, Mr. Chairman—

(*Text*)

Mr. PIGEON: On a point of order, Mr. Chairman.

The ACTING CHAIRMAN: I quite agree that this question is inadmissible.

Mr. GREENE: Mr. Chairman, with respect, that is the very thing we are here to discuss.

The ACTING CHAIRMAN: You are referring to any of the parties? Is that what you are asking?

Mr. GREENE: Whether he discussed it with anyone and what he discussed in regard to that point.

The ACTING CHAIRMAN: He discussed it with a friend before he made the statement. If he met a friend or a constituent when he was home on the week end it seems to me it would be immaterial if he discussed it or not and I rule the question inadmissible.

Mr. GREENE: Did you discuss the point of privilege before you made it in the house with either Messrs. Macaluso, Moreau, McNulty or Gray?

Mr. PIGEON: On a point of order, I think this member does not wish to co-operate with the Chairman, and we have confidence in you, Mr. Chairman. This member of parliament refuses to co-operate with you.

Mr. GREENE: Your name is in the paper already, Mr. Pigeon.

Mr. VALADE: Because he is more intelligent.

Mr. GREENE: I will rephrase the question inasmuch as it involves the persons who were involved in this entire matter.

The ACTING CHAIRMAN: Put your question, please. I rule the question whether he discussed it with the people named inadmissible.

(*Translation*)

Mr. GIROUARD: You ask me whether I have discussed with some members my intention of making a statement of privilege—

Mr. GREENE: With one of the four members?

Mr. GIROUARD: I say: I warned Mr. Moreau that if Mr. Davey did not withdraw his remarks, which were false, I would relate to the House all that went on. Mr. Moreau then told me: Davey reached me on the 'phone and I told him off for having said that in the House and he was very sorry to have said it. I said: If he does not withdraw his accusation, I shall tell everything in the House on a question of privilege.

(*Text*)

Mr. GREENE: In your discussion with Mr. Moreau did you talk about election funds and things of that nature?

(*Translation*)

Mr. GIROUARD: I said: I am going to tell all that went on in the office.

(*Text*)

Mr. PIGEON: We are losing time. He refuses to address questions that are proper. Other members want to ask questions. Other members are waiting.

Mr. GREENE: You have told us in the witness box on two occasions that there was no bribery and that in your opinion there was nothing improper in all these negotiations. Am I correct in that?

(*Translation*)

Mr. GIROUARD: No, I said there had not been any bribery. I want to state that here, before the members of the press, I said that no attempt had been made to bribe me.

(*Text*)

Mr. NIELSEN: Before the witness answers, surely the second half of that question is inadmissible since it is calling for an opinion of the witness on something which this committee is to decide.

Mr. GREENE: His opinion is already stated and I do not want to misquote him.

The ACTING CHAIRMAN: Let us not put double barrelled questions to a witness. Please put one question at a time. If you want to ask a subsequent question, I will rule on that.

Mr. GREENE: I wish to ask questions leading out of evidence already stated. I do not want to misquote the witness and therefore I am reading back my notes, as I have them, on what he previously said.

The ACTING CHAIRMAN: Ask your question again.

Mr. GREENE: I think you said in your previous evidence, if I recollect it correctly, that in your opinion there was no bribery. Is that correct?

(*Translation*)

Mr. GIROUARD: That is correct.

(*Text*)

Mr. GREENE: If my notes are correct, I think you also said you are not accusing anyone of anything. I believe you said that on your first day in the witness box, and I think you made that statement twice.

(*Translation*)

Mr. GIROUARD: On condition you do not take the phrase out of context. In my statement I did not accuse anyone of anything. I merely related the facts to clear myself of Mr. Davey's accusation.

(*Text*)

Mr. GREENE: Now, in the light of those statements which you have made under oath, I wonder whether you would explain to us why you seconded Mr. Knowles' motion to transfer the matter to this committee wherein bribery is specifically alleged?

(*Translation*)

Mr. GIROUARD: Precisely to have—

(*Text*)

The ACTING CHAIRMAN: What is that question again?

Mr. GREENE: He has answered it, Mr. Chairman.

The ACTING CHAIRMAN: Would you read the question?

The REPORTER:

> Now, in the light of those statements which you have made under oath, I wonder whether you would explain to us why you seconded Mr. Knowles' motion to transfer the matter to this committee wherein bribery is specifically alleged.

Mr. NIELSEN: Mr. Chairman, I would object to that. Surely the motivation of the witness in seconding the motion is not the subject matter of the inquiry.

Mr. RHÉAUME: On the same point, it seems to me that the Prime Minister of our country offered to second the motion.

The ACTING CHAIRMAN: I think the objection is well taken. His reasons might include any number of reasons. It would seem to me that is not going to help to determine the issue before the committee. I rule that the question is inadmissible.

Mr. GREENE: In your earlier evidence, witness, you stated you had never met Keith Davey before the date of this meeting.

(*Translation*)

Mr. GIROUARD: No, I did not say that. I said I had met him once. I said I had met him once, that I had not chatted with him and that I had just said "good day" or something like that. I said I had met him once.

(*Text*)

Mr. WOOLLIAMS: Did Mr. Greene not misquote the evidence? It is totally improper. I do not think he did it intentionally.

Mr. GREENE: My notes are to the effect that the witness said he had not met him even casually.

The ACTING CHAIRMAN: We can get around this question by asking him did he say it or not. He has answered it, and we will move on.

Mr. GREENE: Do you recall where it was that you previously met him?

(*Translation*)

Mr. GIROUARD: I can certainly say it because that was outside also. I met him at a meeting, in the radio broadcasting office with B,B, and G in English.

(*Text*)

Mr. GREENE: I was not too clear, witness, in respect of the question of your approving of Mr. Moreau making these telephone calls. Did you approve of him making either of the telephone calls from Hull to Mr. Davey?

(*Translation*)

Mr. GIROUARD: I do not know what you mean by that exactly, whether I approved what?

(*Text*)

Mr. GREENE: Mr. Moreau calling Mr. Davey from Hull, either the first or the second time.

(*Translation*)

Mr. GIROUARD: The first time I did not know, but the second time I did, of course, he had prevailed on me to accept the rendez-vous. So it seemed quite natural to me that he should go and confirm it. I neither approved nor accepted that he should go the second time. I had decided to accept the meeting.

(*Text*)

Mr. GREENE: But you indicated no approval whatsoever.

(*Translation*)

Mr. GIROUARD: I just said that I knew it without approving or disapproving.

(*Text*)

Mr. GREENE: So, your evidence is that the second time you did approve of his calling.

(*Translation*)

Mr. GIROUARD: Neither one nor the other, I was passive with regard to the second telephone call.

(*Text*)

Mr. PIGEON: On a point of order, I think, for the information of this committee, this conversation took place in the Interprovincial hotel. I think we would like to know in what place the telephone boxes were, and the table, and if there was a special meeting there, so that we would know exactly where the members were, and so on. I think that would help the committee.

Mr. RHÉAUME: Mr. Moreau will not go back there again.

Mr. FISHER: Mr. Pigeon can ask those questions when he has his turn.

Mr. GREENE: He will be very familiar with the premises.

An hon. MEMBER: From one extreme to another.

Mr. GREENE: Witness, do not answer this question until the Chair rules. I want to ask you the question whether after these discussions with Mr. Davey you had any conversation with regard to the question of joining the Liberal party, and the question of negotiation, with Mr. Ouellet.

The ACTING CHAIRMAN: That is inadmissible. This was afterwards.

Mr. GREENE: Why is it inadmissible?

The ACTING CHAIRMAN: If we start in with Mr. Ouellet, we would have to start in with Mr. Jones and Mr. Brown. If it is admissible in respect of him, then it becomes admissible with respect to other people. If I allow him to say whether he discussed it with Mr. X, then I have to permit him to answer whether he discussed it with Mr. Y. Basically, as I see it, we are dealing with whether there was something improper in his discussion which took place with the four members of parliament and with Mr. Davey. There are certain ancillary things I have allowed to be brought in, but we have to draw the line somewhere.

Mr. GREENE: The argument with regard to relevancy is based on the fact that on April 23 when I think Mr. Girouard made his statement, he said he had found a new love in the Conservative party, and Mr. Ouellet immediately jumped up and associated himself with these remarks for the same reason. I submit that that associates him with this entire sequence of events whereby after negotiation with the Liberal party they both joined the Conservative party on the same day for the same reason.

The ACTING CHAIRMAN: I am not going to bring Mr. Ouellet into the matter unless I am overruled. Unless you challenge the ruling, I would ask you to continue with your questioning.

Mr. GREENE: You have told us that Mr. Moreau was a particularly good friend of yours; he was the one you knew particularly. Is that correct?

(*Translation*)

Mr. GIROUARD: I looked upon him as a friend, I hope it was mutual.

(*Text*)

Mr. GREENE: What is Mr. Moreau's first name?

(Translation)

Mr. GIROUARD: You know that I would be rather embarrassed, for I attended the University for 5 years but I never called my colleague by his first name, but always by his surname; there are very few people I call by their first name. That is a university custom.

(Text)

Mr. GREENE: So, you do not know Mr. Moreau's first name.

(Translation)

Mr. GIROUARD: If you will give me a minute or two to think it over I will tell you.

(Text)

Mr. GREENE: It is all right, Mr. Girouard; do not strain yourself. Do you recall, Mr. Girouard, whether Mr. Macaluso, Mr. Gray, Mr. McNulty and Mr. Moreau discussed with you at any time the election fund?

Mr. GIROUARD: No.

Mr. GREENE: Did they ever discuss with you at any time the benefits of being with the party in power?

(Translation)

Mr. GIROUARD: If you are saying, "any time", I must ask the Chairman whether I should answer— If you are saying at that time—

(Text)

The ACTING CHAIRMAN: I presume you mean during the meeting and the discussions in Hull.

Mr. GREENE: Either at the Davey meeting or at the hotel.

(Translation)

Mr. GIROUARD: It seems to me that I answered that often, precisely on the flag question, I told you that that had come up.

(Text)

Mr. PIGEON: Do not repeat the same questions day after day, please.

Mr. GREENE: We might understand something if we repeated them all. Now, Mr. Girouard, you have told us——

Mr. GIROUARD: Excuse me—Maurice.

(Translation)

Excuse me, Maurice Moreau.

(Text)

Mr. GREENE: He was a very good friend, then.

You understood from Mr. Davey that he was going to call Mr. Giguère in respect of these matters. Did you inform Mr. Davey there was no point in calling Mr. Giguère, or did you acquiesce in his calling? Did you say nothing?

Mr. GIROUARD: Nothing about what he said to Giguère.

Mr. GREENE: You did not tell him not to call Giguère?

Mr. GIROUARD: No; it was not my business.

Mr. GREENE: You did not indicate there was no point in calling because you did not have any intention of joining the Liberal party?

(Translation)

Mr. GIROUARD: I had indicated that often enough before, I didn't think it was necessary to repeat it.

(*Text*)

Mr. PIGEON: Mr. Chairman, on a point of order, I think Mr. Davey is ready—

Mr. FISHER: Mr. Chairman, this is about the tenth time Mr. Pigeon has made an allusion in so far as the persons asking questions and other persons in the room are concerned. I enjoy Mr. Pigeon's interruptions, but it seems to me this is putting something on the record which is most unfair, both to the people asking the questions, Mr. Girouard and the other persons involved.

Mr. PIGEON: On a point of order, Mr. Chairman, I will co-operate with you next time with pleasure.

Mr. GREENE: I think you told us earlier that you took the letter given to you by Mr. Macaluso with you. Is that correct?

(*Translation*)

Mr. GIROUARD: Yes, if I didn't say it before, I say it now. There were two letters, I was given two copies.

(*Text*)

Mr. GREENE: You took both of them with you.

(*Translation*)

Mr. GIROUARD: Yes.

(*Text*)

Mr. GREENE: If you had no intention of joining the Liberal party, will you tell us why you took the two letters with you?

(*Translation*)

Mr. GIROUARD: Listen, I think, when they said that the Prime Minister gave draft letters to his members so that they could write to constituents who were asking for information about the flag, I think it very interesting to read that, and to know . . . it interested me very much to find out what the Prime Minister was giving his members concerning the flag, for them to pass on to the voters.

(*Text*)

Mr. GREENE: And this is the only reason you took it with you. I think that is all I have.

The ACTING CHAIRMAN: Mr. Pigeon.

(*Translation*)

Mr. PIGEON: Just one question for Mr. Girouard. When you met Mr. Davey in Hull, was there any talk about anything else, at your office or elsewhere, about Mr. Davey's doing something else...

Mr. GIROUARD: I've already answered that; from what I remember, after three months, that's all I remember, but I certainly added: There are other witnesses. If there are other things that were discussed and which I don't remember and which come back to my mind, I'd be happy to come back.

Mr. VALADE: Following the question that was asked you, you said that you discussed the matter with Mr. Giguère.

Mr. GIROUARD: Not I.

Mr. VALADE: So you do not know Mr. Giguère?

Mr. GIROUARD: No, I don't know Mr. Giguère.

Mr. GRÉGOIRE: Just one question. The first people to whom you spoke of your intention to change parties and join the Conservatives, were those the four Liberal members whom you met at the Interprovincial Hotel?

(*Text*)

The ACTING CHAIRMAN: What was your question?

(*Translation*)

Mr. GRÉGOIRE: The first time the witness spoke of his intention of joining the Conservative party, was it with the four Liberal members, or at the meeting at the Interprovincial Hotel?

(*Text*)

The ACTING CHAIRMAN: I rule that you may answer yes or no without mentioning names.

(*Translation*)

Mr. GIROUARD: With my organizers, there had been some previous mention of it.

Mr. GRÉGOIRE: There had been some previous mention of it with your organizers. You consulted them before the meeting at the Interprovincial Hotel, you consulted your organizers?

(*Text*)

The ACTING CHAIRMAN: Did you not answer that question yes or no?

Mr. GIROUARD: If you ask me to answer it I will.

The ACTING CHAIRMAN: Have you not answered that statement?

Mr. GIROUARD: I said, my statement is that my organizer wanted me to be Conservative.

The ACTING CHAIRMAN: This is prior to the meeting?

Mr. GIROUARD: In the house I said that.

(*Translation*)

Mr. GRÉGOIRE: Now, the witness said, I think it was to a question by Mr. Fisher, that it had taken some time between February and April 23rd, I think, to make his decision known. It was exactly the time it took to go around to see his organizers. Am I right?

Mr. GIROUARD: I said that at that time most of my organizers knew, that it was to have more time in order to meet my electors, I think.

Mr. GRÉGOIRE: It was after talking about it with your organizers and your electors. I should like to know if there were Conservative members or members of the Conservative party who would have heard about this consultation and who would have come to see you to talk it over with you?

(*Text*)

The ACTING CHAIRMAN: No; he does not have to answer that question. That is my ruling.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, a direct question to the witness. How many organizers did you meet in your riding before talking to the four Liberal members or after, and what were their names?

(*Text*)

The ACTING CHAIRMAN: I am not going to get into the question of the organizers back in his riding.

Mr. VALADE: On the point of order—

The ACTING CHAIRMAN: I have already ruled.

Mr. VALADE: He is appealing your decision.

The ACTING CHAIRMAN: I have already ruled it is inadmissible and Mr. Grégoire is appealing my ruling.

Mr. GREENE: Could it be read back?

The ACTING CHAIRMAN: Would you read back, please?

(French Reporter reading)

(Translation)

Mr. Chairman, a direct question to the witness. How many organizers did you meet in your own riding before talking to their four Liberal members or after, and what were their names?

(Text)

The ACTING CHAIRMAN: The question is how many organizers did you meet with before or after speaking with the Liberal members, and what are their names?

Mr. GRÉGOIRE: Mr. Chairman, before putting that to appeal, I do not want to mention hundreds of names, but let us say 10 or 15 names.

The ACTING CHAIRMAN: You have heard the Chairman's ruling. All those in favour of sustaining the Chairman's ruling?

Ruling sustained: Yeas, 16; Nays, 7.

(Translation)

Mr. GRÉGOIRE: I was asking the witness whether the statement he made that Mr. Moreau, Liberal member, had said to him that the Prime Minister had asked his chief organizer to stop all pressure, I asked the witness whether he had tried to check this statement of the Liberal member?

Mr. GIROUARD: I have already answer no to this question.

(Text)

The ACTING CHAIRMAN: He has answered that question very clearly.

(Translation)

Mr. GRÉGOIRE: Was there a doubt with you as to whether this could be true or not?

(Text)

The ACTING CHAIRMAN: I rule that to be inadmissible. Now, Mr. Beaulé.

(Translation)

Mr. BEAULÉ: Mr. Chairman, I have only one question. A few minutes ago, on a point of order, Mr. Pigeon mentioned the word "patronage". Does it concern a government in power, this word of patronage? Was there any question about patronage in your discussions with Mr. Davey?

Mr. GIROUARD: I don't remember that the word "patronage" would have been mentioned as such.

(Text)

The ACTING CHAIRMAN: Mr. Prud'homme.

(Translation)

Mr. PRUD'HOMME: One question, Mr. Girouard. You mention your organizers very often. Would it be possible to know whether you talk about "Créditiste", Conservative or Union Nationale organizers?

Mr. VALADE: Or Liberal? It is rather stupid.

(Text)

The ACTING CHAIRMAN: Are there any further questions? Mr. Scott?

Mr. SCOTT: Following these meetings, did you make any sort of written memorandum recalling events and conversations?

(*Translation*)

Mr. GIROUARD: You are asking me whether after or during that I took notes in order to remember what had happened?

(*Text*)

Mr. SCOTT: Yes?

(*Translation*)

Mr. GIROUARD: No.

(*Text*)

Mr. FISHER: I move we dismiss this witness and call Mr. Moreau.

The ACTING CHAIRMAN: Before the witness steps down, I think there is a question whether he should be subject to recall at the will of the committee. I raise the question so that we do not get into an argument about it later on.

Mr. FISHER: It seems to me that he has volunteered to do so.

The ACTING CHAIRMAN: I am not questioning his good faith, but I think it should be made clear.

Mr. NUGENT: I think that all witnesses are subject to being recalled.

The ACTING CHAIRMAN: I would think so.

(*Translation*)

Mr. PIGEON: Mr. Chairman, I don't know whether I'm in order, you will call me to order if I am not; but after these numerous questions that were asked of Mr. Girouard, one-third of the questions concerned Mr. Davey. Mr. Davey's name was mentioned all the time. I feel it would be highly important and in the interest of the Canadian people—

The ACTING CHAIRMAN: Just a moment.

Mr. PIGEON: I think it is very important in the public interest.

Mr. NUGENT: Let us finish with this witness first.

The ACTING CHAIRMAN: Before the witness steps down, are there any further questions? All right then, you are excused for the time being, Mr. Girouard.

Mr. GIROUARD: Thank you.

Mr. GREENE: I do not think we have voted on the steering committee's report yet.

The ACTING CHAIRMAN: I think the point was well taken this morning, that at the steering committee meeting there were two members not present. I did not put the report of the committee at the time. I just put it forward to see what the climate would be, and it was very clear that it was stormy weather at that point. This places the Chair in a bit of a dilemma.

Mr. FISHER: I move we call Mr. Moreau.

Mr. GREENE: I second the motion.

Mr. VALADE: I would amend the motion, that the committee now adjourn and reconvene at the will of the steering committee to decide on a course of action with the unanimous report of the steering committee, that is to decide which witnesses we hear at the next meeting.

The ACTING CHAIRMAN: It is obvious now and very clear. I feel there will be dissent as to the order of witnesses. I think that is clear from a discussion around the table this morning that whatever report comes back, there will be amendments to it in any event. I think we should resolve it now. Mr. Fisher has moved, and if there is a seconder, I presume there will be a subamendment made.

Mr. PIGEON: I ask you to reconsider your discussion because this is very important. The Canadian public is anxious to have us address questions to Mr. Davey because he is the main witness. I do not know why the government wants to protect him.

The ACTING CHAIRMAN: Unless I have unanimous consent of the committee I propose that Mr. Davey be called as a witness; and unless I have unanimous consent I shall not continue in the Chair. I want to make that clear.

Mr. FISHER: I wonder if you have taken notice of the pretty extreme statements made here. Mr. Pigeon said that we would hang him, according to Mr. Davey.

The ACTING CHAIRMAN: I realize that there have been a lot of extraordinary statements made around the table, but we have to gauge the atmosphere and the conditions under which they are made. No matter how much we try, there is politics involved, and I do not want to get into it. I have a motion now by Mr. Fisher seconded by Mr. Greene that Mr. Moreau be called as our next witness.

Mr. GREENE: I move the question be now put.

The ACTING CHAIRMAN: Not so fast, now Mr. Greene.

Mr. RHÉAUME: I want to comment on the motion. I recognize the fact that the committee is its own master, and that this committee can now approve this motion. There was nothing at the time of the motion by Mr. Nugent seconded by myself to indicate that Mr. Davey would be next. There is no doubt in my mind that the spirit in which that decision was made was clearly understood by every member of this committee; and while the committee has the right, I will accept any decision it makes, yet the spirit is being broken if this motion goes through. For this reason there are two main witnesses before this committee, one a member of parliament, Mr. Girouard, who changed parties, and the other, an organizer of one of our national political parties. If we are going to begin to attempt to corroborate stories which have not yet been given to the committee, there is no end to the number of witnesses that may be called, since the committee is its own master, and we can start calling even the bartender who served beer to the boys over there.

(*Text*)

Mr. GREENE: On a point of order.

The ACTING CHAIRMAN: I recognize Mr. Rhéaume. Let him finish.

Mr. RHÉAUME: I will accept the decision on the vote whatever it may be, but I suggest that the spirit of the committee is being overweighed by this committee.

The ACTING CHAIRMAN: I have a motion? Is there an amendment at all to the motion?

(*Translation*)

Mr. BEAULÉ: Mr. Chairman, on a point of order. We have discussed this point of order for a whole hour. We voted. I wonder why this same subject has come up again. We voted that Mr. Moreau should be the second witness.

(*Text*)

The ACTING CHAIRMAN: Order, order gentlemen. I recognize Mr. Valade. Will he please make his point. Mr. Valade has the floor.

Mr. VALADE: Mr. Chairman, I have a question.

(*Translation*)

Mr. BEAULÉ: You did not decide on the point of order which I raised. The question of Mr. Davey was discussed for one hour. We voted that he should not be the second witness. As to Mr. Martineau's motion—

Mr. VALADE: I propose, seconded by Mr. Pigeon, that the Committee adjourns its sitting, Mr. Chairman—

Mr. LESSARD (*Saint Henri*): Why do we not deal with one motion at a time?

The ACTING CHAIRMAN: Please bear in mind that the motion is subject to amendment.

Mr. FISHER: Mr. Chairman, I ask that the motion before you now be put to a vote. So far as I know, it is not debatable.

(*Text*)

Mr. VALADE: On a point of order, Mr. Chairman, as Mr. Beaulé said, this was discussed.

The ACTING CHAIRMAN: Just make your point please; do not speak on what Mr. Beaulé has said.

Mr. VALADE: In view of the committee's discussion I made an amendment to the motion moved by Mr. Fisher. My amendment is as follows:

> I move, seconded by Mr. Pigeon, that the committee now adjourn and reconvene at the will of the steering committee, and that the steering committee report to this committee with a recommendation on who the next witness will be.

The ACTING CHAIRMAN: That would be a complete negation of the motion and would wipe the motion out. I am going to put the question, gentlemen.

Mr. NUGENT: Mr. Chairman, I think the question is debatable and I would like to reinforce what Mr. Rhéaume said. I made the same point previously but I think it bears repetition. I cannot see how this committee can decide on the necessity of calling other witnesses until the two witnesses we have already decided to hear have been called. The testimony of Mr. Davey may be such as to corroborate—

Mr. GREENE: Mr. Chairman, on a point of order, the motion has already been defeated and the rules of the committee clearly prescribe that once a ruling is made and voted on it is no longer debatable.

The ACTING CHAIRMAN: Gentlemen, applause does not expedite the meeting whatsoever—you ought to know that.

Mr. NUGENT: The testimony of Mr. Davey would tell us whether any other witnesses need to be called or not. We also do not know which of these four witnesses should be called first. I cannot see the point of calling Mr. Moreau first. We should first hear the testimony of Mr. Davey.

The ACTING CHAIRMAN: May I say that Mr. Rhéaume put the matter succinctly and lucidly when he said he recognized the committee is master of its own procedure and he thought they were breaking the spirit of an earlier motion. There it is. They are masters of their own procedure.

(*Translation*)

Mr. PAUL: Mr. Chairman, I think that the amendment proposed by the honourable member for St. Mary has not yet been disposed of, because we have discussed this morning—

Mr. Chairman, I think that the Committee has not decided this morning upon the amendment proposed by the honourable member for St. Mary. This morning, the Committee has voted on a motion proposed by the honourable member for Pontiac-Témiscamingue, when the motion for the honourable member for St. Mary—

Mr. Chairman, I think that this morning a decision was made by the Committee on a motion moved by the honourable member for Pontiac-Témiscamingue, for the purpose of deciding if the second witness to be heard would

be Mr. Davey or Mr. Moreau, whereas the motion moved by the honourable member for St. Mary is not of the same nature.

The motion of the honourable member for St. Mary is to the effect that the Steering Committee meet again, in view of the absence of the representative of the Conservative party and of the Social Credit party. When the Steering Committee met, in order to discuss the opportunity to establish a new slate of assignment of witnesses for the continuation of the work of the Committee, there were the absences which I have just mentioned.

(*Text*)

The ACTING CHAIRMAN: I already accepted Mr. Martineau's motion. He made a motion that Mr. Davey be the next witness. That motion was defeated. Now Mr. Fisher has placed a motion before the committee that Mr. Moreau be called as the next witness.

Some hon. MEMBERS: Question, question, Mr. Chairman.

Mr. NIELSEN: I would like to amend the motion by adding the words:

and that Mr. Davey be called immediately, subsequent to the hearing of Mr. Moreau.

The ACTING CHAIRMAN: Would you accept that amendment, Mr. Fisher?

Mr. FISHER: I accept it.

The ACTING CHAIRMAN: Will you incorporate that in your motion?

Mr. FISHER: I will.

The ACTING CHAIRMAN: Mr. Fisher is moving that Mr. Moreau be called as the next witness and that Mr. Davey be called immediately thereafter as the next witness.

Mr. VALADE: I proposed a subamendment which was ruled out of order but you did not elaborate on Mr. Paul's argument that my subamendment concerned the steering committee and this is why we got into this trouble.

The ACTING CHAIRMAN: Mr. Fisher's motion was placed first.

Mr. PIGEON: I should like to say, concerning this motion, that I will vote against Mr. Fisher because I want to see Mr. Davey first.

The ACTING CHAIRMAN: Order, order gentlemen. I will read the motion:

It is moved by Mr. Fisher, seconded by Mr. Greene, that the next witness be Mr. Moreau, and that immediately thereafter Mr. Davey be called as the next witness.

All those in favour of the motion as amended?

Motion agreed to: Yeas, 21; nays, 3.

The CLERK OF THE COMMITTEE: Woolliams, Nielsen, Valade, Paul, Vincent, Crossman, Scott, Fisher, Greene, Chrétien, Mullally, Rochon, Cashin, Grégoire, O'Keefe, Francis, Cameron (*High Park*), Beaulé, Miss Jewett, Prud'homme, Lessard (*Saint-Henri*).

The ACTING CHAIRMAN: Contrary.

The CLERK OF THE COMMITTEE: Nugent, Rhéaume, Pigeon.

Mr. BEAULÉ: The same old gang.

Mr. NUGENT: I move we adjourn.

Mr. WOOLLIAMS: We do have another meeting. I was wondering whether we could possibly adjourn now.

The ACTING CHAIRMAN: I certainly hope we could go on this afternoon—that is the Chair's view. This matter is dragging. I may as well be frank with the committee. I hope we will not take this to the house but we are having some problems again with our French language reporters. I believe that ar-

rangements are satisfactory for this afternoon so I would respectfully urge that we continue this afternoon.

Mr. LOISELLE: Let us continue until one o'clock.

Mr. WOOLLIAMS: We have always co-operated and we are very serious. We had a meeting called for 11 o'clock and we got it adjourned until 12 o'clock. We said we would try and be there at 12 o'clock. I am sure we are going to get the co-operation of the group so that we may return after lunch.

(Translation)

Mr. CHRÉTIEN: I wish to make a suggestion. In order to speed up the proceedings of this House, I propose that at the beginning of the next sitting we allow to Mr. Pigeon, for his insinuations...

(Text)

Mr. CASHIN: Five minutes is not enough.

The ACTING CHAIRMAN: It is moved by Mr. Fisher, seconded by Mr. Rochon that we meet at 3.30 p.m. or after orders of the day.

AFTERNOON SITTING

THURSDAY, May 21, 1964

(Text)

The ACTING CHAIRMAN: Gentlemen, will the committee come to order?

At this time I should like to raise a point with which we may as well come to grips at once. I have just received word that Mr. Langlois, the French language reporter, has been detained temporarily in the Senate. There is considerable doubt whether, if this committee decides to continue sitting this afternoon or this evening, a French reporter will be available. In view of the fact the next witness is at least at home in the English language I wonder whether this committee is prepared to proceed without a French language or bilingual reporter in attendance?

Mr. WOOLLIAMS: Let us get on with the hearings.

The ACTING CHAIRMAN: It is my understanding that we had a French reporter before because the witnesses spoke French and it was important that his answers be taken down accurately. This problem does not arise in respect of an English speaking witness. We do have translators in attendance and I think this is a propitious moment to bring this situation to the attention of the members of this committee.

Mr. GREENE: Mr. Chairman, I move that we proceed without the attendance of a French speaking reporter.

Mr. SCOTT: I second that motion.

The ACTING CHAIRMAN: It has been moved by Mr. Greene, seconded by Mr. Scott, that when we have an English speaking witness, if French speaking reporters are not available, the committee will proceed with its hearings.

Mr. FISHER: I do not think Mr. Moreau will complain in any event about replying in French because I understand he is bilingual.

The ACTING CHAIRMAN: I did have occasion to converse with Mr. Moreau in respect of this problem and he informed me that he would be speaking in English.

Mr. WOOLLIAMS: Or in Spanish.

The ACTING CHAIRMAN: I understand Mr. Moreau has a fairly good grasp of the French language but he states he will be speaking in English. Is it the wish of the members of this committee to carry on?

Mr. VALADE: I think we are willing to co-operate in this respect but I hope this practice will not become standard and only followed in rare cases when it is impossible to acquire the services of a French reporter. Some of the members of this committee have difficulty expressing themselves in the English language and it was for that reason the members desired to ask questions in French.

The ACTING CHAIRMAN: I understand your point, Mr. Valade, and I might state that the Speaker of the House of Commons has discussed this situation with me and has indicated his concern with the problem. He and his staff are working to solve this problem which I understand has not developed overnight.

Mr. PIGEON: I should like to make one comment in this regard. I feel that if the government, or the House of Commons, increased the salaries of the reporters it would be able to obtain the services of French reporters.

The ACTING CHAIRMAN: I agree with your sentiments but we are faced with this problem now and it has to be dealt with as quickly as possible. Perhaps the development of this problem during the meetings of this committee will expedite a solution. I can give you assurance that the problem is being actively considered by the Speaker and his staff.

I now have a motion which I think should be passed unanimously. I feel that I should not accept the suggestion contained in the motion and proceed with our hearings unless we have unanimous consent.

I shall now put the question. All those in favour of the motion will you raise your hands?

All those opposed to the motion raise your hands? I declare the motion passed unanimously. I will now ask Mr. Moreau to step forward.

Mr. LESSARD (*Saint-Henri*): Mr. Chairman, I arrived a little late and have not heard the entire discussion, but is the French reporter who was in attendance this morning available for this meeting this afternoon?

The ACTING CHAIRMAN: Mr. Grandmaison is attached to the B.B.G. and I believe has to leave for Quebec city. I am not sure of his destination but he is absent in any event from his permanent work and must return.

Mr. LESSARD (*Saint-Henri*): He is still in the building at this time.

The ACTING CHAIRMAN: Mr. Grandmaison told me rather impersonally that he would not be available but that he would rather be in attendance here since this is in the form of extra work and he is paid extra. However, he must perform his regular duties and will not be available until next Tuesday morning.

Mr. LESSARD (*Saint-Henri*): I personally feel that if we give up in our efforts in this regard at this time we will have to carry on without the services of a French reporter until the conclusion of our meetings.

The ACTING CHAIRMAN: Mr. Speaker has definitely given us assurance that this matter is being actively considered. In any event, the arrangement proposed in the motion before the committee will only relate to specific witnesses speaking English.

Mr. RHÉAUME: We have decided that our next witness will be Mr. Davey whose mother tongue I understand is English so the motion should apply to our next two witnesses.

The ACTING CHAIRMAN: I think you are quite right in that statement Mr. Rhéaume. We will proceed with Mr. Moreau on this basis and I think should certainly proceed with Mr. Davey in a similar way.

Mr. WOOLLIAMS: I hope that we can do so. We cannot wait any longer.

The ACTING CHAIRMAN: If there are no dissenting voices we will now swear the witness.

Mr. MAURICE MOREAU (*York-Scarborough*) having been duly sworn, deposed as follows:

The ACTING CHAIRMAN: I understand that the witness desires to make a brief statement before answering questions. Am I right in this regard Mr. Moreau?

Mr. MOREAU: I thought that I should follow the wishes of the members of this committee in this regard but if I am permitted to make a brief statement I should like to do so. I do not intend to go over all the ground that has been covered.

The ACTING CHAIRMAN: Are you asking a question Mr. Scott?

Mr. SCOTT: No. I just wanted to be put on your list of questioners.

Mr. MOREAU: I do not intend to cover all the ground that has been covered in cross-examination, and so on, of Mr. Girouard but I do feel I should perhaps cover the pertinent points. I am sure the members of the committee will assist me in exploring all the areas in respect of which they would like to hear evidence.

The ACTING CHAIRMAN: I am sorry I am trying to keep track of the names of the questioners.

Mr. MOREAU: May I proceed?

The ACTING CHAIRMAN: I am sorry I interrupted you.

Mr. LESSARD (*Saint-Henri*): Put all the names on the list.

Mr. MOREAU: May I make this statement or not?

Mr. BALCER: Mr. Chairman I wonder whether it is necessary and normal procedure for the witness to make a declaration at this time? The witness is here to answer questions, not to make a statement.

Mr. NUGENT: We decided that we would give this privilege to everyone.

The ACTING CHAIRMAN: I hope that this statement is brief.

Mr. MOREAU: On February 17, which was the day before the house opened, Mr. Gray, Mr. Macaluso, Mr. McNulty and I went to Hull for dinner. We stopped at the Interprovincial hotel on the way back. After we had been there a very brief time Mr. Girouard entered the premises and seemed to be looking for someone. We asked him if he would like to join us and he did at our table.

He then volunteered the information that he was considering making a move from the Social Credit party and in this discussion we questioned him as to what he was going to do, and so on. He suggested or said he felt he would join the Conservative party because the transition in his riding would be most easily made, essentially because most of his organizers were previously Union Nationale and so on. He thought that this arrangement would probably be the easiest and the most acceptable to the people who had worked for him in the last election.

We discussed at this point, and I believe I raised the point, whether he thought his chances for re-election would improve with the Conservative party particularly under present leadership, and he did indicate that we had a point. He also stated that he had—he also stated he felt a greater bond with the Liberal backbenchers and he liked the atmosphere and attitude and the

esprit de corps that he saw there and felt that we had some influence in our caucus, and he had considerable sympathy with the members on the Liberal side. I suggested, and a number of us in this discussion did, that perhaps he should look before he leapt and although we could not engage our party, as he well knew, I offered to open a line of communication for him if he was interested.

At this point I should like to refer to Mr. Girouard's statement which he made in the House of Commons as reported in *Hansard* for April 27. He said:

> About two months ago, I met publicly four Liberal members in Hull. In reply to one of their questions concerning my political future, I replied that I was quite decided to join the ranks of the Conservative party. At that very moment a Liberal member got up to make a phone call. When he returned to our table, he strongly insisted that I take no decision without having met Keith Davey, the chief Liberal organizer.

I should just like to put on the record the fact that the matter of calling Mr. Davey had been discussed for approximately half an hour and that I made the telephone call with his full knowledge and consent, and I would not have called Mr. Davey had I not felt that he was indeed very interested in exploring the possibility of joining the Liberal party.

Later in the same statement he said:

> However, urged by my colleagues, I agreed to receive in my office—you understand in my office—the power behind the Liberal party.

I would like to review my recollection of the events that led to the phone call.

As I stated earlier, I offered to phone Mr. Davey if he wished me to and with his full knowledge and consent I made the telephone call. I called Mr. Davey about 10.30 in the night of the 17th; perhaps a few minutes after 10.30. I indicated to him that we were—four of us had met Mr. Girouard and he was considering making a move from the Social Credit party. We had suggested to him that he might explore the possibility of joining the Liberal party and I had offered to open a line of communication for him if he was interested. I asked Mr. Davey if he would be prepared or interested to talk to him. He said he would and suggested that Mr. Girouard come to the national Liberal federation office at 251 Cooper street the next day at eleven o'clock.

I returned to the table and reported to Mr. Girouard that Mr. Davey was prepared to talk to him and at this point of the discussion Mr. Girouard said he did not want to go to the national Liberal party's office. We did discuss where we might meet. Mr. Girouard's office was ruled out for the same reason, that it was not wise. Mr. Girouard certainly did not want to be seen in the national Liberal federation office and it seemed that the same objection applied as far as Mr. Davey going to his office. It was agreed that we would meet in Mr. Macaluso's office which is quite near Mr. Girouard's office in the west block.

I at this point made a second telephone call to Mr. Davey in which I indicated to him that Mr. Girouard was not prepared to go to the national Liberal federation and therefore we had set up a meeting at Mr. Macaluso's office at eleven o'clock. Confirming this arrangement Mr. Davey agreed that this was acceptable to him and this is the way the matter stood.

I will not go into the whole general discussion as to what went on that evening unless members might ask me what was discussed. I have no objection to answering any questions at all.

I should like to go on to the meeting that took place in my office the next day. Very briefly, and it was very soon after the meeting—at least the second

telephone call—Mr. Girouard left the hotel in Hull, and within a very few minutes after that we all returned to the hill here where we all took off for home.

However, the next day about 10.30 Mr. Davey called me in my office and said he was tied up and could not make the meeting at eleven o'clock and wondered if it could be made a little later. He thought he could get there at twelve. Not knowing what Mr. Macaluso's plans were at twelve o'clock I suggested he come directly to my office. I then proceeded to contact the other members and Mr. Girouard to tell them to come to my office at twelve o'clock. We did meet at twelve o'clock. We, the four Liberal members mentioned and Mr. Girouard, gathered in my office at approximately twelve o'clock. Mr. Davey appeared within ten minutes of this and made the commencement of this meeting.

During the earlier part of the meeting a discussion about the flag issue arose. Mr. Girouard was quite concerned about what the Liberal party's decision on a distinctive national flag was. We reaffirmed or indicated to him that we were sure that our party was committed and we certainly all were committed to a distinctive national flag. Mr. Macaluso then returned to his office and got a letter which our whip had sent out indicating that this was the reply to flag letters that the P.M. was sending out. He produced the letter for Mr. Girouard's information. It was very soon after this that Mr. Davey appeared on the scene. Again in direct reply Mr. Macaluso I believe asked Mr. Davey: Was it not true that the Liberal party is committed to a distinctive national flag and Mr. Davey did confirm this.

We went into the discussion immediately after this. This was concluded probably within five minutes after Mr. Davey arrived. We then went into the matter at hand. I started out by outlining briefly what had gone on the night before. Mr. Girouard then stated his position to Mr. Davey and a discussion then took place regarding the possibility of Mr. Girouard joining the Liberal party.

This whole meeting was very exploratory in nature. It was quite evident to everyone there, and I am sure to Mr. Girouard, that no one in the room was in a position to commit our party to do anything. Mr. Davey did say he was going to take the matter up with the Quebec Liberal organization. The matter of nominating conventions and so on was discussed at length and the meeting ended with the understanding that Mr. Davey was going to contact the Prime Minister, was going to contact Mr. Giguère the campaign chairman in the province of Quebec. Who would then sound out the local organization and the feelings of the Quebec Liberal organization, and I was to act as liaison. I would let Mr. Girouard know the outcome of these discussions.

Approximately ten days later I think—I had met Mr. Girouard a number of times in the hall as our offices were quite close on the way to and from the House of Commons and in elevators and so on—he asked me if there was any news. I had not anything to report, so about ten days later I called Mr. Davey to ask him if there was any—had been any developments. He said to me that the initial reaction from Mr. Giguère was not good, that it was less than enthusiastic, and that although the matter had not been decided conclusively it was his opinion that the prognosis was not very favourable; that it did not seem to be too likely that Mr. Girouard would be acceptable to the Quebec organization or, probably, the organization in Labelle.

I then felt that I should report this to Mr. Girouard, and I did. I would like to refer again to something in his statement of April 7 in which he said:

> A week later, a Liberal member of parliament belonging to that same group—

—and later he identified that member of parliament as me

> —approached me to tell me that he was very sorry but the Prime Minister (Mr. Pearson) had asked his chief organizer to cease all pressure because he, the Prime Minister, was sure to lose the regular support of the Social Credit party if he ever stole members from that party.

I have no such information. I did not make that statement to Mr. Girouard. It is my recollection that Mr. Girouard said to me on hearing the report that the reaction in Quebec had not been particularly favourable, "Oh, well, I knew it would never come off anyway", and again for the reason that the Prime Minister would be afraid to lose the support of the Social Credit party. I did not make that statement.

Approximately one month after the meeting I received a call from Mr. Davey in which he indicated to me that the matter had been concluded completely, that Mr. Girouard was not acceptable to the Liberal organization in Quebec, and I reported this fact to Mr. Girouard although, by this time, I am sure he knew what the outcome of those explorations had been.

The CHAIRMAN: Is that your statement?

Mr. MOREAU: That is my statement, Mr. Chairman.

Mr. SCOTT: Mr. Chairman, as one of Mr. Moreau's constituents I have a couple of questions to ask.

Can you tell us if there were any discussions with Mr. Girouard about this matter before you actually met in Hull?

Mr. MOREAU: I had a number of meetings with Mr. Girouard. I met him first at the privileges and elections committee meetings last session; he was a member of that committee. Mr. Girouard's office was very near to mine and on a number of occasions we discussed a very large number of matters. I was perhaps aware prior to the adjournment of the house at Christmas that Mr. Girouard was less than happy with his present state, but I do not think that any discussion specifically regarding his movement from one party to another had taken place. I do not know if that is a relevant matter to this in any case.

Mr. NIELSEN: The answer is no, then?

Mr. MOREAU: I should like to add something to my statement. I am sorry, Mr. Scott, that I left something out of my statement which is a very important point, as I am sure the committee will appreciate. I did not deal with the matter of the benefits of the party in power and a "fat electoral fund" at the next election.

I would like to elaborate and to deny categorically that any mention of campaign funds or the party in power was made in my office.

Mr. RHÉAUME: By yourself?

Mr. MOREAU: By anyone.

Mr. SCOTT: Are you referring to the meeting of Mr. Davey and the four members when you say that?

Mr. MOREAU: Yes.

Mr. SCOTT: You were present throughout all that time?

Mr. MOREAU: I was present throughout.

Mr. SCOTT: Do you say, Mr. Moreau, that Mr. Davey never offered any campaign funds?

Mr. MOREAU: The subject of campaign funds was never brought up.

Mr. WOOLLIAMS: A pretty important thing, I would think.

Mr. GREENE: Only to the Tories!

Mr. SCOTT: During these discussions that you had with Mr. Girouard in which you said he indicated he was less than happy in his present party, did he say anything or do anything that led you to believe he wanted to negotiate with the Liberals?

Mr. MOREAU: Is that question in order, Mr. Chairman?

The CHAIRMAN: Of what period of time are you speaking?

Mr. SCOTT: Mr. Moreau said he had some meetings or discussions off and on with Mr. Girouard prior to the meeting in Hull. I was asking if in those discussions Mr. Girouard had said anything or done anything that made Mr. Moreau feel he was interested in negotiating with the Liberals.

Mr. MOREAU: I might say that I have no objection to answering any questions. However, I wonder if that is relevant. I ask the Chairman to rule on that. If he rules it is relevant, of course I will answer the questions. I wonder if any of the discussions prior to the meeting in Hull are really relevant to the issue before us.

As I said, we probably discussed a very large number of subjects with Mr. Girouard and any number of other members of parliament, and I really do not see the relevance.

Mr. SCOTT: I am not pressing the question, but it just seems to me that one of the most important things we are trying to ascertain is the state of mind of Mr. Girouard and his intentions, one way or another, during the various meetings that took place. I think his statements prior to the meeting are certainly relevant to intent.

Mr. MOREAU: You must remember, Mr. Scott, that I had not seen Mr. Girouard since before Christmas, and this was February 17.

Mr. SCOTT: I understand that.

Mr. MOREAU: I was not aware that he was contemplating an immediate move prior to February 17.

Mr. SCOTT: I am not pressing you if you feel so strongly on that.

When Mr. Girouard came into the meeting in the hotel what did he actually say about his intentions? Do you remember the conversation?

Mr. MOREAU: I am not aware exactly how the conversation opened. Mr. Girouard was joined by a friend shortly after he sat at our table, and there was a general discussion under way. The house was to open the next day. He volunteered the information that he had made a decision to leave the Social Credit party, and this is the way the discussion was initiated.

Mr. SCOTT: Did he say at that time—at the time of this conversation—that he had decided to join the Progressive Conservative party?

Mr. MOREAU: Yes, he did. He said that in the riding of Labelle the people who had worked for him in his election campaign were essentially Union Nationale and remnants of Conservative organizers, and so on. He said it would be much more acceptable to his organization if he were to join the Conservative party.

Mr. SCOTT: If he had made it clear—and I am just trying to find out why you took the initiative—that his firm intention was to join the Progressive Conservative party, why would you initiate all of these telephone calls?

Mr. MOREAU: In the first place, it was not my impression—although Mr. Girouard indicated that he had made a choice, a decision, so to speak—that he was satified with the decision he had made. I certainly did not for a moment believe from his comments and the discussion that he was satisfied with the decision he had made. Indeed, the idea of joining the Liberal party was something that certainly did not seem to repel him at all. As a matter of fact, quite the contrary seemed to be the case. I think it was a prospect which he had not thought was possible. I think he had not thought it was a choice open to him. The prospect of investigating that position certainly seemed to be something in which he was very interested.

Mr. SCOTT: Did the reservations he expressed in regard to the Progressive Conservative party deal with their philosophy, their program or their principles?

Mr. MOREAU: I think they dealt very much with his chances for re-election and as I said, the matter of leadership was discussed. He did state quite definitely that he had a certain sense of identity or, at least, that he certainly liked what he saw on the Liberal backbench—the spirit and the atmosphere and so on.

Mr. SCOTT: You told us that he did not mention the principles and programs of the Progressive Conservative party other than in regard to the spirit of the backbenchers. Did he discuss with you the principles and program and policy of the Liberal party?

Mr. MOREAU: I had discussed this with him a number of times in the past. We had discussed various policies for Canada. We had certainly had a number of discussions, you might say, on political programs and on the policies of the various parties, and the matter of the flag was certainly discussed. The matter of political organization was also discussed. I do not recall any other specific party policy of any of the parties actually being discussed at that time.

Mr. SCOTT: Would it be fair to say that the chief consideration was re-election under either party?

Mr. MOREAU: I certainly felt this was of paramount importance to Mr. Girouard, yes.

Mr. SCOTT: But not to the Liberals?

Mr. MOREAU: I had no idea what the political situation was in Labelle. I had no way of ascertaining that. You asked me why I made the telephone calls. I had picked up a piece of information which I thought might be of interest to our party and I felt it was my duty to report the matter, and that was it.

Mr. SCOTT: I think you said that the discussion about whether or not to call Mr. Davey took up approximately half an hour. Why would that be? Were there objections to it?

Mr. MOREAU: I would say the discussions regarding the Conservative party versus the Liberal party and the fact that we could open up a line of communications for him if he was interested took a half hour.

Mr. SCOTT: Did he say he was interested?

Mr. MOREAU: He said he was interested in speaking to Mr. Davey, yes.

Mr. SCOTT: Then, at the meeting the next day, you told us there was a general discussion prior to Mr. Davey's arrival. I want to ask you about that again. Can you tell us the nature of that?

Mr. MOREAU: Until Mr. Davey's arrival the only subject being discussed was the flag.

Mr. SCOTT: Other than that, there was no discussion of Liberal party policy and whether or not Mr. Girouard agreed with it?

Mr. MOREAU: No, there was not.

Mr. SCOTT: Then you said in your evidence that when Mr. Davey arrived you outlined the events and that Mr. Girouard stated his position. Can you give us your recollection of what he actually said?

Mr. MOREAU: Yes, he said to Mr. Davey that he had made a decision to join the Conservative party because of the reasons previously stated—the organization in Labelle, and so on. He said he was very interested in the fact that we were able to arrange this meeting. I think he was somewhat surprised that we could call Mr. Davey and have him agree to a meeting at such short

notice. Although he stated quite clearly that he was not making an application to join the party at this meeting, it was certainly the impression he left with me that he was very interested in knowing whether or not such a thing was possible.

Mr. SCOTT: At any time did you yourself raise or did you hear anyone else raise anything about the attractions of Liberal funds?

Mr. MOREAU: Of Liberal funds?

Mr. SCOTT: Yes.

Mr. MOREAU: No; funds were not mentioned.

Mr. SCOTT: Mr. Girouard in his testimony referred to a monologue lasting about half an hour. Can you tell us what Mr. Davey did say in that half hour?

Mr. MOREAU: I would not describe the meeting as a monologue for half an hour. As I stated, I seemed to be somewhat chairing the meeting. It seemed to me rather difficult to keep any sort of order. Everyone seemed to want to talk.

Mr. SCOTT: Did everyone talk?

Mr. MOREAU: I am sure everyone got into the act, yes.

Mr. RHÉAUME: It was an act, was it?

Mr. SCOTT: You heard Mr. Girouard's testimony? You were here while he gave evidence?

Mr. MOREAU: Yes.

Mr. SCOTT: He said his impression was that Mr. Davey did all the talking.

Mr. MOREAU: I would not agree with that.

Mr. SCOTT: You also heard in his evidence that one of the main things he remembered of the half hour was the discussion of a "fat campaign fund".

Mr. MOREAU: I heard that, yes. My recollection is that it lasted a little more than a half hour; it was probably somewhere between half an hour and 45 minutes. My recollection is that in the first half of it the discussion was, as I said, on the flag. In the second part of the discussion when Mr. Davey arrived on the scene there was talk about what had happened the night before. There was a discussion on the organization in Labelle; there was a discussion regarding the acceptability of Mr. Girouard by the Quebec Liberal organization; and there was a general discussion in which all the members participated with regard to nominating conventions. I think all the Liberal members there indicated that these were very much on the local level, and they outlined the difficulties and problems they had encountered in winning nominations. Mr. McNulty indicated—I forget the number, I think seven or eight candidates who contested his nomination. Mr. Macaluso indicated the troubles he had faced. Mr. Gray indicated there were a number who contested his nomination; and I reported a membership drive in Toronto in which I did a great deal to build up the organization in York-Scarborough. This was all discussed and it took up a fair amount of time.

Mr. SCOTT: I do not want to repeat this, but from what you have told us you are saying that at no time did anybody mention campaign funds, fat campaign funds, or words of that kind.

Mr. MOREAU: I deny that they were mentioned in any way at any time in my office that morning or the night before in Hull.

Mr. NIELSEN: Were you there?

Mr. MOREAU: I was there.

Mr. SCOTT: Was there any discussion of the advantages of belonging to the party in power?

Mr. MOREAU: No, there were not.

Mr. SCOTT: Do you realize your evidence places us in a very, very difficult position. I want to be sure you are absolutely firm in your own mind on this point.

Mr. MOREAU: I am very firm and I have thought about it a great deal.

Mr. SCOTT: You then told us that from time to time Mr. Girouard met you and asked whether there was any news. How many times did that happen?

Mr. MOREAU: I virtually would run into Mr. Girouard almost every day because of the proximity of our offices. I do not recall how many specific times this matter arose, but it was certainly on both of our minds, and probably virtually every time I perhaps shook my head or shrugged my shoulders. I do not think there was any detailed discussion of the whole matter—just the fact that I had not heard anything.

Mr. SCOTT: At the meeting ten days later, Mr. Girouard has told us—and we have heard his testimony—that you were the member who told him that the discussion had been called off because of something Mr. Pearson had said. I would like your comment on that aspect.

Mr. MOREAU: I already have stated that I deny having made such a statement. I had no such information to impart, and therefore I would have no reason to make such a statement, because I did not know any such fact, and I deny making that statement. It is my recollection that Mr. Girouard said, when I reported to him that the outlook was not favourable, "Oh, well, I never expected it to come off anyway because Mr. Pearson would lose the support of the Thompson group in the house."

Mr. SCOTT: That statement then came from Mr. Girouard?

Mr. MOREAU: Yes.

Mr. SCOTT: Did you have any meeting with Mr. Girouard about his statement of privilege prior to the time he made the statement of privilege?

Mr. MOREAU: This was on a Monday. I returned from Toronto on the 10.55 a.m. flight and arrived in Ottawa about noontime and in my office about 12.30. I found a note from my secretary saying Mr. Girouard very urgently wanted to see me. I remained in my office and did not go to lunch because I thought he would probably drop in. About 1.15 p.m. he did drop in and said to me that he was going to make a statement in the house. He did not show me the statement, but generally discussed what he was going to say. He did mention he was going to say what he did say about the Prime Minister, and Mr. Thompson and I disagreed with him in the thought that I had said such a thing. One thing he did not mention to me was that he was going to mention campaign funds, or fat electoral funds, or whatever it was, in any way at all. He did not mention that at all and I was quite surprised when I heard his statement in the house.

Mr. SCOTT: Was there any reason why no Liberal members from Quebec were in on these discussions?

Mr. MOREAU: There were none of them present at the meeting in Hull.

Mr. PIGEON: They do not trust them socially.

Mr. MOREAU: And that this should be kept restricted and we should not include anyone else in the discussions because these things become very commonly known very quickly around here. In fairness to Mr. Girouard I must say we had entered into these discussions, I feel, in a very open and straightforward manner, and it was not our intention to embarrass anyone.

Mr. SCOTT: Did you discuss this with any of the Quebec members?

Mr. MOREAU: No, I did not.

Mr. SCOTT: Did Mr. Davey ever go over with you in the meetings or subsequently any of the factors hinging on Social Credit support?

Mr. MOREAU: No, he did not. I had the one telephone conversation with him about ten days afterwards which I have already described to you, and I had a final call on this subject with him. The only time I ever discussed it with him was about a month later when he concluded the matter completely.

Mr. SCOTT: Is it fair to say this was just a matter of practical politics that you felt you were negotiating in order to get another adherent?

Mr. MOREAU: I would say we are all probably aware of the minority situation in the house, and that was certainly my view. I had no power in any way to suggest to Mr. Girouard that he could become a member of the Liberal party, but I thought I should report the fact that he was going to move. It was certainly not my decision or that of the other Liberal members as he well knew, but I think we all felt we should report the matter and at least have him explore the possibilities.

Mr. SCOTT: Was there any discussion at any time about opening negotiations with other members of the Social Credit party?

Mr. MOREAU: It is not my intention to drag any other persons into this. I will say Mr. Girouard purported to speak for more than himself. I had no knowledge in respect of whether this was accurate or not.

Mr. SCOTT: I do not want the names, but since you volunteered the evidence, how many did he purport to speak for?

Mr. MOREAU: Initially three or four.

Mr. SCOTT: Initially, you say. Did that change at some stage?

Mr. MOREAU: In the intervening ten days the number kept going up.

Mr. SCOTT: I take it from that, Mr. Moreau, that Mr. Girouard was canvassing the other members of the Social Credit party and reporting to you from time to time.

Mr. MOREAU: I have no knowledge of that.

Mr. SCOTT: You told me in the intervening ten days the number kept going up.

Mr. MOREAU: I was not talking to the other members. I only spoke to Mr. Girouard.

Mr. SCOTT: But you told me that in the intervening ten days the number for which he purported to speak kept going up. How high did it actually go?

Mr. WOOLLIAMS: It could not go beyond the limit.

Mr. MOREAU: I do not think I should answer that, Mr. Chairman.

The ACTING CHAIRMAN: With all the levity I did not hear.

Mr. SCOTT: Mr. Moreau told me that in the ten days following the initial meeting, the number of Social Credit members for whom Mr. Girouard purported to speak kept going up, and I asked him how high did it go.

The ACTING CHAIRMAN: That seems to me to be an admissible question.

Mr. MOREAU: He did indicate all seven at one point.

Mr. SCOTT: At what point?

Mr. MOREAU: Just prior to the ten day period being up.

Mr. SCOTT: So you were having a series of discussions with Mr. Girouard, were you?

Mr. MOREAU: This might go on with the holding up of a number of fingers in the hall, very brief meetings.

Mr. SCOTT: Holding up fingers in the hall?

Mr. MOREAU: Well, at one point he did indicate in that way, yes.

Mr. SCOTT: Was he waving to you?

Mr. MOREAU: No. We would perhaps meet in the hall just outside or in an elevator, and so on.

An hon. MEMBER: Semaphore.

Mr. SCOTT: Did you pass on the information of these increasing numbers to Mr. Davey?

Mr. MOREAU: No. I attempted to do so at one point, but I could not reach him. He was out of town, or something. I could not reach him at any rate.

Mr. SCOTT: You did not leave a message telling him how negotiations were going?

Mr. MOREAU: No. I am sure the secretary knew I had called, but I was not speaking to him at all in the intervening period.

Mr. SCOTT: Following the meeting in Mr. Davey's office, was it your understanding that the Liberal party would be checking up on the interested people?

Mr. MOREAU: No, it was not my understanding. My understanding with Mr. Davey was that Mr. Guiguere and the Liberal organization in Quebec, I presume, might have been checking the matter out in the ridings involved.

Mr. SCOTT: Did you expect there would be further meetings between the group?

Mr. MOREAU: Well, I think it all hinged on what the reaction to this would be with the Quebec organization.

Mr. SCOTT: Was there any discussion during this period of whether or not these members should become independent first?

Mr. MOREAU: No. The talks really had not progressed that far. It was only an exploratory meeting as I said originally.

Mr. WOOLLIAMS: Mr. Moreau, before I start my questions which I will endeavour to keep relevant, I am going to refer to the motion itself. This is the motion:

> That the matters raised by the hon. member for Labelle in his question of privilege as reported in *Hansard* for Monday, April 27, 1964, be referred to the committee on privileges and elections for consideration and report.

The matters I intend to examine you on concern Mr. Girouard's statement of privilege made on April 27, and I will try to stay on that. However, before doing so I would like to ask a few questions which are personal but relevant in the sense of starting off the examination. You are a member of parliament for York-Scarborough?

Mr. MOREAU: I am, yes.

Mr. WOOLLIAMS: I believe you are a graduate in engineering from a university?

Mr. MOREAU: The University of Saskatchewan.

Mr. WOOLLIAMS: How long have you lived in your own riding of York-Scarborough?

Mr. MOREAU: I bought my home in—

Mr. GREENE: Mr. Chairman, what is this leading to?

Mr. MOREAU: I have no objection.

Mr. GREENE: Mr. Chairman, you have ruled that it is not up to the witness to determine whether he has objections or not, and that it is up to the Chairman.

Mr. WOOLLIAMS: I will be very brief.

Mr. MOREAU: I have lived in my riding since 1957.

Mr. WOOLLIAMS: And you were elected to parliament in 1963?

Mr. MOREAU: Right.

Mr. WOOLLIAMS: I heard Mr. Girouard, and I am sure you did, when he referred to you and others, and particularly to you, as a personal friend.

Mr. MOREAU: Yes, he did.

Mr. WOOLLIAMS: And you accept him as a friend of yours?

Mr. MOREAU: I would say that I knew Mr. Girouard from meetings on a number of occasions in the committees and in his office, or in my office. I would say that I thought him to be a very personable fellow, and someone who certainly was not a bore to be with to discuss things. I do not know whether I could claim to be a friend of his or not. I would say I would have a similar relationship with any number of members of parliament. I would say we were friendly, yes, but the fact of the matter is just what do you mean by a friend. I think this is really the point.

Mr. WOOLLIAMS: I think we understand the word friendship; it is a word which is common in the English language. He did look to you as a friend. Do you accept him in the sense to which he referred in giving evidence that he is a friend of yours?

Mr. MOREAU: I thought he laid it on a little thick, but I would say we were friends, yes.

Mr. WOOLLIAMS: And you said that you found him to be a very personable fellow and good to be with?

Mr. MOREAU: Yes.

Mr. WOOLLIAMS: And there was no reason to doubt his integrity or anything like that?

Mr. MOREAU: No.

Mr. WOOLLIAMS: You had no reason to doubt him?

Mr. MOREAU: No.

Mr. WOOLLIAMS: I am going to start my examination now. Thinking about all the facts you have given in your statement and all the facts Mr. Girouard gave in his evidence and the facts particularly brought out by Mr. Scott, would you say he was ever rejected in the sense of being rejected by the Liberal party?

Mr. MOREAU: Well, I think I must technically say this would probably not be an accurate description from Mr. Girouard's point of view, because he never formally made an application to join the Liberal party.

Mr. WOOLLIAMS: He never really made an application, so what you are saying is he never could really be rejected.

Mr. MOREAU: I would like to continue. I think from Mr. Davey's point of view, certainly I had the impression and I am sure Mr. Davey had the impression that he was interested in the possibility of joining the Liberal party. Mr. Davey investigated the matter with the Quebec organization, and in his mind they certainly had rejected the idea. Perhaps any misunderstanding may have been mine, in that perhaps I did not explain the situation sufficiently to Mr. Davey in respect of just what had transpired, and perhaps the impression I left with Mr. Davey was not what Mr. Girouard meant, but it was my impression that Mr. Girouard was interested, but his position was not final in respect of joining the Liberal party.

Mr. WOOLLIAMS: What you are saying is that he was never, in fact, rejected by the Liberal party.

Mr. MOREAU: He made no formal application.

Mr. WOOLLIAMS: You cannot be rejected if you never did apply. He never was rejected by the Liberal party.

Mr. MOREAU: As I say, he did not make a formal application.

Mr. WOOLLIAMS: I will put the question once again. I say to you, and it is in plain English, that he never was rejected by the Liberal party because he never applied. That is easy to answer yes or no.

Mr. MOREAU: I think I have stated the position fairly clearly. You can draw your own conclusion in respect of whether he was or was not rejected.

Mr. WOOLLIAMS: Do you categorically refuse to answer the question whether he was, in fact, rejected by your party or not?

Mr. GREENE: On a point of order Mr. Chairman. That is one of the questions surely for this tribunal to determine. This involves a conclusion. We are here to hear the evidence and not to hear conclusions of the witness.

Mr. MOREAU: May I say Mr. Chairman, the issue as I see it is not a black and white one which I think Mr. Woolliams is attempting to make it.

Mr. WOOLLIAMS: I do not want to get into an argument with you but I did ask you that question. Let me put it to you again as I put it to you before Mr. Greene interrupted me, quite properly so, because he thought he had a point of order. I will ask you this question again. Did the Liberal party ever really reject Mr. Girouard? That is a plain question. We know what the word "reject" means. That is to turn down his application. Was his application ever turned down?

Mr. GREENE: On a point of order—

Mr. CAMERON (*High Park*): That is not a proper question to put to the witness.

Mr. GREENE: I cannot agree with the definition Mr. Woolliams has given to the word "rejection". Rejection does not involve an application in my understanding of the definition of the word. One can be rejected if one sees they are interested without a formal application. I submit on the point of order that this is a conclusion for the tribunal to draw, not the witness.

Mr. FISHER: Mr. Chairman on the point of order, I should like to let Mr. Woolliams know that I think we all know what the situation is now and from my point of view his question is unnecessary.

Mr. WOOLLIAMS: I appreciate the statement of the member for Port Arthur. I will put the question a little differently.

Did he ever make a bid to join the Liberal party?

Mr. MOREAU: Not formally, no.

Mr. WOOLLIAMS: No, so that the newspaper report of April 28, 1964 is not correct,—and you were at the meeting at which Mr. Davey and the four Liberal members or three besides yourself were present. I am referring to the Ottawa *Journal*—I might say this was carried in many newspapers across the country—when it reported that Mr. Davey is supposed to have said to the press:

> While this is the most serious error in Mr. Girouard's statement, there are others, including his suggested reason why his bid to join the Liberal party was rejected,—

It is not correct? We do not know whether Mr. Davey said that to the press but what you are saying is that Mr. Girouard never really made a bid to join the Liberal party; is that right?

Mr. MOREAU: He did agree to meet Mr. Davey and explore the idea.

Mr. WOOLLIAMS: I am putting this to you; you said he never made an application. I suggest to you that you cannot make a bid without making an application.

Some hon. MEMBERS: Oh, oh.

The ACTING CHAIRMAN: Order.

Mr. GREGOIRE: On a point of order, we would like to know the answer to this question. I should like to ask Mr. Woolliams just to explain the word "application". Are there such forms in the Conservative party?

Mr. WOOLLIAMS: I am not under oath.

The ACTING CHAIRMAN: Mr. Woolliams has put his question and he will get an answer if I feel it is a reasonable question.

Mr. WOOLLIAMS: Thank you, Mr. Chairman. I am wondering Mr. Chairman, and I am trying to be fair in this matter, whether we could have order and then if someone wishes to raise a point of order and object to a question I put they can speak and I will be quite willing to cease my examination.

The ACTING CHAIRMAN: I would suggest that that is a fair request. Mr. Scott was questioning and there were no interruptions. I would ask you to accord all questioners the same courtesy.

Mr. WOOLLIAMS: Thank you, Mr. Chairman.

We will come back to my question. He never made an application. You have already said that?

Mr. MOREAU: That is correct.

Mr. WOOLLIAMS: I suggest to you because he never made an application he never made a bid to join the Liberal party.

Mr. MOREAU: I do not think I can quite accept that, Mr. Woolliams.

Mr. WOOLLIAMS: What do you call a "bid" then? What did he do that you categorize as a bid?

Mr. MOREAU: I feel that he was very interested in the idea. He agreed to meet Mr. Davey to explore it further. He indicated to me even after the meeting,—he at least purported to be speaking for other members—that he seemed to be actively pursuing the idea and it was certainly my impression that if the door were held open he would cross the threshold.

Mr. WOOLLIAMS: One thing that we have established is that he never made an application. What you have just said last is the kind of bid that you are talking about? You say that what he did was meet Mr. Davey, the national organizer of the Liberal party, and talked with you down at the Interprovincial hotel meeting in Hull; he made signs and you made signs, and that is what you mean by a bid?

Mr. MOREAU: I think, as I have testified, that he was actively considering and pursuing the idea, and this is as far as the talks had gone.

Mr. WOOLLIAMS: Is that what you mean by a bid?

Mr. MOREAU: Yes, I would say that is the meaning.

Mr. WOOLLIAMS: So that in any event you did say as well that when you discussed the matter on the telephone with Mr. Davey he said the lines of communication had broken down? That was your evidence previously?

Mr. MOREAU: No, I said he had discussed the matter with Mr. Guiguere, and Mr. Guiguere indicated that the reaction was not good and he wanted to look into it. Mr. Davey reported to me that the whole matter did not look favourable. The whole matter did not look like it would be acceptable.

Mr. WOOLLIAMS: Up to that time or at any other time Mr. Girouard had never said he wanted to join the Liberals?

Mr. MOREAU: Mr. Girouard had agreed to have Mr. Davey look into the matter with the Quebec organization.

Mr. WOOLLIAMS: Yes, but he never made an application and he never—

Some hon. MEMBERS: Oh, oh.

Mr. WOOLLIAMS: He never made an application to join the Liberal party, did he?

Mr. MOREAU: Not a formal application, no.

Mr. WOOLLIAMS: If he did not make a formal application you mean he did not make any application whatsoever, did he?

Mr. MOREAU: As I said, I cannot accept that conclusion.

Mr. WOOLLIAMS: What kind of an informal application did he make?

Mr. MOREAU: As I said, he had agreed to meet Mr. Davey; he agreed to come to the meeting; it was with his full knowledge I called Mr. Davey and when I offered to open up a line of communication he agreed to this. He came to the meeting.

The meeting ended on the note that Mr. Davey was to explore this with the Quebec organization. He sought information from me afterwards and this certainly in my mind indicated to me that if the door were opened he would cross the threshold, as I have said.

Mr. WOOLLIAMS: All right we will allow that matter to drop for the moment. Let us now go back to the meeting in the Interprovincial hotel on the evening of February 18.

The ACTING CHAIRMAN: I think it was on February 17.

Mr. WOOLLIAMS: Yes. Thank you very much. The meeting in the Interprovincial hotel was on February 17; is that right?

Mr. MOREAU: That is right.

Mr. WOOLLIAMS: That was by accident? There was no plan to meet?

Mr. MOREAU: That was by accident.

Mr. WOOLLIAMS: Yes, and there were Mr. McNulty, yourself, Mr. Macaluso and Mr. Gray there?

Mr. MOREAU: That is right.

Mr. WOOLLIAMS: There were the four of you and one friend, Mr. Girouard?

Mr. MOREAU: That is correct.

Mr. WOOLLIAMS: You were sitting at a table in the tavern of the Interprovincial hotel?

Mr. MOREAU: That is correct.

Mr. WOOLLIAMS: You were enjoying the sociability of each other's friendship, and it was during that time that there was a discussion between Mr. Girouard and yourself, or at least one of the members and Mr. Girouard said he was thinking of joining the Conservative party?

Mr. MOREAU: He said he was going to leave the Social Credit party and he was thinking of joining the Conservative party because of the reasons I have given earlier.

Mr. WOOLLIAMS: At no time up to that time had he said he was thinking of joining the Liberal party?

Mr. MOREAU: He indicated that the Liberal organization in Labelle was not friendly to him and he was not to them.

Mr. WOOLLIAMS: I appreciate that, but my question briefly was this: up to that time he had never used the words: "I would like to join the Liberal party", or words to that affect, had he?

Mr. MOREAU: No, he had not.

Mr. WOOLLIAMS: How long were you there when you had this discussion and you left to call Mr. Davey? How long would you be in the hotel?

Mr. MOREAU: I would say that Mr. Girouard likely joined us at about ten minutes after we arrived. Perhaps ten o'clock, and I made the telephone call at approximately—the first telephone call—10.30 or very shortly afterwards.

Mr. WOOLLIAMS: About half an hour afterwards. Where did you call Mr. Davey? Where was he at that time?

Mr. MOREAU: He was at home.

Mr. WOOLLIAMS: In Ottawa?

Mr. MOREAU: In Ottawa.

Mr. WOOLLIAMS: Right. What did you say to Mr. Davey on that occasion on the telephone?

Mr. MOREAU: I said that four Liberal members whom I named—we had met Mr. Girouard by accident at the hotel and he was contemplating a move and I had asked him if he would be interested in speaking to Mr. Davey about the possibility of joining the Liberal party. I indicated that there was no commitment involved in this, but would Mr. Davey be interested in talking to him. He said he would like to talk to him and suggested that I have Mr. Girouard come to the national Liberal federation offices at 251 Cooper street the next day at eleven o'clock.

Mr. WOOLLIAMS: Yes, and as you have said in your evidence, up until that time he had never asked to join the Liberal party, had he? Who made the suggestion? We will just pause there in the telephone conversation and then I will come back to it in a moment. Who made the first suggestion of the group of four of you and Mr. Girouard to call Mr. Davey, the national organizer? I believe you made that suggestion?

Mr. MOREAU: I think I did, yes.

Mr. WOOLLIAMS: Yes, so that the promotion to join the Liberal party and to contact Mr. Davey—you said the boss man or somebody referred to him as the boss man which is neither here nor there—really came from you?

Mr. MOREAU: I did not use the term "boss man". I thought that it was an organizational problem and, therefore, the national organizer would be the person that I should approach.

Mr. WOOLLIAMS: Yes, and he had said to you, and I don't want to repeat it again, that he wanted to join the Conservative party and you knew that when you were talking to Mr. Davey? Did you tell Mr. Davey that Mr. Girouard said he was leaving the Social Credit party and was contemplating joining the Conservative party?

Mr. MOREAU: Yes I did, but I also told him that he had agreed to meet Mr. Davey and discuss the other possibility.

Mr. WOOLLIAMS: Of course you suggested that he meet Mr. Davey because you were the one who suggested it; is that not correct?

Mr. MOREAU: Yes.

Mr. WOOLLIAMS: And he agreed to that?

Mr. MOREAU: It was with his consent, yes.

Mr. WOOLLIAMS: You have already said you were in a minority position and you might increase your numbers and there is nothing wrong with that, but what did Mr. Davey say to you? What did Mr. Davey then say to you on the telephone?

Mr. MOREAU: He said he would be interested in talking to Mr. Girouard and making an assessment of the situation, and to tell him to come to the national Liberal federation the next morning.

Mr. WOOLLIAMS: Did you say that Mr. Girouard wanted to meet Mr. Davey in his own office?

Mr. MOREAU: No.

Mr. WOOLLIAMS: Where had you agreed to meet at that time on the telephone? Did you agree to meet at that stage?

Mr. MOREAU: Mr. Davey said to get him to go to the national Liberal federation at eleven o'clock. I went back to the table and reported this. Mr.

Girouard said he would not go to the national Liberal federation office and we agreed to meet in Mr. Macaluso's office.

Mr. WOOLLIAMS: Yes, you thought that you had better communicate this fact to Mr. Davey?

Mr. MOREAU: Yes, back to Mr. Davey.

Mr. WOOLLIAMS: So what time did you make your second telephone conversation?

Mr. MOREAU: I would say about 15 minutes later.

Mr. WOOLLIAMS: About 15 minutes later. What did Mr. Davey say about that?

Mr. MOREAU: He was agreeable.

Mr. WOOLLIAMS: What else did you discuss on the telephone at that time?

Mr. MOREAU: Nothing else.

Mr. WOOLLIAMS: Nothing else?

Mr. MOREAU: That was very, very brief.

Mr. WOOLLIAMS: You decided during the second conversation on the telephone that you would meet in Mr. Macaluso's office?

Mr. MOREAU: Right.

Mr. WOOLLIAMS: Yes, the next day at eleven o'clock or shortly after Mr. Davey called and said he was going to be delayed because he had another meeting?

Mr. MOREAU: That is right.

Mr. WOOLLIAMS: That was communicated to Mr. Girouard?

Mr. MOREAU: Right.

Mr. WOOLLIAMS: Yes. Was there anything else that took place before we discuss that meeting, and I want to follow this up in a chronological way? Before we discuss that meeting at which the four of you met, which I think is of importance, was there anything else said by Mr. Davey or yourself?

Mr. MOREAU: No.

Mr. WOOLLIAMS: So what you have told us then under oath at the present time as a witness to this committee is all that took place between you and Davey on the telephone and between the four people?

Mr. MOREAU: Yes. Well, I have not given the full range of conversation that went on in the hotel at Hull.

Mr. WOOLLIAMS: I do not want to hear about anything except that with which we are dealing.

Mr. MOREAU: Yes. I have reported everything that we are dealing with regarding the matter raised by Mr. Girouard. The conversations with Mr. Davey were extremely short on both occasions.

Mr. WOOLLIAMS: Mr. Davey had agreed then—at least he had agreed by telephone to meet Mr. Girouard and discuss the matter?

Mr. MOREAU: Yes.

Mr. WOOLLIAMS: Right. Now we move along to this meeting you finally had in your office, did you not?

Mr. MOREAU: Yes.

Mr. WOOLLIAMS: And there were four of you there, yourself and Mr. Girouard?

Mr. MOREAU: Yes.

Mr. WOOLLIAMS: How long did that conversation take place?

Mr. MOREAU: I would say between half an hour and 45 minutes.

Mr. WOOLLIAMS: I see. You have already said you were friendly with him and you liked him as a personable fellow. You were quite anxious, and I think this is a fair question, for him to join the Liberal party?

Mr. MOREAU: It was not my decision to make.

Mr. WOOLLIAMS: I know it is not your decision to make, at least I do not think it is, but you were promoting the idea?

Mr. MOREAU: Certainly I felt that I should report what I had learned. I certainly had no objection to him joining the Liberal party.

Mr. WOOLLIAMS: Did you want him to join the Liberal party at that time?

Mr. MOREAU: I personally felt that an increase in our numbers in the House of Commons would be attractive, yes.

Mr. WOOLLIAMS: Yes, and I know that you being a professional man and a member of parliament for York-Scarborough would want the kind of candidate and member of parliament which would be the right kind of member of parliament for the Liberal party?

Mr. MOREAU: Certainly I am interested in the party having good candidates.

Mr. WOOLLIAMS: That is right and you thought Mr. Girouard would be the kind of candidate and member of parliament who would make a contribution to the Liberal party of Canada?

Mr. MOREAU: I think that Mr. Girouard's participation in a committee that I had been on with him indicated that he was an aggressive member of this House of Commons, yes.

Mr. WOOLLIAMS: Up until the meeting at your office, and we are not going any further than that at the moment, you had every confidence then in the man's integrity and calibre and he was a man that would make a good member of parliament and member of the party?

Mr. MOREAU: I had no reason to doubt any of those things.

Mr. WOOLLIAMS: You put it in the negative but you really approved of this, did you not?

Mr. MOREAU: I thought it was very attractive that we would have more members, yes.

Mr. WOOLLIAMS: I think you have said it would be very attractive to have the right kind of member in the Liberal party; is that right?

Mr. MOREAU: That is right.

Mr. WOOLLIAMS: So he must have been in your opinion the right kind of member to join the Liberal party?

Mr. MOREAU: Yes, and I would say, if you want my own view on this, I think I was favourably impressed with Mr. Girouard.

Mr. FISHER: Did you say "was".

Mr. MOREAU: Yes.

Mr. WOOLLIAMS: You were favourably impressed and no doubt you indicated that either by words or feeling in your voice to Mr. Davey.

Mr. MOREAU: No, I did not.

Mr. WOOLLIAMS: I see.

Mr. MOREAU: I did not think my views were relevant.

Mr. WOOLLIAMS: Let us get down to the meeting now. At least you are a respected member of parliament by the Liberals and I think in the House of Commons, and you carried the message to Mr. Davey in this regard, your national organizer, and he did agree to meet Mr. Girouard, did he not?

Mr. MOREAU: Yes, but I was aware and I am sure Mr. Girouard was aware that this decision would not be made by Mr. Davey. He was not the man who had to be convinced.

Mr. WOOLLIAMS: Who would make that decision?

Mr. MOREAU: The Quebec Liberal organization and the riding of Labelle.

Mr. WOOLLIAMS: Do you think that before you promoted the idea you might have approached them first so that the gate was open, because you have already told us he did not have his application in, and so that if he did put his application in he would have been accepted in the Liberal ranks?

Mr. MOREAU: This is my understanding of exactly what Mr. Guiguere was to do.

Mr. WOOLLIAMS: In other words he would have been a member had he gone through with this move?

Mr. MOREAU: No. I would say he was not approved and this is the reason that the whole matter was dropped.

Mr. WOOLLIAMS: Yes, but how could he be disapproved of when he had not put in an application?

Some hon. MEMBERS: Oh, oh.

Mr. WOOLLIAMS: I ask you that question now. He had not put in an application so he could never be rejected?

Mr. BEAULÉ: He has never been disapproved.

Mr. MOREAU: As I said, he had not put in a formal application.

Mr. WOOLLIAMS: In any event, Mr. Davey agreed to meet him on your recommendation, did he not?

Mr. MOREAU: Right.

Mr. WOOLLIAMS: How long did that meeting take place?

Mr. MOREAU: In my office?

Mr. WOOLLIAMS: Yes.

Mr. MOREAU: I said between 30 minutes and 45.

Mr. WOOLLIAMS: Between 30 and 40 minutes. You were chairing that meeting?

Mr. MOREAU: I said I started it off.

Mr. WOOLLIAMS: You started it off and what did you say? What were your opening remarks in that regard?

Mr. MOREAU: I outlined what had happened.

Mr. WOOLLIAMS: You state you outlined what happened but what did you outline?

Mr. MOREAU: I said that we had met Mr. Girouard the previous evening and that he had informed us he was going to leave the Social Credit party and certainly was contemplating going to the Conservatives. When I discussed the matter with him he seemed very interested also in the possibility of joining the Liberal party and, therefore, I had made the phone call and arranged the meeting. I outlined essentially what had transpired the evening before.

Mr. WOOLLIAMS: What did Mr. Davey say then?

Mr. MOREAU: Mr. Girouard spoke next as I recall it.

Mr. WOOLLIAMS: What did Mr. Girouard say?

Mr. MOREAU: Mr. Girouard indicated he was leaving the Social Credit party and he was not making any commitment. He seemed to be playing it pretty close to the vest at this point.

Mr. WOOLLIAMS: What do you mean he was playing it close to the vest?

Mr. MOREAU: I am sure Mr. Woolliams that you have played poker.

The ACTING CHAIRMAN: Just answer the question.

Mr. WOOLLIAMS: I have played poker but my friends tell me I am a horrible player. Go ahead.

Mr. MOREAU: He stated that he was going to leave the Social Credit party and he was thinking of joining the Conservatives.

Mr. WOOLLIAMS: Then what did Mr. Davey say? At least Mr. Girouard had been consistent in his statement that he wished to join the Conservative party. He was an invited guest of yours and an invited guest of Mr. Davey up until that time and he continually said he wished to join the Conservative party. Now, what did Mr. Davey say? What did you say or what did anybody else say to encourage him to join the Liberals instead of the Conservatives?

Mr. MOREAU: As I have indicated and testified, the matter of nominating conventions and his acceptability in the riding of Labelle and the matter of the ease of election as a Liberal or Conservative were all discussed.

Mr. WOOLLIAMS: Yes, but you have already told us that the kind of man the Liberal party wanted as a member of parliament was the right kind. In other words a man that would support Liberal principles and Liberal policies; is that not correct?

Mr. MOREAU: Certainly.

Mr. WOOLLIAMS: So that the fact of whether he was going to get the nomination or not would be one of the factors, but first of all he would have to support the Liberal program and Liberal party and be willing to carry and run under the Liberal banner; is that right?

Mr. MOREAU: Those were the matters that were important to Mr. Girouard. The question of nomination and ease of election was important to Mr. Girouard. Certainly the matter of the leadership was again discussed. Presumably he would endorse the leadership if he joined the Liberal party. He did indicate a preference on the leadership and the personnel in the house, as I have already said.

Mr. WOOLLIAMS: What did Mr. Davey say? What was his full statement? By the way, just before you tell us that, will you tell us approximately how many minutes—I do not want you to be exact, but give the committee some idea—Mr. Davey talked to Mr. Girouard.

Mr. MOREAU: It was a general conversation and I do not think I could specify a time to any particular individual.

Mr. WOOLLIAMS: Would it be approximately 20 minutes?

Mr. MOREAU: No. I would not accept that.

Mr. WOOLLIAMS: Would it be approximately 15 minutes?

Mr. MOREAU: I would rather tell you my recollection of how the time went, if that is acceptable to you?

Mr. WOOLLIAMS: Well, was it approximately 15 minutes?

Mr. MOREAU: As I said, it was a general conversation and Mr. Davey at no time had the floor even for five minutes.

Mr. WOOLLIAMS: He had the floor for some length of time, had he not?

Mr. MOREAU: He was in the conversation intermittently over a period of time.

Mr. WOOLLIAMS: Give us the pith and substance of that conversation—everything everyone said to Mr. Davey and everything Mr. Davey said to everyone else.

Mr. MOREAU: I cannot tell you everything.

Mr. WOOLLIAMS: I do not mean things such as talking about having a cigarette, but tell us everything that was relevant to the issue. You know what I mean; you are an intelligent man.

Mr. MOREAU: As I stated, the first five minutes after Mr. Davey's arrival was taken up with a discussion of the flag. The matter of the flag was settled.

Mr. WOOLLIAMS: What was the discussion on the flag? Did Mr. Davey tell Mr. Girouard at that time that the party was going to support the flag which is now being mentioned in the house and mentioned in the newspapers?

Mr. MOREAU: No design was mentioned at all. The only reference was to "a distinctive national flag".

Mr. WOOLLIAMS: What did Mr. Davey say about a distinctive flag?

Mr. MOREAU: He confirmed that our party was firm on this as a campaign pledge and that we intended to proceed.

Mr. WOOLLIAMS: Did you back Mr. Davey on that?

Mr. MOREAU: We had been telling Mr. Girouard this and Mr. Davey was only assuring him on the point we had made earlier.

Mr. WOOLLIAMS: Mr. Macaluso backed you up, and also Mr. McNulty and Mr. Gray?

Mr. MOREAU: We were all of one mind.

Mr. WOOLLIAMS: You had a consensus throughout? What else did Mr. Davey say?

Mr. MOREAU: After the flag issue was settled—and, of course, there had been the normal greetings—

Mr. WOOLLIAMS: Was the flag issue settled at that meeting?

Mr. MOREAU: The flag issue was settled, I think, to the satisfaction of Mr. Girouard. We then—

Mr. WOOLLIAMS: Did he say he was satisfied with the issue?

Mr. MOREAU: Certainly this policy and the letter seemed to make quite an impression on him—as I mentioned earlier. This seemed to make quite an impression on him and he stated certainly that a very important factor in his decision would be a party that would support a distinctive national flag.

Mr. WOOLLIAMS: All right, let us drop the flag for a few moments. What else was discussed by Mr. Davey?

Mr. MOREAU: As I said, the next part of the conversation was concerned with my relating what had happened.

Mr. WOOLLIAMS: What was that conversation? You were there and every witness was there for a considerable length of time, and you say there were interruptions and then Mr. Davey would say something. We are out for the facts. You have made some denials today. You have already said Mr. Girouard was a man you respected, that you did not question his integrity. Someone's integrity is going to be questioned before we are through because your story is diametrically opposed to Mr. Girouard's story. I intend to find out what Mr. Davey said, and I have lots of time and I am going to ask that question continuously until I get an answer. Tell us what Mr. Davey said, in detail.

Mr. MOREAU: You just want Mr. Davey's points?

Mr. WOOLLIAMS: That is right. I am interested in what Mr. Davey said because there are allegations by Mr. Girouard that Mr. Davey said some very important and interesting things.

Mr. MOREAU: Mr. Davey said he could not make this decision and he was sure Mr. Girouard would understand this. He said that he would have to investigate the matter with the Quebec organization. He said he would have to discuss it with the Prime Minister. He discussed it with—

Mr. WOOLLIAMS: There was an undertaking at least by Mr. Davey to discuss it with Mr. Pearson?

Mr. MOREAU: He was to inform Mr. Pearson.

Mr. WOOLLIAMS: Do you know whether Mr. Davey carried it out and discussed it with Mr. Pearson?

Mr. MOREAU: I have no knowledge.

Mr. WOOLLIAMS: But there was mention that he would have to discuss it with Mr. Pearson?

Mr. MOREAU: He indicated that he could not make such a decision; that he would have to consult with the Quebec organization, Mr. Pearson and other members of the party.

Mr. WOOLLIAMS: I think it was the member for Port Arthur who was questioning Mr. Girouard on this matter. I was very interested. Was the question of general policy and the Liberal philosophy discussed with Mr. Girouard by Mr. Davey?

Mr. MOREAU: At this meeting? No.

Mr. WOOLLIAMS: What else was said? Let us get your side of it.

Mr. MOREAU: There was an extensive discussion on nominations.

Mr. WOOLLIAMS: Oh, yes, nominations. What did you say about nominations? This is an important factor because I think we are coming down to a very interesting part of the evidence.

Mr. MOREAU: We indicated to Mr. Girouard that nominations are something that are handled very much on the local level and have to be fought out there.

Mr. WOOLLIAMS: Yes. Is this not a fact—and I will put it very bluntly: the question when someone takes a nomination for your party, our party, any party, is that they need some finances to run their election. Is that not proper?

Mr. MOREAU: Certainly anyone who gets a nomination from any of our parties, I think, is very interested in the election funds he is going to be receiving from the party.

Mr. WOOLLIAMS: Certainly, and I ask you to do some soul searching.

Mr. GRÉGOIRE: I would like to rise on a question of privilege. Mr. Woolliams mentioned that all parties need electoral funds. I would like to disagree with him and state that we carry on elections without electoral funds.

Mr. WOOLLIAMS: Then I will withdraw my remark so far as Mr. Grégoire's party is concerned; they run elections in Canada without money; they do not have to pay the television stations.

We are now coming to something. Did Mr. Davey not mention to Mr. Girouard—and there is nothing improper in this and I am not suggesting there is—that if he did run under the Liberal banner there would be money available for television, newspaper advertisements and various other campaign activities.

Mr. MOREAU: No, he did not.

Mr. WOOLLIAMS: Did Mr. Girouard never ask about that?

Mr. MOREAU: No, he did not.

Mr. WOOLLIAMS: What you are asking us to accept—and naturally we have to accept it—is that there was no discussion about finance. You were practical politicians and you are asking us to accept that no one mentioned whether he would receive Liberal support and finance in his campaign if he ran under the Liberal ticket?

Mr. MOREAU: The discussion never really got that far along.

Mr. WOOLLIAMS: You mentioned at the beginning of my examination that you thought Mr. Girouard was a man of integrity and he was a friend in the sense that you respected his principles. At page 2583 we see the words: "The benefits: a party in power..." I ask you to do some soul searching once again because you told us how you respected Mr. Girouard and that you felt he

might be of good calibre for the Liberal party. Was there not some reference to a party in power?

Mr. MOREAU: I testified earlier that I had no reason to doubt Mr. Girouard's integrity. I have no recollection whatever of a party in power or an electoral fund being mentioned, and I am quite sure that had it been mentioned I would have remembered that.

Mr. WOOLLIAMS: Yes. In all fairness to you you did say—and I want to be fair about it—that you had no recollection. It is very serious; we are 265 members in the House of Commons and your evidence today may leave a slight on Mr. Girouard or Mr. Girouard's evidence may leave a slight on you. It is a very serious matter. Would it not be fair to say, in all fairness to what took place—because many things took place, such as making signs in the hallway, going up to seven and down to five—that you might have forgotten that he mentioned there are benefits of a party in power. And, let us not mince words this afternoon; there certainly are benefits of a party in power.

Mr. MOREAU: If there are, I am not aware of them.

Mr. WOOLLIAMS: You mean they have not done anything for you? Yes, go ahead with the answer.

Mr. MOREAU: I stated categorically that they were not mentioned, and I am quite sure on that point.

Mr. WOOLLIAMS: You are quite sure? Now I want to deal with this. Is it possible that you are not sure and you do not recollect but that someone did mention the fact that there was a fat electoral fund?

Mr. MOREAU: No, they did not.

Mr. WOOLLIAMS: Is it not one of the functions of Mr. Davey, as national organizer, to look after the finances of his party and see that the candidates at least have some money to pay television, and publicity and so on?

Mr. LESSARD (*Saint-Henri*): No.

Mr. PRUD'HOMME: No.

Mr. GREENE: On a point of order, Mr. Chairman, you have let Mr. Woolliams ramble at large. You made a rule when we were examining Mr. Girouard that there would be no repetition. Mr. Nugent became righteously indignant. We have let Mr. Woolliams ask the questions at least half a dozen times.

Mr. WOOLLIAMS: I have not asked this question previously.

Mr. GREENE: This is badgering the witness and I respectfully submit it is a repetitious question.

Mr. WOOLLIAMS: I respect Mr. Greene and I appreciated listening to his cross-examination; it was smooth, brief and to the point. I do not think, with the greatest respect to Mr. Greene—and I respect his ability; I believe he would make a great leader for the party—I have never asked the question before about a fat electoral fund and if Mr. Greene wishes to have the deposition read he will find that. I think if it is read Mr. Greene will come to the same decision as I, that I have not referred to that previously. Now I am going to put the question again. Is it possible—

The ACTING CHAIRMAN: Let me say this, Mr. Woolliams. The witness may speak from direct knowledge himself. If he cannot speak from direct knowledge, then I would say it is inadmissible bearing in mind also the fact that that Mr. Davey will be a witness before the committee.

Mr. MOREAU: I would say this in answer to your question, Mr. Woolliams. To my direct knowledge I never had any dealings whatever with Mr. Davey about campaign funds, and it is not my impression of our party that this is his function at all.

Mr. WOOLLIAMS: Then that answers the question, but I am sure you are well aware that there are campaign funds available for people who run for the Liberal party in Canada.

Mr. GREENE: I object.

Mr. BEAULÉ: Monsieur le président, j'aurais un point d'ordre.

The ACTING CHAIRMAN: I must with respect take exception to that. The problem before us is whether or not that was discussed with Mr. Davey and the Liberal members of parliament at this meeting.

Mr. WOOLLIAMS: I appreciate your ruling and I will not press it, but I would say this: he has categorically denied it. When a witness categorically denies something and another witness is diametrically opposite in his testimony, then one has to circumvent to find out who is credible. Someone is not, to put it mildly, telling the truth. It may be, with the greatest respect to Mr. Moreau who I have always respected in the house—that he was honest when he said "I cannot recollect", "I cannot quite remember that", or words to that effect.

Mr. LESSARD (*Saint-Henri*): No.

Mr. BEAULÉ: He said no.

Mr. GREENE: Mr. Moreau at no time said that. Mr. Girouard said it often enough.

Mr. WOOLLIAMS: We will come back to it.

You did say you could not recollect whether there was any statement made in reference to a party in power, did you not?

Mr. CAMERON (*High Park*): Mr. Woolliams is twisting the evidence.

Mr. WOOLLIAMS: Let him answer.

Mr. CAMERON (*High Park*): Mr. Woolliams—

Mr. WOOLLIAMS: Please address the Chair.

Mr. CAMERON (*High Park*): Mr. Woolliams is twisting the evidence, Mr. Chairman. On a point of order, Mr. Chairman, Mr. Woolliams is twisting the evidence and putting words into the witness' mouth. I merely mention that Mr. Moreau, in my hearing, said that he categorically denied that that was said.

Mr. WOOLLIAMS: All I can say to my good friend is that he should turn up his hearing aid.

Mr. CAMERON (*High Park*): I do not need a hearing aid to hear you.

The ACTING CHAIRMAN: We all appreciate the seriousness of this matter. If it was not brought home to us earlier in the meeting it certainly has been brought home to us today. We should contain ourselves and deal with the matter properly.

Mr. WOOLLIAMS: I am going to put this again and you can rule against me if you wish. I certainly will bow to the Chairman's ruling. I think, Mr. Chairman, you have done a most excellent job and that you have been most fair and impartial.

My question is this: did you not say in your evidence—and I may have misunderstood you, and I want to be fair to you—that you did not recollect or quite recollect that there was any discussion about a party in power by Mr. Davey to Mr. Girouard?

Mr. MOREAU: I categorically denied that such a thing was mentioned, and I said that I had thought about it a great deal and that I would have remembered had it been mentioned.

Mr. WOOLLIAMS: Did you use the word "recollect" in your testimony?

Mr. MOREAU: Yes, I said "I cannot recollect any such thing being mentioned", and I was sure I would have remembered had it been mentioned.

Mr. WOOLLIAMS: Then I ask you if you can recollect anything about a fat electoral fund in reference to money for a candidate for a Liberal candidate running in Labelle.

Mr. MOREAU: Nothing of the kind was said.

Mr. WOOLLIAMS: Then I put this to you: you have already said at the opening of your evidence that you did not question Mr. Girouard's testimony. Are you not then—

Mr. LESSARD (*Saint-Henri*): This is the fifth time.

Mr. GREENE: On a point of order.

Mr. SCOTT: On a point of order, Mr. Chairman.

The ACTING CHAIRMAN: I have not heard the question yet so I cannot make a ruling on it.

Mr. WOOLLIAMS: I do not want to get in an argument with my good friends across the table because I respect them, but as soon as I get dangerously near the point we are here to discuss today they want to yell me down. If you do not like my question you can raise a point of order and I will sit down and listen.

Mr. FISHER: You are right. Someone is lying.

Mr. WOOLLIAMS: Let me put the question and if you do not like it you may make your objection through the Chair. You said I was a distinguished counsel, Mr. Greene; but I think you are far more distinguished.

The ACTING CHAIRMAN: It is a great revelation to the Chair to find how all these distinguished gentlemen act. Please go on.

Mr. WOOLLIAMS: I know we can get along very quickly now.

Is it possible that you could not recollect any statement about a fat electoral fund?

Mr. MOREAU: I am sure I would remember such a statement.

Mr. WOOLLIAMS: If it had been made you would have remembered?

Mr. MOREAU: Yes.

Mr. WOOLLIAMS: Let us go back on that point for a few moments; let us go back to the hotel. You were trying to encourage—and there is nothing wrong with that—Mr. Girouard, a man of integrity you thought, a proper candidate for the national Liberal party, to run as a Liberal. Is it not possible that in the festivities you were enjoying on that occasion at the Interprovincial hotel that you might have forgotten about it or did not hear it?

Mr. MOREAU: I assure you that in the light of the festivities my memory was not impaired in any way; and Mr. Girouard testified that this was something that happened the next day in my office.

Mr. WOOLLIAMS: It could have been a mistake. I am putting this to you.

Mr. LESSARD (*Saint-Henri*): Oh, no.

Mr. WOOLLIAMS: I am putting it to you. Would you say it was not said on that evening in question?

Mr. MOREAU: I would say so.

Mr. WOOLLIAMS: How many times did you go to the telephone?

Mr. MOREAU: I would of course naturally say that my testimony referred to the time when I was at the table. I was away for two brief periods when I was making a telephone call. I was not away in my office.

Mr. WOOLLIAMS: You are not sure what was discussed while you were absent?

Mr. MOREAU: No, I am not.

Mr. WOOLLIAMS: I want to come to Mr. Davey's suggestion that he would "ponder these proposals"; these are Mr. Girouard's words—a man of integrity, you say.

Mr. PRUD'HOMME: He thinks.

Mr. WOOLLIAMS: I want to ask you about this because you deny this:

> A week later a Liberal member of parliament belonging to the same group—

And you were identified as that member.

Mr. MOREAU: Mr. Girouard identified me in his testimony.

Mr. WOOLLIAMS: Then it continues, "he approached me to say he was very sorry". How many times did you meet Mr. Girouard on this question?

Mr. MOREAU: I saw him every day.

Mr. WOOLLIAMS: On this question? I mean apart from all these signs that were going on.

Mr. MOREAU: I have met him, as I say, in the elevators, in the hall and so on; and on a couple of occasions he asked me if I had any news, if I had heard anything or I would volunteer the information later on that I had heard nothing, but there was no actual detailed discussion.

Mr. WOOLLIAMS: Did he come to your office and sit down and have a private conversation with you after that meeting?

Mr. MOREAU: No, he did not. At least, not relating to this matter.

Mr. WOOLLIAMS: Did you go to his office?

Mr. MOREAU: I may have, but again not relating to this matter.

Mr. WOOLLIAMS: Again, your memory is not too good? You may have done?

Mr. MOREAU: I believe I did go to his office in that period when there were other people present, and therefore this thing was not mentioned.

Mr. WOOLLIAMS: And you went to his office and you were doing it as a friend, were you not?

Mr. MOREAU: Sure.

Mr. PRUD'HOMME: As a colleague.

Mr. WOOLLIAMS: And up to that time there was no reason to doubt his integrity because you were meeting him as a friend.

Mr. MOREAU: I had no reason to doubt his integrity in any way.

Mr. WOOLLIAMS: At any time?

Mr. MOREAU: At any time previous to this.

Mr. WOOLLIAMS: Is it possible that you might have mentioned to him something to this effect: "Listen, we have to call off negotiations because there is a deal between Mr. Pearson, the national leader, the Prime Minister of the country, and Mr. Thompson"? After all, they voted together always in the House of Commons. Is it possible this was discussed?

Mr. LESSARD (*Saint-Henri*): On a point of order—

Mr. GREENE: On a point of order—

Mr. MOREAU: As I stated, Mr. Woolliams, I had no knowledge of any such deal or agreement or any knowledge of this matter at all. Mr. Girouard put that theory forward, as I testified.

Mr. WOOLLIAMS: Did Mr. Girouard say this to you prior to giving evidence? You say he put the theory forward.

Mr. MOREAU: On the Monday before he made the statement in the house, at about 1.15 in my office he did say to me that he was going to say this, and I disagreed with him at that time. I said I never said that.

Mr. WOOLLIAMS: What did he say? Did he say Mr. Davey had said it?

Mr. MOREAU: No, he said that he was going to say that he had been told that Mr. Davey had been called off by Mr. Pearson, and I denied having said that.

Mr. WOOLLIAMS: Let me put this to you. I am going to read this whole paragraph of a conversation which you are saying never took place in your presence or between you and Mr. Girouard. That a man would come into the House of Commons and under oath say this if it is not true seems to be very strange. Do you not consider it is very strange? I ask you to think about it. I will read this to you:

> A week later, a Liberal member of parliament belonging to that same group approached me to tell me that he was very sorry but the Prime Minister (Mr. Pearson) had asked his chief organizer to cease all pressure because he, the Prime Minister, was sure to lose the regular support of the Social Credit party if he ever stole members from that party.

Mr. MOREAU: I had no such knowledge.

Mr. WOOLLIAMS: Did Mr. Girouard ever suggest this might be the reason why negotiations had broken?

Mr. MOREAU: Yes, he suggested it.

Mr. WOOLLIAMS: When did he suggest it?

Mr. MOREAU: When I told him the reaction from the Quebec organization. I had been talking to Mr. Davey and he said the reaction from Mr. Giguère and the Quebec organization was not favourable: although the matter was not definite, the prognosis was not good and it did not appear to be that the future of this whole matter would be very good; at least it was not likely that they would accept Mr. Girouard.

Mr. WOOLLIAMS: Do I take your testimony to mean then that even if Mr. Girouard who you thought was a man suitable for the Liberal party, a man of integrity, would have been rejected if he had made an application?

Mr. MOREAU: It was my understanding that the Quebec organization would not entertain the idea at all.

Mr. WOOLLIAMS: Did you ever tell Mr. Girouard that?

Mr. MOREAU: Yes.

Mr. WOOLLIAMS: Did you ever tell him why the Quebec organization would not entertain it?

Mr. MOREAU: I had no knowledge of it. I was informed.

Mr. WOOLLIAMS: Who informed you?

Mr. MOREAU: Mr. Davey.

Mr. WOOLLIAMS: What did he say in informing you; what was your information?

Mr. MOREAU: In the conversation I had with him over the telephone ten days after the meeting in my office, he said it did not look favourable; Mr. Giguère's original reaction was not good. A month later he called me to tell me the matter definitely was a no go.

Mr. WOOLLIAMS: When was that said?

Mr. MOREAU: About a month after the meeting in my office.

Mr. WOOLLIAMS: How long before he made his statement of privilege in the house on April 27?

Mr. MOREAU: Probably almost a month.

Mr. WOOLLIAMS: Almost a month before. At no time did Mr. Girouard tell you or anyone in your presence that he had ceased with his intention to join the Conservative party?

Mr. MOREAU: No, he did not tell me that, but he made no decision for a long time.

Mr. WOOLLIAMS: He did not make any decision for a long time. Now, we are going to come back to what Mr. Davey said at that meeting. What you have told us is that all Mr. Davey said on that occasion in respect of this matter—or what else did he say?

Mr. MOREAU: He said there was a discussion about nomination meetings.

Mr. WOOLLIAMS: What did he say about nominations?

Mr. MOREAU: Well, he agreed with the four Liberal members there that these meetings were handled very much on the local Labelle level.

Mr. WOOLLIAMS: Do you know what the local Labelle organization had to say about this?

Mr. MOREAU: I did not know.

Mr. WOOLLIAMS: Did Mr. Davey know?

Mr. MOREAU: No. That was what he intended to find out.

Mr. WOOLLIAMS: What else was discussed besides the nominations?

Mr. MOREAU: The flag was discussed.

Mr. BEAULÉ (*French*): J'aurais un point d'ordre, monsieur le président. Ces questions ont été posées tout à l'heure. C'est la troisième fois que ces questions ont été posées et ont été répondues.

These questions have been asked a few minutes ago.

Mr. WOOLLIAMS: I think the objection taken by my colleague is proper. Was there anything else that you have not told us?

Mr. MOREAU: I think I have reported the essence of the discussion as fully as I recall it.

Mr. WOOLLIAMS: So far as you are concerned you have told the committee all that took place and what Mr. Davey has said of any importance in this matter at that meeting?

Mr. SCOTT: That he remembers.

Mr. WOOLLIAMS: I know he cannot say anything he does not remember. Are you sure of that, because this may be asked by others and I want to be fair with you.

Mr. MOREAU: I said there was the flag, the question of nominations, the question of acceptance by the Quebec organization and the investigation of the matter in the Liberal riding organization. There was a discussion of our nomination meetings and there was a certain amount of banter back and forth regarding these matters.

Mr. WOOLLIAMS: You are a graduate of university and your memory as a whole is always good, fairly good; you have a fairly retentive memory.

Mr. MOREAU: Yes.

Mr. WOOLLIAMS: Was it not surprising in your general statement that you forgot to mention important things, and that when you were asked a question by Mr. Scott you said, "Oh, well, I wanted to say something about the fat election fund, but I forgot to mention it in my opening statement." You forgot

it in the opening statement and I suggest you may have forgotten it was mentioned in that room.

Mr. MOREAU: I was speaking entirely extemporaneously; I had no written text. When I am speaking publicly quite often I leave out things which I would have liked to have said; but I do not think this affects my memory or judgment in any way.

Mr. WOOLLIAMS: I want to put this to you: Was there any statement made in that room that the national Liberal party of Canada did contribute to the Social Credit party during the 1963 election?

Mr. MOREAU: There certainly was not.

Mr. GRÉGOIRE: Mr. Chairman, on a question of privilege; I was in that party and I was the national vice president and I deny that Mr. Woolliams has the right to make such an insinuation.

Mr. VALADE: Do you mean that is not right?

Mr. GRÉGOIRE: That is the kind of insinuation which should be withdrawn.

Mr. WOOLLIAMS: I was given that information and I asked the question on the basis of the information given me. I asked the question and he has denied it.

Mr. GRÉGOIRE: And I deny it. Mr. Chairman, I would like to say that he should change his sources of information because he does not have good information.

Mr. WOOLLIAMS: You protest too much, Mr. Grégoire.

Mr. GRÉGOIRE: If you have something to say, put up or shut up.

The ACTING CHAIRMAN: Order, order. Mr. Pigeon is the next examiner.

Mr. GRÉGOIRE: Mr. Chairman, I think such an insinuator should be put in the witness box to tell us what are his sources.

The ACTING CHAIRMAN: Order.

Mr. FISHER: You can call Mr. Woolliams later.

Mr. LESSARD (*Saint-Henri*): And Mr. Balcer.

(*Translation*)

Mr. PIGEON: I wish to put my question to Mr. Moreau in French.

(*Text*)

The ACTING CHAIRMAN: I don't want to interrupt you, Mr. Pigeon...

(*Translation*)

Mr. PIGEON: I will question Mr. Moreau in French. He can answer in English or French as I know he is bilingual.

(*Text*)

The ACTING CHAIRMAN: Do you want to answer the questions in English?

(*Text*)

Mr. MOREAU: I will say this, that my command of French is not perfect, and if I think I can handle the question in French I will reply in French, and otherwise I will reply in English.

Mr. PIGEON: Reply in English and I will ask my questions in French.

Mr. MOREAU: If I can.

(*Translation*)

Mr. PIGEON: Mr. Moreau, when the House had decided to refer the matter to the Committee on Privileges and Elections . . .

(*Text*)

The ACTING CHAIRMAN: I didn't hear a thing on that, there is something wrong again...

(*Translation*)

Mr. PIGEON: After the House had decided to refer the matter to the Committee on Privileges and Elections, did you discuss the evidence you were going to give before this committee with anyone?

Mr. MOREAU: I discussed it with several members.

Mr. PIGEON: With what members?

Mr. MOREAU: I discussed it with my colleagues Messrs. Macaluso, McNulty and Gray.

Mr. PIGEON: What did you tell them?

Mr. MOREAU: I also discussed it with others.

Mr. PIGEON: But specifically with the colleagues who were with you at the Interprovincial Hotel, you had a discussion, what exactly did you tell your colleagues?

Mr. MOREAU: We discussed the matter.

(*Text*)

The ACTING CHAIRMAN: Order. I am ruling out what you discussed with them. He will give his evidence under oath. This is not any more admissible than what Mr. Girouard discussed with his colleagues in the Social Credit party. I propose to apply the same ruling to the present witness.

Mr. NUGENT: If the discussion with his colleagues was in respect of what happened, that is proper for the committee to know, because then we have the difficulty of whether the witness is testifying from his memory of that evening or whether his memory is coloured by that discussion. I think you could hardly rule that question out of order.

Mr. NIELSEN: With regard to the point of order, may I say if Mr. Moreau had discussions with Mr. Macaluso or Mr. Gray or Mr. McNulty or Mr. Davey, which discussions are relevant to the issue which has been referred to this committee by the house, then the answers would be relevant to the inquiry that you are charged with conducting here.

Mr. PIGEON: May I continue to address my questions, Mr. Chairman?

The ACTING CHAIRMAN: I raised a point and Mr. Nielsen spoke to it and I believe Mr. Nugent.

Mr. GRÉGOIRE: Mr. Chairman, I am not opposed in particular to that line of questioning, especially the actual situation where we have to look at the credibility of the witnesses; but I think if you rule it in order, then it should apply to all witnesses past or to come.

The ACTING CHAIRMAN: That is right.

Mr. GRÉGOIRE: I would like to go into the matter of credibility, especially now that we have this doubt, but it should apply to everyone and not just one.

Mr. NUGENT: The point I was talking about is that this witness discussed it with other people who are going to be witnesses.

The ACTING CHAIRMAN: The point Mr. Grégoire raised was on the credibility. He wanted to go into what Mr. Girouard had said to the Social Credit members in order to see whether it tallied with what he had said in evidence. I held that we were getting far afield. I am prepared to admit the question: Did you speak to your confreres? I believe his answer is yes.

Mr. NIELSEN: Mr. Chairman, I would like to ask you a question in connection with your ruling because it is not clear to me. Does your ruling include

a prohibition of any questions directed to Mr. Moreau with regard to his conversations with the three other members who were with him in Hull, and Mr. Davey who was with him in Mr. Macaluso's office with regard to the matters referred to this committee by the house; does your ruling extend to questions directed to the witness within those confines?

The ACTING CHAIRMAN: That is right, bearing in mind it will be open to the questioners when the other witnesses are in the witness box to say Mr. Moreau has said this, and this, and this, and did he ever tell you anything different, or say he could not remember that, and so on. So, you will have the witnesses before you with that in mind.

Mr. NIELSEN: I am not so concerned with the point of credibility as I am with cutting of an avenue of relevant examination by direct questioning with regard to the specific matters referred to the committee. I feel that if the Chair applied this ruling rigidly to all direct questions with regard to things said by Mr. Moreau to Mr. Davey or Mr. McNulty or Mr. Macaluso or Mr. Gray, when they were present, with respect, I think it would be a kind of prohibition.

Mr. RHÉAUME: Is there not in the opinion of the committee quite a difference between asking one witness what was subsequently said to other people who are going to appear to testify and then pursue a line of questions such as Mr. Grégoire has in mind with regard to what was going on between Mr. Girouard and his organizers and other members of the party who are not going to be testifying.

Mr. GREENE: Mr. Chairman, I think if we are going to permit cross-examination on the issue of conversations relative to credibility, then I think that is the rule, and in that case I will support Mr. Grégoire as I am sure will other members in a request to recall Mr. Girouard again on the whole basis of the question of the issue of credibility.

The ACTING CHAIRMAN: The danger is we might get into questions of what went on between the witnesses and their other colleagues. They may have made strong remarks about Mr. Girouard—I am not suggesting they did; but we would be into this and it would be highly unwarranted. Their discussion might have become heated, and if you press them this would all go into the record. I am not going to permit that. I am not conducting a trial here in the strict sense of the word. You realize we must weight one thing against another, and that is why the rulings I have made are laid down. You can say, did you discuss it—yes; was it for the purpose of refreshing your recollection? I would go that far, but not the actual conversation. I am going to cut it off there.

Mr. NUGENT: I am satisfied.

(Translation)

Mr. PIGEON: Mr. Chairman, I want to ask Mr. Moreau what he discussed or else that his three government colleagues who were with him in Hull appear before the committee, did the four of you meet to try and give about the same evidence?

(Text)

Mr. MOREAU: I would say in answer to your question—

Mr. GRÉGOIRE: That type of question was objected to and you ruled upon it.

The ACTING CHAIRMAN: I ruled that he could ask if he had discussed it with him.

Mr. MOREAU: I would say that I discussed it with a number of my colleagues. A lot of them have asked me about this.

The ACTING CHAIRMAN: The question was specifically did you discuss it with your four colleagues.

Mr. MOREAU: I had discussed it with my colleagues, but I would reject completely the idea that the purpose of the discussions was to try to agree on a story if that is what you are trying to suggest.

(*Translation*)

Mr. PIGEON: Did you meet Mr. Davey after the Committee on Privileges and Elections was set up to discuss the matter?

Mr. MOREAU: I met him, yes.

Mr. PIGEON: Did you talk about the evidence you were going to give here?

Mr. MOREAU: We discussed what had happened.

Mr. PIGEON: Did Mr. Davey give you any instructions?

Mr. MOREAU: No, he did not give me any instructions.

Mr. PIGEON: What did you discuss?

Mr. MOREAU: We discussed what had happened. We could not understand why Mr. Girouard had done that.

Mr. PIGEON: But you said, Sir, that Mr. Davey did not give you any instructions, you received no instructions from Mr. Davey?

Mr. MOREAU: No instructions.

Mr. PIGEON: Did you meet a minister of the government in that connection, to discuss the matter, did a minister speak to you about it?

Mr. MOREAU: No.

Mr. PIGEON: Not even the Prime Minister?

Mr. CHRÉTIEN: Objection.

Mr. MOREAU: I discussed it with the Prime Minister.

Mr. PIGEON: You discussed it with the Prime Minister, what did you discuss?

(*Text*)

Mr. GREENE: I object to that question. On a point of order, the chairman has ruled that he will not permit conversations with other persons in this regard to be related any more than he permitted Mr. Grégoire to ask about conversations with the organizer, and I would respectfully submit that this line of questioning is out of order.

(*Translation*)

Mr. PIGEON: Yes, Mr. Chairman, but in Mr. Girouard's statement the Prime Minister of Canada was mentioned so I am asking Mr. Moreau, and I would like to know what the Prime Minister said to him when they met.

(*Text*)

The ACTING CHAIRMAN: I am ruling that question out of order.

(*Translation*)

Mr. PIGEON: Mr. Chairman, I think that if the witness was influenced by what the Prime Minister said to him, I think it can well be asserted...

Mr. PRUD'HOMME: You are the one who makes the assertions.

Mr. MOREAU: The Prime Minister gave me no instructions.

Mr. PIGEON: What was that?

Mr. MOREAU: He did not give me any instructions.

Mr. PIGEON: Did he state the fact that the matter should be discussed with the Committee on Privileges and Elections?

(*Text*)

The ACTING CHAIRMAN: Order. I rule that out of order. Do not answer.

(*Translation*)

Br. BEAULÉ: On a point of order, Mr. Chairman, you ruled that question out of order.

(*Text*)

The ACTING CHAIRMAN: I have ruled that out of order and told the witness not to answer the question.

Mr. NIELSEN: Mr. Chairman I should like to speak to the point of order. I do so because I am concerned in respect of the confinement that appears to be surrounding rulings made by the Chairman.

At page 2583 of *Hansard*, about half way down the left hand column, Mr. Girouard is reported as having said, and this forms part of the reference to this committee by the House of Commons:

> A week later, a Liberal member of parliament belonging to that same group approached me to tell me that he was very sorry but the Prime Minister (Mr. Pearson) had asked his chief organizer to cease all pressure because he, the Prime Minister, was sure to lose the regular support of the Social Credit party if he ever stole members from that party.

My point of order is this. There has been a reference by the House of Commons to this committee to examine this and other statements made by Mr. Girouard. I submit to you that you would be putting undue restrictions on the members of this committee by suggesting that we cannot ask this or any other witness questions bearing on this particular portion of Mr. Girouard's statement which is part of the terms of reference submitted to this committee by the House of Commons. If the question is asked, for instance, of this witness, did he have any conversation with the Prime Minister, and if he answers in the negative that is the end of it. However, if he answers in the affirmative, I suggest to the Chairman that we have the right to go into the contents of the conversations between the witness and the Prime Minister within the confines of our terms of reference. That is to say that Mr. Pearson had asked his chief organizer to cease all pressure because he, the Prime Minister, was sure to lose support.

Mr. GRÉGOIRE: Order, Mr. Chairman.

The ACTING CHAIRMAN: Order. Let Mr. Nielsen complete his point.

Mr. NIELSEN: This is the substance of my submission, sir. Briefly, it is that we have been given this reference by the house and this conversation is part of the reference. If this witness had had any conversations with respect to that reference—

Mr. MOREAU: I can end that point right now by saying I had no conversation with the Prime Minister at all on the matter related here.

The ACTING CHAIRMAN: I was going to rule that this would have to end after the question: "Did the Prime Minister ask what is specifically stated there." After that I was going to cut it off. Is that what you said?

Mr. MOREAU: I had no knowledge of any such directive from Mr. Davey with the Prime Minister and I never discussed it with the Prime Minister.

(*Translation*)

Mr. PIGEON: Mr. Moreau, I'd like to ask you this: Did you know, or was Mr. Davey authorized by the Prime Minister to apply pressure as he did to Mr. Girouard?

Mr. CHRÉTIEN: Mr. Chairman, on a point of order.

(*Text*)

The ACTING CHAIRMAN: There has been no allegation by anyone that this is to be done. No one has suggested that Mr. Pearson ever made such a suggestion, and I rule that out of order.

(*Translation*)

Mr. PIGEON: Did Mr. Girouard repeat his intention of joining the Conservative party to Mr. Davey?

(*Text*)

Mr. MOREAU: He did say that he was going to leave the Social Credit party and was thinking of joining the Conservative party.

(*Translation*)

Mr. PIGEON: Did Mr. Davey tell Mr. Girouard that the door was open if he wished to join the Liberal party?

Mr. MOREAU: No, he didn't say that.

Mr. PIGEON: What, exactly, did he say?

(*Text*)

Mr. MOREAU: He undertook to find out if the door would be open with the Quebec organization.

(*Translation*)

Mr. PIGEON: Did Mr. Davey tell Mr. Girouard that he would take care of the defeated Liberal candidate, in other words—

Mr. MOREAU: No.

Mr. PIGEON: —in this constituency, in Labelle constituency, if he were to join the Liberal party?

(*Text*)

Mr. MOREAU: The matter of nominations was confirmed. He would have had to win the nomination. That was discussed.

(*Translation*)

Mr. PIGEON: Did Mr. Davey tell Mr. Girouard that the Liberal organizers in Labelle constituency were no problem to him?

(*Text*)

Mr. MOREAU: No, he did not say that.

(*Translation*)

Mr. PIGEON: Did Mr. Davey tell Mr. Girouard that the defeated Liberal candidates had had their chance and that they had nothing to say about Mr. Girouard's joining the Liberal party?

Mr. MOREAU: Would you repeat the question?

Mr. PIGEON: Did Mr. Davey tell Mr. Girouard that the defeated Liberal candidates had had their chance and that Mr. Girouard's joining the Liberal party, if he so desired, was no concern of theirs?

Mr. MOREAU: No, he didn't say that to me. No.

Mr. PIGEON: No inference?

Mr. MOREAU: No.

Mr. PIGEON: Did Mr. Davey tell Mr. Girouard that he hoped to get five members of the Social Credit party to come over to his side?

Mr. MOREAU: Did he say what?

Mr. PIGEON: Did Mr. Davey tell Mr. Girouard that he hoped to get other members of the Social Credit party?

Mr. MOREAU: No, Mr. Girouard claimed to speak on his own about other members, but we had no direct knowledge of that.

Mr. PIGEON: Did Mr. Davey speak of or mention or allude to the Liberal party's powerful organization?

Mr. MOREAU: Did he—

Mr. PIGEON: Did he allude to the Liberal machine, the Liberal organization, in his conversation?

(*Text*)

Mr. MOREAU: I think Mr. Davey said that he would certainly have to investigate the matter with the Quebec organization and Mr. Giguère, who would undertake to find out what the situation was in Labelle regarding the acceptability of Mr. Girouard.

Mr. PIGEON: But Mr. Davey did not mention the Liberal organization machine at all, did he?

Mr. MOREAU: Well, Mr. Giguère and the Quebec Liberal federation were mentioned.

(*Translation*)

Mr. PIGEON: Did Mr. Davey tell you about the conversation he had in Montréal with Mr. Giguère?

Mr. MOREAU: He told me that he had called Mr. Giguère and then that Mr. Giguère—

(*Text*)

—his initial reaction was not too good. He did not think it was a very good idea, but he was going to undertake to explore the matter further.

(*Translation*)

Mr. PIGEON: Did Mr. Davey say, or speak to Mr. Girouard about the advantages of belonging to the party in power instead of remaining in the Social Credit party?

Mr. MOREAU: No.

Mr. PIGEON: In no way?

Mr. MOREAU: No.

Mr. PIGEON: Did Mr. Davey speak about the advantages of Mr. Girouard's joining the Liberal party rather than the Conservative party?

(*Text*)

Mr. MOREAU: Yes there was a discussion of the fact that it would probably be much easier for him to be elected as a Liberal, and the question of the leadership, as I have already testified.

Mr. PIGEON: Mr. Chairman, for the moment I have no more questions.

The ACTING CHAIRMAN: We will pause for a moment. Does the committee wish to sit this evening, or tomorrow morning?

An hon. MEMBER: Tonight.

An hon. MEMBER: Tomorrow.

Mr. FRANCIS: I think we should sit this evening if at all possible.

Mr. NIELSEN: We have had two sittngs today already.

The ACTING CHAIRMAN: I have just had a message handed to me to the effect that it would be possible to instal 14 table microphones by tomorrow afternoon on the condition that room 308 be kept free in the morning.

Mr. MOREAU: May I say something with regard to our next meeting, Mr. Chairman?

The ACTING CHAIRMAN: Yes.

Mr. MOREAU: If the committee could meet tonight, I would hope that would conclude the questions to be asked of me. Tomorrow I have 170 school children coming in the morning. I would appreciate being free.

Mr. NIELSEN: I am just as anxious as anybody else to get the hearings over, but there are several other questions which are going to be asked of Mr. Moreau and it would be advantageous to have the microphones installed. In addition, the reporters and interpreters have been busy for several hours today, and they deserve a rest. I would suggest we adjourn until Monday.

The ACTING CHAIRMAN: It would be in the afternoon.

I have a motion. It is moved by Mr. Francis and seconded by Mr. Grégoire that we sit this evening.

Mr. VALADE: Before you put the motion, I think the French members of the committee are entitled to have the French reporters here. Also, I believe the reporters and the clerk of the committee are overworked these days. I think, after all, we should be human.

The ACTING CHAIRMAN: We have the motion. All those in favour of the motion? Those contrary?

Motion agreed to.

The ACTING CHAIRMAN: At what hour is it suggested we reconvene?

An hon. MEMBER: Eight o'clock.

An hon. MEMBER: Seven o'clock.

The ACTING CHAIRMAN: I will compromise and we will meet at 7.30 p.m.

EVENING SITTING

THURSDAY, May 21, 1964.

(*Text*)

The ACTING CHAIRMAN: Gentlemen, we have a quorum; will you please come to order.

At the time of recess it was my understanding that Mr. Pigeon had finished, for the time being at least, and Mr. Greene is next on the list, followed by Mr. Rhéaume.

Mr. GRÉGOIRE: How about me?

The ACTING CHAIRMAN: Then Mr. Nugent was on next.

Will you proceed, Mr. Greene.

Mr. GREENE: Mr. Moreau, I believe Mr. Girouard indicated to the committee that when you met at the hotel almost immediately after he sat down you made a phone call. Did you make that phone call immediately after he sat down or was there some interval of time before you made that phone call to Mr. Davey?

Mr. MOREAU: Well, I already have stated, Mr. Greene, that there was a discussion of about half an hour, and I made the phone call with Mr. Girouard's knowledge and consent.

Mr. GREENE: What was your impression during the entire proceedings in respect of the interest of Mr. Girouard joining the Liberal party?

Mr. NUGENT: Mr. Chairman, I do not think that is a proper question.

Mr. GREENE: Did he, in your opinion, display during all the activities and the conversations between you an interest in joining the Liberal party?

Mr. MOREAU: Well, certainly my impression, Mr. Greene, was if the door was open he would cross the threshold.

Mr. GREENE: Now, at any time during any of the conversations—and I want to refer you especially to the words in pencil—was there any mention made at any time either at the hotel or in your office with Mr. Davey of the advantages of being with a party in power?

Mr. MOREAU: Well, as I indicated before, with the exception of the interval that I was at the telephone in Hull, at which time I cannot relate what was discussed there, I was present the remaining time at the table in Hull and I was also present during the entire meeting in my office, and at no time was the question of the benefits of a party in power mentioned.

Mr. GREENE: Was there at any time mention or any conversation or suggestion in your office in the presence of Mr. Davey by anyone of a fat electoral fund?

Mr. MOREAU: No, there was not.

Mr. GREENE: Was there any mention of money or funds of any kind?

Mr. MOREAU: No.

Mr. GREENE: At any time during the entire proceedings from beginning to end did you tell Mr. Girouard that the Prime Minister, Mr. Pearson, had asked his chief organizer to cease all pressure because he, the Prime Minister, was sure to lose the regular support of the Social Credit party if he ever stole members from that party?

Mr. MOREAU: No, I did not.

Mr. GREENE: Those are all the questions I have.

The ACTING CHAIRMAN: Next is Mr. Nugent, followed by Mr. Nielsen, Mr. Chrétien, Mr. Valade and then Mr. Grégoire.

Mr. RHÉAUME: How about me?

The ACTING CHAIRMAN: You proceed now. Following the others Mr. Scott will be up for a second time.

Mr. RHÉAUME: Mr. Moreau, you gave us a statement today and some evidence which already is on the record and I do not intend to cover those grounds which already have been covered. It has already come out in questioning and, correct me if I am wrong, that the things that were said today have been discussed by you with other people since the time the point of privilege was raised in the house. Without going into who these persons were, this has been discussed with your colleagues.

Mr. MOREAU: Yes.

Mr. RHÉAUME: To your knowledge, has an explanation such as you gave to the committee today been formally circulated in Canada by your party as an explanation of what took place?

Mr. MOREAU: Not to my knowledge, and I have refrained from making any statement to the press on this. I felt I should give my evidence in committee.

Mr. RHÉAUME: But the evidence you gave today has not, to your knowledge, been circulated approximately in the form it was given here anywhere else in Canada through the organization.

Mr. MOREAU: I do know that Mr. Davey issued a press statement in which he denied—I think this already has been discussed in committee here, and I certainly have seen that press statement.

Mr. RHÉAUME: My questions relate specifically to your evidence that you went to Hull and had dinner. Has that story, as you outlined it, been circulated, to your knowledge?

Mr. MOREAU: I did disclose to members of the press I was personally involved in this in view of the fact I was chairman of the committee and I volunteered the information that I would likely be called as a witness. And, I had been over with part of the group that had been in Hull. That much, but so far as I know, the party has not circulated anything regarding my testimony.

Mr. RHÉAUME: So, if for example, a Liberal organization in a constituency has come out with this story in approximately the same form it is, to your knowledge, a coincidence?

Mr. MOREAU: To my knowledge, it certainly is.

Mr. RHÉAUME: Now, was it completely accidental that you and Mr. McNulty, and Mr. Gray and Mr. Macaluso met in the hotel, or had you gone there together?

Mr. MOREAU: We went there together; we had had dinner together.

Mr. RHÉAUME: Was it completely accidental that Mr. Girouard came in to the same tavern at that time?

Mr. MOREAU: Purely accidental.

Mr. RHÉAUME: Would Mr. Girouard, through your association with him, have any reason to know that this might be a place where you and these other men likely would be found?

Mr. MOREAU: I had never been there before.

Mr. RHÉAUME: You had never been to this place before. I intend to ask the same questions that I am going to put now to Mr. Moreau to Mr. Girouard, if he is called, and I intend to insist that he be called in order that I may put this line of questioning.

The ACTING CHAIRMAN: Do you mean the line of questioning you have finished or the line of questioning you are about to commence?

Mr. RHÉAUME: The line of questioning I am going to put now.

Mr. Moreau, you have given us evidence today in respect of what occurred in the Interprovincial hotel tavern which is diametrically opposed to that given by Mr. Girouard in reference to whether the phone call to Mr. Davey was made with or without his consent. Is that a fair statement?

Mr. MOREAU: Yes.

Mr. RHÉAUME: And, you stated your memory was in no way impaired in discussing this, and that your memory of what occurred was reasonably accurate. The only way of accepting the evidence you have given and in attempting to reconcile that with what the previous witness gave, knowing you are both under oath, I want to ask you if there is any possibility—and I intended to ask this question of Mr. Girouard—of an impairment of the memory. Were you drunk at the time of this meeting?

Mr. GREENE: Mr. Chairman, I object.

Mr. MOREAU: I would like to answer the question, Mr. Chairman. I was certainly not drunk and certainly not impaired in any way.

Mr. RHÉAUME: As I say, I intend to ask this of Mr. Girouard. I think this is something that the committee has to decide in order to resolve this, and I am going to ask you one more question. At what time did you go to the hotel?

Mr. MOREAU: I think we got there about 10 o'clock, give or take 10 minutes.

Mr. RHÉAUME: After dinner. Had you had liquor with your meal after it, before it?

Mr. MOREAU: I had no liquor with my meal. I was on my first drink when Mr. Girouard came to the hotel.

Mr. RHÉAUME: Would it be fair to say that during the time you were there there was more talking done than there was drinking?

Mr. MOREAU: I think that would be a fair statement, yes.

Mr. RHÉAUME: Would it be a fair statement to say that once arrangements had been made with Mr. Davey you left quite soon after that, and that finished the drinking that day, which terminated very soon after that?

Mr. MOREAU: I would say we left the hotel at approximately 11.15, or in that area.

Mr. RHÉAUME: Would it be fair to say that none of the others were impaired at all, neither you, Mr. Girouard, or Mr. McNulty?

Mr. MOREAU: I would not say anyone was impaired. I believe Mr. Macaluso was drinking ginger ale.

Mr. RHÉAUME: To your assessment there was no possible confusion which you heard in the evidence with respect to or as a result of impairment on that part of anyone?

Mr. MOREAU: I would say no.

Mr. RHÉAUME: Would you say that was true of Mr. Girouard too?

Mr. MOREAU: I certainly would.

Mr. RHÉAUME: You say that you are bilingual. Is your French—let me put it in another way: we have heard earlier witnesses testify that the conversation that evening was conducted almost entirely in French.

Mr. MOREAU: A good part was conducted in French. Certainly a good part of it was in English. Probably more than half was in French.

Mr. RHÉAUME: Is there any doubt in your mind of the possibility of a misinterpretation of what was said existing as a result of the use of the French language?

Mr. MOREAU: I do not believe so. My French is reasonably good, and Mr. Girard's English is very good.

Mr. RHÉAUME: You would eliminate that as a possible basis for any misunderstanding or misinterpretation os the evidence suggests?

Mr. MOREAU: I would not exclude the possibility entirely that every single phrase was properly interpreted or spoken, but I certainly say that I do not think there was any misunderstanding whatsoever as to what was being discussed and as to what the subject matter was and so on, because as I stated, my command of French is, I think pretty reasonable, and Mr. Girouard certainly understands English.

Mr. RHÉAUME: You told the committee that one of the things Mr. Girouard said was that there was a great deal of discussion about his affinity or enthusiasm with respect to the back-bench spirit which he saw in your party.

Mr. MOREAU: Yes.

Mr. RHÉAUME: Did the conversation refer at any point to the kind of spirit that may exist on the front benches of the Liberal party?

Mr. MOREAU: No. He indicated that he felt sort of—that he liked what he saw in the Liberal back benches. He thought he had a good report of the Liberal back benchers, and he liked the spirit that he saw there.

Mr. RHÉAUME: Did you suggest to Mr. Girouard that the same calibre of spirit and integrity existed in the front benches too, and that he need not separate them?

Mr. MOREAU: There was a discussion of leadership.

Mr. RHÉAUME: At that time did you suggest to Mr. Girouard that he could be as comfortable with the top lieutenants in the Liberal party as he could wish?

Mr. MOREAU: That was something which was not discussed except for Mr. Pearson's leadership and Mr. Diefenbaker's.

Mr. RHÉAUME: Was there any discussion about descriptive Canadian flag prior to the meeting with Mr. Davey that you recall?

The ACTING CHAIRMAN: You mean in Hull?

Mr. MOREAU: In Hull? I do not think there was in Hull, no.

Mr. RHÉAUME: But there was the next day?

Mr. MOREAU: Yes.

Mr. RHÉAUME: Was that in Mr. Davey's presence?

Mr. MOREAU: The conversation began prior to Mr. Davey's arrival and concluded after Mr. Davey was in the room.

Mr. RHÉAUME: Did Mr. Davey at any point suggest that it was Liberal party policy to have a distinctive Canadian flag, and that the party intended to pursue it?

Mr. MOREAU: He confirmed what we had been telling Mr. Girouard, yes.

Mr. RHÉAUME: Did he at any time state to Mr. Girouard that the Red Ensign was in effect to be a co-flag?

Mr. MOREAU: No.

Mr. RHÉAUME: In the discussion between your own members, the Liberal party members, and Mr. Girouard over the letter which Mr. Pearson or the whip was sending out, suggesting that you people send it, was there any suggestion then that the proper answer to these kind of queries would be two flags for Canada?

Mr. MOREAU: There was mention however that the red ensign would be an appropriate flag for Commonwealth occasions and could be retained in that sense.

Mr. RHÉAUME: Do I understand that Mr. Girouard was given a sample letter, a kind of form answer that was going out when people would make these inquiries?

Mr. MOREAU: That is correct.

Mr. RHÉAUME: What was the reason he was given this letter in your opinion? Was there any reason to keep this letter on a restricted basis? Was it something for Liberal party members only?

Mr. MOREAU: Certainly it was not restricted in any way. It was circulated to the Liberal members as far as I know. I had received a copy. I did not use it, but I did receive a copy. I am sure the letter was published information and was probably seen by a large number of people who wrote in, in relation to the flag. So I do not think it was restricted in any way.

Mr. RHÉAUME: Was there any suggestion in discussion with Mr. Girouard that any given flag was going to be categorically rejected?

Mr. GREENE: On a point of order, our friend has gone quite a long way on the flag. But that is not the point of privilege we are discussing I submit, with respect. While a certain number of questions relevant to the issue at hand

might be in order, beyond that point it is not relevant to the issue, which is Mr. Girouard's point of privilege.

Mr. RHÉAUME: In defence of this line of questioning, it is essential for me to find out from Mr. Moreau and from all the other witnesses what particular inducements were piled up on the table by Mr. Davey and the others, and as they added to these things, if they added the flag and all that. I think the committee has to know about them in order to know what kind of inducement was being made and what promises were being made, and I want to know if this was part of the promises made to Mr. Girouard. The witness has said no.

Mr. GREENE: On the point of order, inducements do not form the basis of the point of privilege if there is one. The inducements were the party in power and a fat electoral fund. It is quite proper for my friend to find out if there was any other discussion, but I think, on an issue of relevancy, to go into any other matter would be purely irrelevant. These are the two matters we are here to discuss: Were these two items promised, and if so did they constitute a bribe in respect to a point of privilege as enunciated by Mr. Knowles who made the motion? I do not think it is relevant to go beyond that point.

The ACTING CHAIRMAN: I do not want to put questions into the mouths of the committee. I think we may be getting a bit astray. I think it is proper to tell us all that was said about the flag, rather than to drag in other questions.

Mr. RHÉAUME: The real germane point is that on another occasion Mr. Dubé addressed identical questions to Mr. Girouard when the embryo leader of Ontario took no exception then. I think it is perfectly fair for me now.

Mr. GREENE: Thank you.

Mr. NUGENT: It might have been opportune for Mr. Greene to take that line when he himself went further along the same line in his cross examination, and even further along the line of questions which have already been asked.

Mr. CHAPDELAINE: On a point of order, Mr. Chairman: considering that I am a new member on this committee, I am concerned about questions being asked about matters which do not pertain to this case in point. I suggest that the questions asked by Mr. Rhéaume are entirely out of order.

It is not a matter of knowing if a flag was promised or not, because that is not a question of bribery. It is a matter of party policy. It is not a matter of ascertaining whether the policy of the party should be determined in order to enter that party. It is a matter of ascertaining whether a bribe was offered; and if we stray from this bribe affair, we stray from the subject matter. In talking of the flag or party policies, we stray from the subject and I suggest that those questions are entirely out of order.

Mr. PAUL: I think Mr. Girouard did not say that a bribe was mentioned, but he had discussions with our colleagues and with Mr. Davey. I do not believe that the questions asked by the member for Sherbrooke are relevant.

Mr. CHAPDELAINE: It is a matter of determining whether there was "bribing" or not. Mr. Knowles raised a question of privilege, and Mr. Girouard stated that no bribe was offered, and the member for York-Scarborough said the same thing. I believe there was no bribe mentioned, and I am wondering where we are heading for.

(*text*)

Mr. PIGEON: Mr. Chairman, on a point of order, I think Mr. Chapdelaine was right when he said he is a new member in this committee.

The ACTING CHAIRMAN: I would appeal to Mr. Rhéaume to deal with the matter as quickly as possible. The discussion on the flag was introduced during the cross-examination of Mr. Girouard. It is not for me to say whether it is

deeply relevant to the general backgroud of discussions that took place. I would ask Mr. Rhéaume to continue but I would respectfully request him to proceed as quickly as possible.

Mr. RHÉAUME: Yes, Mr. Chairman. I insist on my right to ask the witness, since he was a party to this, if he was not there to offer bribes. He was certainly there to make some offers, he was certainly not there for his health, and I am trying to find out what goodies he was laying on the table. There was a certain kind of information that the Grits were giving the Canadian people who wrote in about the flag. That was my line of questioning. I have completed it and I will go on to something else.

Mr. Moreau, did Mr. Davey say to Mr. Girouard during the meeting in your room that he would have to check this bid with other people?

Mr. MOREAU: He indicated that it was not within his competence to offer Mr. Girouard anything or to tell him he could come into the party. This was something that he undertook to ascertain with the Quebec organization.

Mr. RHÉAUME: Did he say, in your presence, that he would be discussing this with the Prime Minister?

Mr. MOREAU: Yes, he did. He said he would be contacting Mr. Bob Guiguere of the Quebec organization, and that he would also have to discuss it with the Prime Minister.

Mr. RHÉAUME: Did he say to Mr. Girouard why he would have to discuss it with the Prime Minister?

Mr. MOREAU: He said he would have to discuss it with these people because it was not within his power in any way to tell Mr. Girouard that he was welcome.

Mr. RHÉAUME: Did he say at any time to Mr. Girouard that the door was open or that they hoped Mr. Girouard would see his way clear, along with other people, to support the Liberal party?

Mr. MOREAU: No, he made it quite clear that he could not speak for the party at this point but that he was going to ascertain what the reception would be.

Mr. RHÉAUME: You told the committee—and check me if this is not a fair statement—that in the presence of Mr. Davey and other members you discussed the nomination convention, you discussed certain policies such as the flag, you discussed the question of leadership, but that it was clearly understood that nothing could be done until Mr. Girouard's pedigree was checked out with the Quebec Liberal organization. Is that right?

Mr. MOREAU: I did not use the word "pedigree". I stated that this was very much a decision of the local organization, of the Quebec Liberal federation, and they were the people with whom Mr. Davey undertook to check.

Mr. RHÉAUME: At what point of the conversation did Mr. Davey say that all this had to be checked out; was it at the end of the conversation?

Mr. MOREAU: He indicated initially that he could not commit the party, and this was the way the meeting broke up. He said he was going to check with Mr. Giguère and that he was going to check with Mr. Pearson.

Mr. RHÉAUME: I am asking you, did you not find it strange at the time that the national organization would discuss nomination convention, certain important policies of the Liberal party, the question of the leadership, and get into some detail on these things during the half hour, when the first step had not apparently been taken yet? Did you not find it strange that the whole thing was completely speculative? Was it not unusual that Mr. Davey

would get into an involved discussion of these other things before going to the Quebec people?

Mr. MOREAU: I did not say Mr. Davey had initiated the discussion of these subjects; I said there was a general discussion of these matters. Mr. Girouard was obviously very concerned on whether he would get the Liberal nomination in Labelle and therefore the nomination was discussed and it was discussed in the terms that all the Liberal members there outlined their experiences in getting nominations. Certainly in no way did I feel that this was a strange meeting; it seemed to me to be a very normal situation.

Mr. RHÉAUME: I did not mean the meeting was strange.

Mr. MOREAU: No, but even the position that Mr. Davey took, that he was going to have to check with these people, seemed to me a reasonable and normal position.

Mr. RHÉAUME: He said this initially and it was clearly understood at the beginning of the meeting that nothing could be done until Mr. Giguère, the Liberal organizer from Montreal, had put his imprimature on this whole business. Was this clearly understood?

Mr. MOREAU: I stated essentially, and this is a fact, that initially Mr. Davey clearly indicated that he could not on his own say yes or no to such a proposition.

Mr. RHÉAUME: What proposition?

Mr. MOREAU: The proposition under discussion, whether or not Mr. Girouard would be acceptable to the Liberal ranks.

Mr. RHÉAUME: Who advanced this proposition?

Mr. MOREAU: There is more than one interpretation of the word "proposition". Proposition is also something that someone might be discussing, and this is the context in which I used the word.

Mr. RHÉAUME: This was clearly understood at the beginning, that nothing could come of this meeting until a basic check had been made?

Mr. MOREAU: Yes, very clearly.

Mr. RHÉAUME: And you and all there understood that a simple "no" from Mr. Guiguere would nullify the whole proceeding?

Mr. MOREAU: I did not have that impression. I certainly had the impression that Mr. Guiguere would check this out with other people in the party in Quebec and presumably with the Labelle Liberal organization.

Mr. RHÉAUME: But even though this was just a tentative exploration on the part of Mr. Davey it was understood that there was every possibility that all these other checks had to be made, and yet you went ahead and discussed conventions and policies on the flag and gave copies of literature that were circulated by the Liberal whip and went into the province of leadership. Did this not strike you as strange in relation to someone who was about to be rejected or could be rejected?

Mr. MOREAU: As I testified earlier, Mr. Rhéaume, the question of the flag was discussed prior to Mr. Davey's arrival and, therefore, it was not strange at all, it seems to me, that we had discussed it.

Mr. RHÉAUME: Mr. Moreau, you have just confirmed that Mr. Pearson was going to adopt this distinctive national flag.

Mr. MOREAU: That is correct, but, as I stated, this part of the discussion was concluded prior to the discussion of the matter we met to discuss. The flag discussion was not concluded when Mr. Davey arrived. It was concluded approximately five minutes later at which time Mr. Davey had confirmed what

we had been telling Mr. Girouard. That essentially was the flag issue and it was not raised again.

Mr. RHÉAUME: Did you not find it strange that the national organizer who is a busy man would take the time to come down and discuss with a mere supplicant these Liberal policies and give information that relates to how Liberals conduct their nomination conventions, who their organizer is for the city of Montreal and other things?

Mr. MOREAU: I have always found Mr. Davey to be very approachable. I did not state that Mr. Davey carried on most of the conversation regarding nomination meetings. I pointed out that all Liberal members were involved in these discussions.

Mr. RHÉAUME: You do not find this strange?

Mr. MOREAU: Not at all.

Mr. RHÉAUME: There is every probability that any knocker at the Liberal door will—

An hon. MEMBER: Oh, oh.

The ACTING CHAIRMAN: Order. He said he did not find it strange. I do not want to interrupt you, Mr. Rhéaume.

Mr. RHÉAUME: I will not pursue that, but I certainly find this strange.

Mr. GRÉGOIRE: Mr. Chairman that is an insinuation again.

Mr. RHÉAUME: That is not an insinuation.

The ACTING CHAIRMAN: Order. The members of this committee will make up their own minds when these hearings have concluded. Everyone is entitled to his own opinion.

Mr. GRÉGOIRE: I am just doing the same thing as mentioned yesterday.

Mr. RHÉAUME: Just one—

The ACTING CHAIRMAN: Order.

Mr. PIGEON: Your are now speaking out of order.

The ACTING CHAIRMAN: Order, gentlemen.

Mr. PIGEON: We will make a motion to put you out.

The ACTING CHAIRMAN: Order.

Mr. RHÉAUME: After the meeting broke up did you talk to anyone whose concurrence may have had to be received before you would allow Mr. Girouard to join this party? Did you talk to anyone else in an attempt to encourage them to accept this man Girouard into your party? Did you intercede with anyone?

Mr. MOREAU: I did not intercede with anyone. I did discuss it with someone.

Mr. RHÉAUME: Did you discuss it with anyone who may have been able to participate in the decision to allow Mr. Girouard to become a Liberal?

Mr. MOREAU: Yes, I discussed it on one occasion very briefly.

Mr. GREENE: Mr. Chairman, on a point of order. Again we are getting into that same area in respect of which you have ruled. Are we going to open these doors to everyone?

The ACTING CHAIRMAN: I only went this far with Mr. Girouard. I permitted a question asking whether he had discussed this with anyone else in the party and then closed off the questions. I feel this question is relevant and intend to allow it.

Mr. RHÉAUME: I will ask my question again. I will have to reconstruct what occurred. You did originally present by phone the possibility of Mr. Girouard joining the Liberal party. You then helped to arrange a meeting with

your national organizer. You fixed up the details when that meeting had to be delayed and participated in the meeting. Did you assist in bringing this to a conclusion which you thought would be a good one, namely, Mr. Girouard joining your party? Did you intercede or did you approach others who may have been able to assist in arriving at an affirmative answer in respect of Mr. Girouard?

Mr. MOREAU: If you rephrase your question, Mr. Rhéaume, I will be glad to answer it but I do not like the word "intercede".

Mr. WOOLLIAMS: On a point of order, I do not think the witness should choose the words.

Mr. MOREAU: I would have to say no in that event.

Mr. GRÉGOIRE: This has happened since the beginning.

Mr. WOOLLIAMS: I know, Mr. Grégoire, you are a friend of the Liberal party.

Mr. RHÉAUME: I will rephrase my question.

The ACTING CHAIRMAN: Order.

Mr. RHÉAUME: I am going to use your words. Did you take this proposition then to anyone else in the Liberal party who may have been able to smooth the way for Mr. Girouard becoming a Liberal?

Mr. MOREAU: I reported to someone on one occasion briefly the fact that the numbers had gone up.

Mr. RHÉAUME: You reported that the numbers had gone up?

Mr. MOREAU: That the numbers that Mr. Girouard purported to speak for had gone up.

Mr. RHÉAUME: In any event at your meeting in Hull and during your discussions with Mr. Davey there was only the possibility of Mr. Girouard joining the party, is that your understanding?

Mr. MOREAU: No, it is my understanding that Mr. Girouard purported to speak for others. Perhaps I should put it this way. He did not suggest that he was speaking for them but he intimated there were others who would probably follow his lead.

Mr. RHÉAUME: When you talked to Mr. Davey on the telephone to tee up this first seance did you indicate that maybe you could go for the bundle and that there were more than just Girouard involved in this?

Mr. CASHIN: There is a lot of slang here, anyway.

Mr. MOREAU: I indicated to Mr. Davey that I had learned from Mr. Girouard that there may be others who would follow his lead.

Mr. RHÉAUME: Do I understand you to say that Mr. Girouard told you that others would follow his lead or did you just take this for granted? Did he state to you he was going to bring the rest of the Thompson chain in with him?

Mr. MOREAU: He stated he was going to move and that some of the other members of his party would likely do the same.

Mr. RHÉAUME: He stated to you that if he jumped into the Grit camp it was logical that the others because of his influence would follow him into the Liberal party?

Mr. MOREAU: He suggested they would follow his lead.

Mr. RHÉAUME: Did you relay this information to Mr. Davey?

Mr. MOREAU: In the initial telephone call I did indicate that there were probably more involved than just Mr. Girouard.

Mr. RHÉAUME: Did you say to Mr. Davey during the initial phone call; if you come down here quick we might get quite a few?

Mr. MOREAU: I did not say that.

Mr. RHÉAUME: Did you say words to that effect, that there are more than Girouard at stake here?

Mr. MOREAU: I told you what I did say. I phoned Mr. Davey and reported to him that there were four of us met Mr. Girouard. Mr. Girouard had indicated he was going to move and that we had asked him if he would meet with Mr. Davey. I did report that he had intimated there were others also ready to make a move and that they would likely follow his lead.

Mr. RHÉAUME: You suggested to Davey that Mr. Girouard was the kingpin here in the Thompson chain?

Mr. MOREAU: I have just told you what I said to Mr. Davey.

Mr. RHÉAUME: You stated, Mr. Moreau, that your enthusiasm for this project was whetted by the possibility of changing the minority position in which your party finds itself?

Mr. MOREAU: Certainly that—.

Mr. RHÉAUME: Is that fair?

Mr. MOREAU: The position in the House of Commons certainly was a consideration in my thinking.

Mr. RHÉAUME: That was a factor. In addition to that, aside from Mr. Girouard's outstanding qualities, you were anxious to do something about the minority position, short of going to the people?

Mr. MOREAU: It was not my decision to make, Mr. Rhéaume.

Mr. RHÉAUME: You personally felt this way?

Mr. MOREAU: I personally felt that this would be—

Mr. RHÉAUME: A good thing?

Mr. MOREAU: It certainly would not hurt our position in the house if we had more members.

Mr. RHÉAUME: No, there are no serpents hidden under these flowers. You can go ahead and feel free to answer. When you discussed this with Mr. Davey was he also anxious or did he suggest he was anxious to change the minority position of the government?

Mr. MOREAU: No, he did not. It was not discussed.

Mr. RHÉAUME: Did you not find it strange that the national organizer of the federal Liberal party who, presumably is a busy man was able to meet—

Mr. GREENE: On a point of order, Mr. Chairman. This is a hypothetical question.

The ACTING CHAIRMAN: He said it was not mentioned.

Mr. RHÉAUME: I was changing the line of my questioning. I am asking him whether he found it rather strange that Mr. Davey, the national organizer, was able to hold this meeting at such short notice?

Mr. MOREAU: No. As I have said, I have always found Mr. Davey very approachable.

Mr. RHÉAUME: Have you always found him this eager?

Mr. MOREAU: I have never found any difficulty in having a meeting with Mr. Davey at any time I wanted to see him.

Mr. RHÉAUME: Have you ever been in a similar situation? From your knowledge of Mr. Davey, did you have any reason to expect that he would be this eager?

Mr. GREENE: On a point of order, Mr. Chairman, similar acts are not relevant here.

The ACTING CHAIRMAN: He said he found him approachable. With respect, other events that happened are not in front of the committee, Mr. Rhéaume.

Mr. RHÉAUME: I am trying to establish why it is that, from a tavern at 10.30 at night, they can get the Liberal organizer in the house the next day with a sackfull of goodies. I am asking if he was eager to have Mr. Girouard change the minority position. I am asking if he found Mr. Davey eager to come down here 12 hours later.

Mr. GRÉGOIRE: I object; it is improper.

The ACTING CHAIRMAN: I have ruled that he can ask whether he found him eager or not.

Mr. PIGEON: Mr. Chairman, on a point of order, I think the liberal from Lapointe is wrong!

Mr. MOREAU: I would say that Mr. Davey—

(*Translation*)

Mr. GRÉGOIRE: That calls for hearsay evidence on the part of the witness, Mr. Chairman.

(*Text*)

Mr. MOREAU: I would not say that Mr. Davey appeared eager. He consented to the meeting.

Mr. RHÉAUME: He consented to meet at 11.00 the following morning?

Mr. MOREAU: The following day, yes.

Mr. RHÉAUME: In Mr. Macaluso's office?

Mr. MOREAU: Initially he suggested the National Liberal Federation. However, in a later telephone call he agreed to come to Mr. Macaluso's office.

Mr. RHÉAUME: The national Liberal federation is at what address?

Mr. MOREAU: At 251 Cooper Street.

Mr. GRÉGOIRE: Telephone number?

Mr. RHÉAUME: I gather Mr. Davey suddenly telephoned to say he could not keep the tryst at 11.00 a.m.

Mr. MOREAU: Yes, that is right. He telephoned me in the morning to tell me he could not make it all 11.00.

Mr. RHÉAUME: But he could come at the luncheon hour? He could come at noon?

Mr. MOREAU: He said he hoped he could make it by 12.00.

Mr. RHÉAUME: That would have been the third telephone call you had with Mr. Davey on this whole matter? You had two from the beer parlour and the one from your office?

Mr. MOREAU: That is right. I saw Mr. Davey when he came to my office and Mr. Girouard and the other members were already assembled.

Mr. RHÉAUME: I believe you told the committee that subsequent to that meeting you telephoned him to ask him what Mr. Giguère had to say.

Mr. MOREAU: I telephoned him about ten days after the meeting to ask him if there was any development or any news, as I testified earlier.

Mr. RHÉAUME: And he said that—

Mr. MOREAU: He told me that Mr. Giguère's initial reaction was not very enthusiastic and that although the matter had not been concluded definitely it did not look too favourable.

Mr. RHÉAUME: At that time did he say that he would also talk to the Prime Minister in the meantime?

Mr. MOREAU: He did not say that, no.

Mr. RHÉAUME: Did you ask him if he had done so?

Mr. MOREAU: No, I did not.

Mr. RHÉAUME: You testified that when he left your office initially he said he was going to hash this out with Mr. Pearson and Mr. Giguère and others, but you did not pursue this?

Mr. MOREAU: No.

Mr. RHÉAUME: So you do not know whether Mr. Davey saw the Prime Minister or not, to your personal knowledge?

Mr. MOREAU: I do know. I have learned subsequently.

Mr. RHÉAUME: To your knowledge, had Mr. Davey—

Mr. MOREAU: At that time when I called Mr. Davey—ten days later—I had no knowledge. He had not told me that he had talked to the Prime Minister and I did not ask him.

Mr. RHÉAUME: Did you ask him subsequent to this if he had talked to the Prime Minister?

Mr. MOREAU: Yes.

Mr. RHÉAUME: What did he say?

Mr. MOREAU: He said he had discussed it with the Prime Minister.

Mr. RHÉAUME: Did he indicate the Prime Minister's reaction to this little switch-over project?

The ACTING CHAIRMAN: I will interject at this stage and say—

Mr. RHÉAUME: Then I will ask you this: you told the committee earlier that about a month later, which would be in April some time—

Mr. MOREAU: It would be about the middle of March.

Mr. RHÉAUME: About the middle of March, yes. Mr. Davey said to you that it was just as well things had turned out the way they had because "this man is not acceptable anyway", or something like that.

Mr. MOREAU: He telephoned me and told me it was definitely all off and asked me to tell Mr. Girouard that it was "no go".

Mr. RHÉAUME: Did you, one month later, tell Mr. Girouard it was "no go"?

Mr. MOREAU: Yes.

Mr. RHÉAUME: What reasons did you give to Mr. Girouard?

Mr. MOREAU: I told him that Mr. Giguère and the Quebec organization had said no and that I had received a call from Mr. Davey indicating that.

Mr. RHÉAUME: In that call from Mr. Davey indicating that Mr. Giguère had said nix, did Mr. Davey indicate what was the Prime Minister position?

Mr. GREENE: On a point of order, Mr. Chairman—

The ACTING CHAIRMAN: Just ask what he said without dragging it out. Just ask him all that he told Mr. Girouard at that time. I will permit that question.

May I say this—and I am not suggesting you are the only one guilty of this, Mr. Rhéaume, far from it—it seems to me when we are questioning the witness members should pay close attention because they are not quoting him exactly. They are intending to quote but they are not doing so; they are throwing in words that have an altogether different connotation. I am not trying to give you a lesson; this applies to a lot of the members who have

been speaking and asking questions. You have been quoting back his evidence but you have not quoted him accurately, and you have been throwing in a word here and there that has an unpleasant connotation. With respect, I would ask you, if you are not sure what the witness has said, to ask him a straightforward question and let him repeat what he said without suggesting to him something he did not say, something which might have an unpleasant connotation.

Mr. RHÉAUME: About March 17 you received a telephone call from Mr. Davey on this subject matter?

Mr. MOREAU: Yes.

Mr. RHÉAUME: And in the telephone call he indicated that the request or the bid for Mr. Girouard to join the Liberal party was unacceptable?

Mr. MOREAU: He said to me that the report from the Quebec organization was that they would not entertain the idea.

Mr. RHÉAUME: Did he give any other reason in that telephone call?

Mr. MOREAU: No, and I did not pursue it.

Mr. RHÉAUME: Did he ask to relay this information to Mr. Girouard?

Mr. MOREAU: Yes.

Mr. RHÉAUME: And you did?

Mr. MOREAU: Yes.

Mr. RHÉAUME: And it was at this point according to your evidence, that Mr. Girouard said, "Well, I knew it would not succeed anyway"?

Mr. MOREAU: No, he said that about ten days after the meeting.

Mr. RHÉAUME: What was Mr. Girouard's reaction in about the middle of March when you relayed this information?

Mr. MOREAU: I think both Mr. Girouard and I had given up on the matter some time before, anyway. We knew what the outcome was going to be.

Mr. RHÉAUME: When you say you had given up—

Mr. MOREAU: Well, I think the length of time that had passed had sort of killed the whole thing.

Mr. RHÉAUME: Are you suggesting to the committee that this was also a disappointment to you? You say you had "given up".

Mr. MOREAU: I would not say it was a disappointment, Mr. Rhéaume. As I say, it was not my decision to make. I certainly would not have been displeased with the idea of strengthening our position in the house.

Mr. RHÉAUME: When Mr. Girouard said to you words to the effect, "Well, I knew it could not come about because the Prime Minister would be afraid of losing Thompson's support if we raided his party", did you find this a preposterous suggestion?

Mr. GREENE: That is improper.

The ACTING CHAIRMAN: What he was thinking, with respect, is not pertinent. I think what he said would be germane, but what he was thinking is not. He could have been thinking many things.

Mr. RHÉAUME: What did you say when Mr. Girouard said this?

Mr. MOREAU: It was a very brief meeting and nothing much was said except that I reported the initial reaction from the Quebec organization was not favourable.

Mr. CHAPDELAINE: On a point of order, Mr. Chairman, I do not understand how these questions can enlighten the studies of this committee.

Mr. RHÉAUME: Then you stick around for a while.

Mr. CHAPDELAINE: I do not think these questions are pertinent to the matters we have been asked to consider with regard to the declaration Mr. Girouard made in the House of Commons and whether there was bribery or not in what he had said. I do not see where the questions are leading us and I do not think they are relevant to our studies in any way.

Mr. RHÉAUME: Well, Mr. Chairman—

The ACTING CHAIRMAN: May I say, Mr. Chapdelaine, that one of the points that comes out of this is a result of what Mr. Girouard stated was said to him. We are discussing now, I hope, what was said back and forth during this telephone conversation. You may recall that Mr. Girouard said in the statement—and I do not quote him verbatim—that one of the members of parliament, who has now been identified as Mr. Moreau, told him that the whole idea was off because the Prime Minister did not approve of it. Mr. Rhéaume's question now is: what was this conversation?

Your point is quite right about what he was thinking; I am ruling that out. However, I hold that what was said is germane to the committee's discussion.

Mr. RHÉAUME: It is extremely important because one witness has said that Mr. Moreau made this statement and Mr. Moreau has said, "No, it was Mr. Girouard who made the statement". I am trying to find out who said what, and I am trying to get the whole conversation.

When you told Mr. Girouard that it did not look good, that the Quebec Liberal party was not in favour of this—

Mr. MOREAU: I said they were not enthusiastic.

Mr. RHÉAUME: —Mr. Girouard suggested to you he was not surprised because he did not think it would go through in view of the fact that Mr. Pearson would be afraid of losing Social Credit support in the House of Commons. This was the gist of what he said?

Mr. MOREAU: Yes.

Mr. RHÉAUME: This is the gist of what he said. What did you say in response to this accusation?

Mr. MOREAU: It was not essentially an accusation; it was a statement by Mr. Girouard and also his opinion. As I said, this was a very brief encounter in the hall, and this ended the conversation.

Mr. RHÉAUME: Did you take objection to this statement of his at that point?

Mr. MOREAU: I had no knowledge of the situation at all. I had no knowledge that this was or was not the case.

Mr. RHÉAUME: But it could have been the case.

Mr. MOREAU: Not to my knowledge.

The ACTING CHAIRMAN: Just a moment—

Mr. RHÉAUME: I am just attempting to find out why the witness did not object to what was an extremely damaging point of privilege.

Mr. MOREAU: This was Mr. Girouard's evaluation of the political situation; it was his opinion.

Mr. NIELSEN: How do you know?

Mr. MOREAU: He stated so.

Mr. RHÉAUME: Did you relate to anyone else this suggestion of Mr. Girouard's that there was hanky-panky between the Prime Minister and Mr. Thompson?

Mr. MOREAU: I did not relate Mr. Girouard's opinion on this matter to anyone; no.

Mr. RHÉAUME: When Mr. Girouard told you, immediately prior to making his statement of privilege in the house, that he was going to say this, did you object?

Mr. MOREAU: Yes.

Mr. RHÉAUME: You objected to it at that time?

Mr. MOREAU: Yes.

Mr. RHÉAUME: On the ground that it was not true.

Mr. MOREAU: Yes. I said I had not said that. I said to him, if you are referring to me I never said that. I did not know what other Liberal member he might have in mind, but I had not said that.

Mr. RHÉAUME: Did you object to it on the ground of what the statement contained, or only on the ground that you did not say it?

Mr. MOREAU: He did not show me the statement.

Mr. RHÉAUME: You said he told you he was going to tell the house that Mr. Pearson had been playing footsie with Mr. Thompson and you objected on the grounds that you had not uttered those words.

Mr. MOREAU: He did say ten days later that a Liberal member told him this, and I objected on the ground that if he meant me I had not said this.

Mr. RHÉAUME: You have stated in this discussion about the Liberal nomination conventions, possibly in the first meeting, but definitely in the second meeting in the west block, that each of the Liberal members there had recounted their glorious democratic experiences at the local level, or that complete democracy prevailed.

Mr. MOREAU: They discussed the problems they had had in winning nominations in their ridings.

Mr. RHÉAUME: And all four in testimonials to Mr. Girouard indicated that democracy prevailed at that level and there was no possibility of anyone putting a fix on.

The ACTING CHAIRMAN: Order. Let me say that you are not going to help anyone in this manner. We all are members of parliament and the public will be reading this. Things of this kind certainly are in very poor taste.

Mr. RHÉAUME: The first witness said Mr. Davey had said we will fix the Liberal candidate.

The ACTING CHAIRMAN: Take care of him.

Mr. RHÉAUME: My understanding is fixed. This witness has said just the opposite, that all assurances were given to Mr. Girouard that quite to the contrary to get a Liberal nomination one had to fight it out at the local level and that there was going to be no fixing of any defeated candidate. This is my understanding.

The ACTING CHAIRMAN: Fix has a much different connotation than take care. There could be sinister connotations put on it, but "fixed" in my opinion would have a very commonplace connotation. I would certainly ask that that phrase not be used.

Mr. CHAPDELAINE: Mr. Chairman, I think this kind of questioning is not in order, because if he wants to ask questions he may, but if he wants to suggest the answers, then they are not questions. If he wants to project his mind through Mr. Moreau's mouth, then it is not correct. If you want to say something, say it, but do not ask Mr. Moreau to say what you think.

Mr. RHÉAUME: On a point of privilege, if this committee would like, I can tell you things about fixing nominations which will curl your hair involving the Liberal party.

The ACTING CHAIRMAN: Order, order, order.

(*Translation*)

Mr. PRUD'HOMME: Mr. Chairman, on the same point of order, I would like to point out to the member for Joliette-L'Assomption-Montcalm that in this matter, it was not the Liberal candidate in the riding of Labelle who was the loser at the last elections, but the Conservative candidate.

(*Text*)

Mr. PIGEON: Mr. Chairman—

The ACTING CHAIRMAN: Order. I have had enough talk about washing dirty linen and other matters. We have a very serious matter before us in this committee and I propose that we deal with it and not get into other things. Proceed, Mr. Rhéaume.

Mr. RHÉAUME: This is my final question. Mr. Moreau and the others through recounting experiences of their own with the Liberal party clearly indicated to Mr. Girouard that if he joined the Liberal party, if his bid was accepted, he could look forward to absolutely no help of any kind in securing the Liberal nomination. This is my question.

Mr. MOREAU: Mr. Girouard was told that the battles were won at the local level. The discussion related to some of the battles fought in ridings represented by the four members present.

Mr. RHÉAUME: And these were portrayed to him as being typical of the kind of prenomination fight a potential candidate would have.

Mr. MOREAU: We indicated to him that these nominations were not obtained without opposition in the ridings concerned, and the members described how they had set about winning these nominations.

Mr. RHÉAUME: Was there any suggestion to him at that point that as a sitting Liberal member of parliament his renomination would be automatic and in that sense previous candidates would have been taken care of.

Mr. MOREAU: No; that was not stated.

Mr. RHÉAUME: Nor suggested?

Mr. MOREAU: No.

Mr. RHÉAUME: That is all.

The ACTING CHAIRMAN: Mr. Nugent is the next on my list.

Mr. NUGENT: Mr. Chairman, I would like to ask the witness this: Were you in the House of Commons on Monday, April 27, when Mr. Girouard made his statement?

Mr. MOREAU: I was.

Mr. NUGENT: You heard him make it?

Mr. MOREAU: Yes.

Mr. NUGENT: Did you see him about it right after that on that day?

Mr. MOREAU: I did see him on the way out from the house after the orders of the day.

Mr. NUGENT: Did you express disagreement with any part of his statement?

Mr. MOREAU: Yes.

Mr. NUGENT: Were you in the house on the 28th day of April when Mr. Knowles moved his motion?

Mr. MOREAU: Yes.

Mr. NUGENT: Did you after the 27th or the 28th have occasion to talk over the discrepancy as you saw it in Mr. Girouard's statement with Mr. McNulty, Mr. Macaluso and Mr. Gray?

Mr. MOREAU: I did discuss it with them, yes.

Mr. NUGENT: Did you discuss it with Mr. Davey?

Mr. MOREAU: Yes.

Mr. NUGENT: How many such discussions did you have?

Mr. MOREAU: Oh, I do not know. I know it has been a subject which we have discussed virtually every time we meet. I would not like to place a number on it.

Mr. NUGENT: Did you have any meetings of that group of four and Mr. Davey for the purpose of discussing this?

Mr. MOREAU: We had meetings, yes. We had meetings with Mr. Greene and Mr. Dubé.

Mr. NUGENT: At these meetings where you discussed this statement, did you have with you the *Hansard* containing the copy of Mr. Girouard's statement and did you discuss it paragraph by paragraph, or line by line, where you disagreed with it?

Mr. MOREAU: We did not need the *Hansard*. The main points raised by Mr. Girouard were the benefits of the party in power, the fat electoral fund and whether or not I had stated what I was purported to have said regarding Mr. Pearson's instruction to Mr. Davey.

Mr. NUGENT: Then, it is true that you have discussed this with Mr. Davey and the other members who were with you that night in the hotel, and each of you discussed what you remembered in determining whether this statement might be wrong or right.

Mr. MOREAU: We had discussions about it. It was not a question of comparing notes but a question that we were all involved in this matter and we had some discussions about it.

Mr. NUGENT: Were you aware of the possibility at that time you would likely be called as a witness before this committee?

Mr. MOREAU: I thought that was a very distinct possibility from the time it was referred to the committee on privileges and elections.

Mr. NUGENT: So, you were discussing the question of Mr. Girouard and you would amongst you be discussing the events as they transpired, each recalling what had happened to see where this statement would come from. Is that correct?

The ACTING CHAIRMAN: Gentlemen, I feel I have been fair in allowing a fairly full discussion up until now. I do not want to keep belabouring this point but the question was raised by Mr. Grégoire very clearly. He wanted to get into the discussions that Mr. Girouard had had with certain members of the Social Credit party and I presumed, having gotten this in, he would want to call members of the Social Credit party as witnesses in respect of what was said back and forth. I asked why he was raising the question and he said it was a point of credibility and, eventually, I closed him off. I feel if I applied my rule in that case I must apply the same rule here. I felt it was a good ruling. Gentlemen, I feel I have been reasonably lax on matters to date and I would respectfully suggest that questioning along this line has proceeded a reasonable distance.

Mr. NUGENT: With all due respect, Mr. Chairman, it is an entirely different point at this stage. What I am discussing now is this. We have a witness here and it is evident from his testimony that he has been discussing with other possible witnesses since the date of this occurrence what has gone on, the actual testimony that might be given and the actual occurrences. As you know, it is the business of this committee to get the facts and the only way we can be guided is to get enough information about these conversations in order to determine whether this witness is speaking from memory or from things others have told him, and if he is speaking from something which is composed now

partly of memory and partly from discussions with others, then we want to know that. I think we must take cognizance of that fact and look into this because there is no point in having a sucession of witnesses if the only story we are going to get is what is in their memory as a result of all these discussions.

The ACTING CHAIRMAN: Let me say, gentlemen, that it is not unusual in a court case—and there are a number of lawyers here—for a client and his witnesses attending at the solicitor's office and discussing the matter, which is quite proper; there is nothing unethical about it. The evidence then is taken under oath and he says what occurred. I do not think we should go into all these ramifications. The witness is called and he says under oath what occurred, and not his discussions back and forth with the other witnesses. He is being asked now if he speaks from his own memory or from what other people have told him. If he says under oath that he is speaking now from his own recollection, well, that is it.

Mr. NUGENT: You made a reference to a court and, as you know, the conversation between solicitor and client would be privileged and would not be asked. But, it is perfectly proper in a court case for either counsel to ask the witness if he has discussed the matter with other witnesses. I am not suggesting there is anything unethical in them having a discussion but I do think it goes to the weight of his evidence and the way we regard it. It is not a question of his honesty or anything else. But, this committee must be aware that human memory is such that sometimes we forget after we have seen something or just heard it. As I say, there is a question of whether he just heard it or whether it was introduced by someone else having repeated what went on. So, therefore, with due respect, Mr. Chairman, I must insist on the right to ascertain how far these discussions went in order that we may have some idea whether or not this witness has had these things in his own memory and if I can distinguish between what he saw and heard and what they have decided amongst themselves in respect of what happened.

Mr. GRÉGOIRE: Mr. Chairman, on a point of order, I approve of what Mr. Nugent has said. I would approve that because it would then give us permission to question any other conversations Mr. Girouard might have had with Mr. Balcer, for example, which would be interesting. Since the beginning of this committee I have asked for that permission to go into these details. The Conservatives were opposed to this last week and this week they are for it.

Mr. PIGEON: It is completely different.

Mr. GRÉGOIRE: If we agree the same should apply for every witness past or to come.

The ACTING CHAIRMAN: Mr. Scott, do you wish to raise a point?

Mr. SCOTT: Mr. Chairman, I wanted to suggest that the situation before the committee now is a little bit different from what it was when you made your initial ruling. We are now in the very unpleasant position of having two members in a row give opposing testimony and we may—I do not think we have to —be in the position of having to judge the credibility of a witness. It seems to me this issue only arose as a result of testimony given this morning. I am not pressing it now but I would urge you perhaps to reconsider that anything now which goes to the credibility of the witnesses ought to be permissible.

Mr. GREENE: Mr. Chairman, first of all, I think Mr. Nugent's point is well taken in respect of the question being asked: did you have a discussion, and you, sir, have ruled previously it was not permissible. Certainly Mr. Nugent will be free to argue before the committee in making the report and this should be considered in giving weight to various evidence, particularly the evidence of the various witnesses. But, if we go beyond that in respect of the issue of credibility, then we must go beyond it with respect to Mr. Girouard also. He

must be permitted then to tell us which organizers he told and what he told them, whether he reported this to any Conservative members and Social Credit members. We must then be prepared to call them on the issue of credibility. It has to be one way or the other; either we call them all on this issue of credibility, including Mr. Balcer, if he was a party to it—and I do not think any of us want to see this committee resolve itself into that kind of a hunt.

(*Translation*)

Mr. PAUL: Mr. Chairman, I believe that the honourable member for Lapointe raised a point which differs from the one now put by the hon. Mr. Nugent because, when Mr. Grégoire asked whether Mr. Girouard had discussed that matter, I believe that at that moment the hon. member for Lapointe wanted to know if, during that conversation, he had discussed what had been said with Mr. Moreau and others. You then gave a decision limiting the scope of the investigation which Mr. Grégoire could cover. But Mr. Nugent asked if the witness, Mr. Moreau, had discussed that matter with other witnesses. In my opinion, Mr. Nugent's question is quite different from the subject matter to be covered concerning the discussion relating to the subsequent events. Mr. Nugent did not ask Mr. Moreau: "You discussed it with other colleagues". But he asked: "Did you and other witnesses interested in this matter or this case discuss it together?" It is not the same matter that was raised by the honourable member for Lapointe.

(*Text*)

The ACTING CHAIRMAN: Have you a comment to make, Mr. Chapdelaine?

(*Translation*)

Mr. CHAPDELAINE: Mr. Chairman, I think we have come to that. I will repeat what I have already said; we are drifting from the subject matter of the questions asked from the witness. By the nature of the questions asked, we have the impression that Conservatives or Liberals wish to ask questions in order to clear their party, and in the end the victor will be the one who asked the shrewdest questions on this matter, questions which do not concern or come within the ambit of this committee and which are not a point at issue between the two parties. In my opinion, this is not a trial of those parties; it is not the trial of their respective organizations which we are conducting, but we are examining the statement made by Mr. Girouard. We know that certain things go on in the two old parties, but we are not conducting a trial on those matters.

I would suggest, Mr. Chairman, that the questions be limited to the matter we are dealing with and not turn this into a fight among parties, a trial of those parties. They merely wish to exonerate themselves and determine which is the most or the least guilty.

(*Text*)

The ACTING CHAIRMAN: Mr. Chrétien?

(*Translation*)

Mr. CHRÉTIEN: On this point of order, Mr. Chairman, I do not believe that we can continue questioning Mr. Moreau on the subject of finding out what were the discussions between the various members of the Liberal party who met Mr. Girouard. But it is rather after we shall have heard the evidence of each of those members that we will know to what extent those discussions, in the first place, affected the credibility, because we may start a very long debate on that matter and we will never see the end of it. We are going to discuss seven, eight or nine meetings which were held between them, and we shall have to wait until the end of the evidence before we know or establish their credibility, since they held many discussions among themselves.

(*Text*)

Mr. WOOLLIAMS: I think everybody has missed the point. What Mr. Nugent has been doing is to ask the witness whether he had discussion with the witnesses who were there at certain times and under certain circumstances with reference to the statement in question. He is merely saying: did you have a discussion with Mr. McNulty, with Mr. Gray and the Big Four? Did you have a discussion with them? Surely that is relevant, because if they establish that they planned their evidence, then we are entitled to find out. Surely that is relevant.

The ACTING CHAIRMAN: The witness stated that he did have a discussion about this matter with Mr. McNulty, Mr. Macaluso, and Mr. Davey. That is quite right, that they discussed this matter, and he said yes, to Mr. Greene. As to getting at this question of credibility, I anticipated Mr. Grégoire in the argument that he might subsequently make, and if funds were mentioned as Mr. Girouard said they were, surely that would have been discussed with Social Credit members. Then we would want to call Social Credit members on the point of credibility. Did he ever discuss the fact that there was going to be a fat election fund? Furthermore, if you get back to the conversation—I merely use this as an illustration—between the Liberal members, you might have a Liberal member say Mr. Girouard is a blankety blank liar, and we would get all this going into the record blackening Mr. Girouard's name and reputation, just because of people talking out. I do not want to get involved in it. I must rule that these gentlemen are coming here, and it is open to you to put them under oath and ask them if they are saying this as a result of their own personal knowledge, or merely as a result of something they have heard discussed or what somebody said to them. I think this line of questioning has gone far enough.

Mr. NUGENT: So long as we have established the point that he has discussed it.

The ACTING CHAIRMAN: He made it very clear that he had discussed it with other members who were giving evidence and with Mr. Davey. I think that is very clear.

Mr. NUGENT: I wonder if Mr. Moreau has told us that Mr. Davey did not mention the fact of a campaign fund? Did Mr. Girouard make such a statement or ask a question embodying those words at any time?

Mr. MOREAU: No, he did not.

Mr. NUGENT: These were not mentioned?

Mr. MOREAU: They were not mentioned.

Mr. NUGENT: You said at the close of the discussion with the Liberal party organizer for the province of Quebec that he was going to have to look into the matter of the constituency at Labelle.

Mr. MOREAU: It was my understanding that Mr. Davey was to take this up for assessment with Mr. Guiguere, the campaign chairman.

Mr. NUGENT: Between that time and when he officially said "no go", it was about a month which elapsed?

Mr. MOREAU: Yes.

Mr. NUGENT: From the time you had a meeting in Mr. Davey's office you did on some occasion—you told us you had a conversation or a short conversation with Mr. Girouard in which it was indicated that other Social Credit members were interested?

Mr. MOREAU: He indicated it, yes, he said it.

Mr. NUGENT: He said that all seven were interested?

Mr. MOREAU: Yes.

Mr. NUGENT: Did you say to us that he was speaking on behalf of a group of Social Creditors?

Mr. MOREAU: Well, he indicated or said that they were interested and were likely to follow his lead.

Mr. NUGENT: Did he give you the names? Did he name them? I am not asking you for the names.

Mr. MOREAU: No, he did not.

Mr. NUGENT: Is that the last impression you got? I think at one stage there was an indication given to Mr. Girouard that the first indication on his original appearance the situation was not very good, was not too hopeful, or something like that?

Mr. MOREAU: Mr. Davey said that Mr. Giguère's initial reaction was not good.

Mr. NUGENT: There was not any further conversation to amount to anything, only the final words of Mr. Davey which were definitely "no go"?

Mr. MOREAU: That is right.

Mr. NUGENT: From the time that Mr. Girouard mentioned these other Social Creditors and gave you that indication—by the way, how soon after your meeting in the hotel did Mr. Girouard give you the indication that the other Social Creditors were interested?

Mr. MOREAU: Virtually from the beginning he intimated that there were others interested.

Mr. NUGENT: And you passed this along to Mr. Davey almost the first night?

Mr. MOREAU: Yes, I indicated to him that Mr. Girouard was prepared to move, and he purported to speak for other people.

Mr. NUGENT: And so from the time it started it was not just a case of trying to get Mr. Girouard into the party, but to get as many Social Creditors that you could in order to change the picture of the minority position in the house?

Mr. MOREAU: I had learned a piece of information which I thought might be of some use to the party and I reported the same. It was not my decision whether they should act on it or not.

Mr. NUGENT: Yes, it was your reasoning.

Mr. MOREAU: Yes, it was my reasoning?

Mr. NUGENT: You are now telling this committee that upon investigation in the constituency of Labelle, and of Mr. Girouard's difficulty there with the local organization that the matter was stopped?

Mr. MOREAU: I did not say that. I said that Mr. Giguère's initial reaction as reported by Mr. Davey to me was not very enthusiastic, was not very favourable. However the matter would be checked out. I do not know where and in what way it was checked out. This was not within my competence.

Mr. NUGENT: Since he had not told you the names of any other Social Creditors, it was Mr. Girouard's constituency that he was checking out?

Mr. MOREAU: I had no knowledge of it.

Mr. NUGENT: Did you give him any other names, so that he could go and check any other constituencies?

Mr. MOREAU: I did not mention any other names. Mr. Girouard did not indicate anyone by name to me. I had my own ideas as to who they might be.

Mr. NUGENT: Did he indicate any constituencies?

Mr. MOREAU: No.

Mr. NUGENT: Did you pass along your own ideas of what constituencies might be right for plucking?

Mr. MOREAU: No.

Mr. NUGENT: So that in so far as your information passed along to your party was concerned, it was concerned with Mr. Girouard and any investigation that must be done in the constituency of Labelle?

Mr. MOREAU: As I stated, I have no knowledge of what checking was made.

Mr. NUGENT: I think you told me you were acting as a go-between the party and Mr. Girouard?

Mr. MOREAU: I was a liaison between Mr. Davey and Mr. Girouard concerning what developed after the initial meeting.

Mr. NUGENT: Were you the only liaison?

Mr. MOREAU: Yes, so far as I know.

Mr. NUGENT: So that any information the party had would have come through you?

Mr. MOREAU: Yes, any information Mr. Davey had.

Mr. NUGENT: Did your information of what went on and why this proposition was dropped come from Mr. Davey?

Mr. MOREAU: Yes.

Mr. NUGENT: And all you are able to tell the committee to this point is apparently that one Social Credit member out of a group who were interested in leaving the party and going to another was checked out in his constituency, and yet the whole bunch was dropped? Is that your evidence?

Mr. MOREAU: No, it is not; for all I know they might all have been checked. I have no knowledge of who or what was checked.

Mr. NUGENT: You as the liaison man were passing along information on which they had to act, and then reported to the Social Crediters the reaction of your party?

Mr. MOREAU: I was to report back to Mr. Girouard what was the reaction of the Quebec organization, the fact that Mr. Davey was to ask them what they thought of the idea.

Mr. NUGENT: In view of the fact that it was only Mr. Girouard who was checked out and then the approach to the whole bunch was dropped, that Mr. Girouard's statement that a week later a Liberal member of parliament along with the same group approached him to tell him that he was very sorry but the Prime Minister had asked the chief organizer to cease all pressure because the Prime Minister was sure to lose the regular support of the members of the Social Credit party, does that not spur your memory on the testimony you have given to this committee?

Mr. MOREAU: You have given quite a long preamble to your question. In the first place I did not say that the only check was made in Labelle. I already testified that I had no knowledge of what checks were made.

Mr. NUGENT: Have you given us all the information you passed along to Mr. Davey about the Social Credit party? You have told us that Mr. Girouard did not mention any names, that Mr. Girouard did not mention any constituency, that you did not mention any names to Mr. Davey.

Mr. MOREAU: No.

Mr. NUGENT: You were the liaison man between the party and Mr. Girouard?

Mr. MOREAU: I was to report back to Mr. Girouard what Mr. Davey's inquiries were.

(*Translation*)

Mr. CHAPDELAINE: On a point of order, Mr. Chairman, I will ask you if you will let Mr. Thompson's party to be on trial or will the trial be on Mr. Girouard's statement?

(*Text*)

The ACTING CHAIRMAN: I am sorry; would you repeat your question?

Mr. CHAPDELAINE: I would like to know, Mr. Chairman, if you will permit a trial of Mr. Thompson's party or if you will permit a trial of Mr. Girouard's declaration?

Mr. FISHER: What do you mean?

The ACTING CHAIRMAN: I want to make it clear that so far as the Chair is concerned there has been no reflection on Mr. Thompson or on anyone of his party. The only thing we are discussing here is the matter of Mr. Girouard and his relationship with certain members of the Liberal party.

Mr. CHAPDELAINE: As far as I understood, for the past ten minutes questions were put regarding whether Mr. Thompson's old party was involved in this deal which Mr. Girouard had with Mr. Moreau, and the liaison with Mr. Davey.

The ACTING CHAIRMAN: I can appreciate your apprehension on this point inasmuch as you are not involved in any way. However, may I say that it is not quite my interpretation of the discussion. The discussion was directed to the conversation between Mr. Moreau and Mr. Girouard.

Mr. CHAPDELAINE: It would be clearer if there were no discussion of Mr. Thompson's party.

The ACTING CHAIRMAN: This is not before the committee in any shape or form. In so far as the Chair is concerned, there is no such suggestion involving other members of the party.

Mr. GREENE: The questioner is repeating his questions ad nauseam. You ruled previously, Mr. Chairman, that repetition ad infinitum was not going to be permitted, and I am surprised that an examiner of Mr. Nugent's experience could carry on in this manner. We are going to be here forever.

Mr. NUGENT: Mr. Chairman, I should think Mr. Chapdelaine's interjection is due to the fact that he has not been present throughout the meetings. I wonder if he would apprise himself on what has gone on and perhaps would not interrupt me all the time on this.

I wondered if Mr. Moreau has told us of the attempt by the Liberal party to persuade Mr. Girouard.

Mr. CAMERON (*High Park*): Mr. Chairman, on a point of order, these questions are irregular. You are suggesting something the Liberal party is doing. There is no foundation to your question. I understand Mr. Nugent is a distinguished lawyer from Alberta. He should know how to ask proper questions. Those questions are entirely improper.

Mr. NUGENT: I think my question was prefectly proper.

Mr. WOOLLIAMS: It is a matter of opinion.

The ACTING CHAIRMAN: The word "distinguished" is killing me up here. I have heard it so often.

Mr. NUGENT: I think it is a fair summary of the evidence—Mr. Moreau, you can disagree with me if you like—that what you have told us about concerns the efforts of the Liberal party to persuade Mr. Girouard that it would be more to his advantage to join the Liberal party than the Conservative party.

Mr. MOREAU: I would not accept your summary of the evidence thus far, Mr. Nugent. I feel that certainly on the part of the Liberal members the discussion centred around the difficulties that Mr. Girouard would have in getting a nomination. These matters were discussed by Mr. Davey as I repeatedly testified. He undertook to ascertain whether such a proposition would be acceptable to the Quebec Liberal organization, and that is all. Within my knowledge of the events I do not think I would accept your summary of my testimony.

Mr. NUGENT: I do not want to quibble about words but the point is that the Liberal party had been pointing out the advantages of joining their party, or at least a Liberal member and a Liberal organizer had been pointing out the advantages of the Liberal party.

Mr. MOREAU: I would not even say Mr. Davey had been pointing out these advantages. I think the political discussion regarding difficulties of getting elected took place, as well as a discussion of the matter of the leadership of the two parties and the question of the flag. These matters were germane to the discussion.

Mr. NUGENT: The reason these matters were discussed was to show Mr. Girouard the advantages which he would gain by joining the Liberal party.

Mr. GRÉGOIRE: Mr. Chairman, on a point of order, I think Mr. Nugent is now establishing the facts himself. He wants to be a witness. All he has to do is to go into the witness box and we will question him. He is answering his own questions now.

Mr. RHÉAUME: You, Mr. Grégoire, are an expert on that.

The ACTING CHAIRMAN: I would hope that the committee is not going to base its findings on the questions of any member of the committee but that they are going to be based on the answers. I would think that would be the relevant matter.

Mr. KLEIN: Mr. Chairman the answers have been given over and over again.

The ACTING CHAIRMAN: I expected nothing different from that when the committee started, believe me.

Mr. NUGENT: If the frivolity is completed I should say that I was trying to state what I think is a very mild summary of the case as part of the test of whether a witness is prejudiced. After hearing evidence of the position of the Liberal party being pointed out to him and hearing this witness himself say he thought it would be a good idea to change the minority position the witness will not be fair enough to give a simple yes in answer to the suggestion I make that there is some evidence of the advantages of belonging to his party. Certainly a fair-minded member of this committee will know that the witness is highly prejudiced, and the whole value of his answers in that regard are—

Mr. GREENE: Mr. Chairman on a point of order—

The ACTING CHAIRMAN: Ask your question, Mr. Nugent.

Mr. NUGENT: I am asking the witness whether over this length of time it is not a fact that the Liberal party, or some members of the Liberal party, whether making a suggestion or not, did point out to Mr. Girouard the advantages he would find in belonging to the Liberal party.

Mr. MOREAU: I would say a fair statement is that the Liberal members did point out the political advantages to Mr. Girouard, certainly.

Mr. NUGENT: You have already told us that you thought it would be a good idea to change the minority position so is there any doubt in your mind, as a result of your conversation with Mr. Davey, or the conversation at this

time in respect of the possibility of acquiring more members from the Social Credit party, he thought that this was a good idea?

Mr. MOREAU: That was my idea.

Mr. NUGENT: Was there any other purpose in Mr. Davey coming down to attend this meeting other than to see how feasible this operation would be?

Mr. MOREAU: Mr. Davey consented to come to the meeting to meet Mr. Girouard when I asked him but I do not know what he was thinking.

Mr. NUGENT: You think that would be an unfair inference to draw from his presence and in view of his work in this connection?

Mr. GREENE: Well, Mr. Chairman—

The ACTING CHAIRMAN: The committee will draw inferences, Mr. Nugent.

Mr. NUGENT: I just want to be sure whether there was another reason involved. You have already told us that the Liberal provincial organization had stated the difficulty in respect of Girouard which existed in the constituency. Was there any other reason—

Mr. MOREAU: I did not say that, Mr. Nugent.

Mr. NUGENT: The reaction of the Liberal organization was unfavorable in Labelle?

Mr. MOREAU: That is right. That was what Mr. Davey reported to me.

Mr. NUGENT: Is there any other reason that you know of, that Mr. Davey reported to you or anyone else reported to you, why an attempt to get more Social Credit members was stopped particularly in respect of the others involved?

Mr. MOREAU: My opinion was that the situation regarding Mr. Girouard was not attractive to the Quebec organization and that was the end of the matter as far as I know. I had no knowledge of any other factors in it.

Mr. NUGENT: You are asking this committee to believe then that one member only of several interested, or possible prospects, having been taken out, meant that the party was not interested and the whole project should be dropped?

Mr. MOREAU: I have already stated Mr. Nugent that I have no knowledge. For all I know all the Social Credit constituencies were checked. I have no knowledge what was done.

Mr. NUGENT: I think somewhere in your testimony you told me when the question of benefit to a party in power was referred to, and I want you to correct me if I am wrong, that if there are benefits in belonging to the party in power you were not aware of them. Was that your testimony?

Mr. MOREAU: I said that, yes.

Mr. NUGENT: You are not aware of any benefits in belonging to the party in power?

Mr. MOREAU: I am not aware of any benefits in being on the governments side, other than being a member of parliament, not available to a member on any side of the house.

Mr. NUGENT: That is your sworn testimony to this committee?

Mr. MOREAU: That is right.

Mr. FISHER: That is an opinion.

Mr. MOREAU: I have not detected any.

Mr. NUGENT: Can I take it from that then if there are any benefits in belonging to the party in power, unless those benefits were identified and listed as being benefits in belonging to the party in power, you would not recognize them if they were discussed in your presence?

Mr. GREENE: Mr. Chairman—

The ACTING CHAIRMAN: I should perhaps state that Mr. Girouard did not identify any benefits. He said the phrase was used, to my recollection, but when the question was put to him point blank, whether anything such as judgeships and patronage were suggested to him he said no. If Mr. Girouard had said it was not mentioned, then I think it follows that this is an improper manner of examination.

Mr. NUGENT: Mr. Chairman the point is that we have two witnesses whose testimony in respect of a few important matters here is diametrically opposed. We have this witness, who is a member of parliament, not a wide eyed high school kid, giving testimony to this committee that if there are benefits in belonging to the party in power he is unaware of them. I asked the witness then if it was a fact that the cabinet ministers of the party in power get to know their own backbenchers sooner and quicker and therefore are easier to talk to and more approachable and that is a benefit.

Mr. GRÉGOIRE: Could you speak louder, please?

Mr. MOREAU: What I meant by that statement Mr. Nugent is that I had not detected any particular benefit available to me as a member of parliament that was not available to any other member of parliament.

Mr. CHAPDELAINE: On a point of order, perhaps if Mr. Nugent would state the benefits he is aware of, having been in power, and then ask the witness if the same benefits he had when he was on that side are available, the witness could answer.

The ACTING CHAIRMAN: Let us not get into that field.

Mr. CASHIN: What were the benefits?

Mr. VALADE: When we were in power there were no benefits to anybody.

Mr. GRÉGOIRE: That has to be proved yet.

Mr. PIGEON: We had no electoral funds.

The ACTING CHAIRMAN: Order.

Mr. NUGENT: Mr. Moreau told us that election funds were never discussed at any time, and in cross-examination I think he said they never got that far. Is that an accurate statement?

Mr. MOREAU: Yes, that is correct.

Mr. NUGENT: How far do you have to get in discussing the benefits of belonging to a party in power before you reach the point of electoral funds?

The ACTING CHAIRMAN: Order. He said he did not discuss that.

Mr. NUGENT: Mr. Chairman, he said: "We did not get that far". I was just wondering in my own mind, and this might be different to each member of the committee, when election funds come up as a matter of discussion.

Mr. PRUD'HOMME: What about your party?

Mr. MOREAU: I can report my own experience and that is all, Mr. Nugent.

Mr. PIGEON: I would not do that.

Mr. NUGENT: Referring to Mr. Davey during the last conversation when he said it was definitely no go, and I have forgotten whether you were asked this exact question, were those Mr. Davey's exact words?

Mr. MOREAU: No, I was reporting the essence of the conversation and it was my conclusion that it was all off.

Mr. NUGENT: I see. These were not Mr. Davey's words?

Mr. MOREAU: No, he did not use those particular words.

Mr. NUGENT: Did he say it was all off in respect of all Social Credit members or just Mr. Girouard?

Mr. MOREAU: He said it was all off referring to Mr. Girouard, and the other members were not discussed.

Mr. NUGENT: They were not discussed during that last conversation.

Mr. MOREAU: They were not discussed. Mr. Davey did not discuss them with me at any time.

Mr. NUGENT: Other than that first time he reported about the other members to Mr. Davey are you telling this committee that is the only time you ever discussed with Mr. Davey the other Social Credit members?

Mr. MOREAU: I have already testified, Mr. Nugent, that there were no names or ridings mentioned. Certainly in the discussions earlier, as I have testified, I did report that Mr. Girouard purported to speak for more than just himself.

Mr. NUGENT: You have also told us that from time to time this number would vary; that at one time it was as high as seven.

Mr. MOREAU: Yes, this is not what I reported to Mr. Davis but what Mr. Girouard reported.

Mr. NUGENT: That was to be my next question. When these numbers would change or vary, did you report it to Mr. Davey?

Mr. MOREAU: No.

Mr. NUGENT: Was there any other conversation about other members from the time you reported that Mr. Girouard purported to speak for himself?

Mr. MOREAU: I only had the telephone discussions with Mr. Davey on the night of the 17th, the discussions that went on in my office and the previous telephone call on the 18th, and the two telephone calls that I have already described to the committee. I had no other discussions with him about this matter or related matters, or anything like that, at any other time.

Mr. NUGENT: The last two telephone calls were not occasions upon which the number of other Social Credit members was discussed.

Mr. MOREAU: No, he just told me that the assessment was unfavourable.

Mr. NUGENT: That is all I wish to ask. Thank you.

The ACTING CHAIRMAN: How long does the committee propose to sit tonight?

Mr. PRUD'HOMME: Until ten.

Mr. GRÉGOIRE: Until 10.30.

The ACTING CHAIRMAN: I will say ten o'clock.

Mr. Nielsen is next on my list of members who wish to ask questions.

Mr. NIELSEN: Before I go on may I say that Mr. Grégoire had a question to ask. Do I understand him to say he has delayed that question?

The ACTING CHAIRMAN: I am going to suggest that we rise at ten o'clock.

Mr. NIELSEN: I have just one or two questions and I will preface them by saying, as Mr. Woolliams has said, that I have just as high a regard for Mr. Moreau and his integrity as he has said that he has for Mr. Girouard. I would like to make that clear at the outset.

Mr. GREENE: What did you mean by that?

Mr. GRÉGOIRE: That he "has" or that he "had"?

Mr. NIELSEN: I would like to ask Mr. Moreau for clarification. I would like to ask him one or two questions concerning the meeting that was set up between himself and Mr. Davey to meet with Mr. Girouard. If I understood Mr. Moreau correctly, he said that meeting was set up to be held initially at the Liberal headquarters, but that this was altered. It was then set up to be held in Mr. Macaluso's office. I wonder if the witness could carefully examine

his recollection on that point and say whether or not he agrees with me that it would be more accurate to say that after Mr. Girouard rejected the idea of going to Mr. Davey's office the meeting, rather than being set up for Mr. Macaluso's office, was set up for Mr. Girouard's office.

Mr. MOREAU: What is the question, Mr. Nielsen?

Mr. NIELSEN: That is the question.

Mr. MOREAU: May I say at the outset that I hold your integrity with the same regard, certainly as high as Mr. Girouard's.

I have already testified, Mr. Nielsen, that the meeting was initially suggested by Mr. Davey to be held at the National Liberal Federation at 251 Cooper street, and when I reported this back Mr. Girouard said he did not want to go there. In the discussion regarding where the meeting would be held the same objections relating to the national Liberal federation were pointed out regarding Mr. Girouard's office, and it was agreed that we should meet in Mr. Macaluso's office. Subsequently that was changed when Mr. Davey was delayed.

Mr. NIELSEN: I am suggesting to you that it was not Mr. Macaluso's office at all. I am suggesting that it was Mr. Girouard's office that was the alternative when the meeting was called off from Mr. Davey's office.

Mr. GRÉGOIRE: He is giving his own testimony.

Mr. NIELSEN: Are you saying that is not correct?

Mr. MOREAU: I have testified what I recall to be the situation. You are questioning apparently what I have testified. I can only say that that is what I recollect happened, and I certainly have searched my memory very well on this, particularly as this matter was mentioned in Mr. Girouard's statement. I initially disagreed quite strongly with what he had indicated and I have already testified to the committee my version of the situation.

Mr. NIELSEN: Is there any possibility, Mr. Moreau, that your recollection might be faulty on this particular point?

Mr. MOREAU: No.

Mr. NIELSEN: There is no possibility at all?

Mr. MOREAU: I am quite definite that the meeting was set up in Mr. Macaluso's office and was changed to my office. The reason for holding it in Mr. Macaluso's office was that Mr. Macaluso had indicated that his office was of some considerable size and was quite nearby; and I recall this part of the conversation very clearly.

Mr. NIELSEN: What time was that meeting to be held?

Mr. MOREAU: It was set up for 11 o'clock, for the same time that had been suggested over the telephone by Mr. Davey.

Mr. NIELSEN: Were you in Mr. Macaluso's office at 11 o'clock?

Mr. MOREAU: No, I was not. Mr. Davey had called me in the morning and said he could not make it for 11.00. I had the impression that he was tied up. I did not know where he was. He did not tell me where he was. I did not know if I could call him back if there was any need for a change. I did not know what Mr. Macaluso's movements would be at 12.00 so I suggested he should come directly to my office.

Mr. NIELSEN: So the answer is that you were not in Mr. Macaluso's office at 12.00?

Mr. MOREAU: No, I called Mr. Macaluso.

Mr. NIELSEN: Did you call Mr. Girouard?

Mr. MOREAU: Yes.

Mr. NIELSEN: At what time?

Mr. MOREAU: I called him, I would say, between 10 and 10.30.

Mr. NIELSEN: Mr. Davey then called—

Mr. MOREAU: He called me at about the same time and I think I probably called Mr. Girouard first. He was the key person I wanted him to meet.

Mr. NIELSEN: And you found Mr. Girouard in his office?

Mr. MOREAU: Yes.

Mr. NIELSEN: And you spoke to him personally on the telephone?

Mr. MOREAU: Yes. I spoke to him on the telephone and he agreed to come.

Mr. NIELSEN: When you spoke to Mr. Davey on the occasion on which the meeting time was delayed, did Mr. Davey tell you why it was delayed?

Mr. GRÉGOIRE: I object.

Mr. MOREAU: He told me he was tied up and could not make it for 11. I did not question him. I did not ask him why.

Mr. NIELSEN: Did Mr. Davey not tell you he had another meeting?

Mr. GRÉGOIRE: Objection.

Mr. MOREAU: No, he told me he was tied up with another meeting.

Mr. NIELSEN: I put it to you, Mr. Moreau, that your earlier testimony when answering questions put to you by my friend Mr. Woolliams disclosed that Mr. Davey told you he had another meeting to go to. Do you want to review that in your memory?

Mr. MOREAU: No, I think not, Mr. Nielsen. He said he was tied up.

Mr. NIELSEN: So if the record does disclose Mr. Davey told you he had another meeting to go to, you would say that would be inaccurate?

Mr. MOREAU: I do not think I said that.

Mr. GRÉGOIRE: Mr. Chairman, on a point of order, I think Mr. Nielsen is now trying to establish the credibility of the witness. I do not care at all; I do not care as long as the position will be the same for all witnesses, witnesses past and to come.

Mr. CHAPDELAINE: I suggest, Mr. Chairman, that the credibility of a witness be established on relevant points, not on—

Mr. PRUD'HOMME: Not on childish ones.

Mr. CHAPDELAINE: —unimportant facts such as whether Mr. Davey had a meeting or not.

The ACTING CHAIRMAN: I have not stopped him. Go ahead.

Mr. CAMERON (*High Park*): At this stage could the transcript be read back to show Mr. Moreau did say in answer to Mr. Woolliams on that subject?

Mr. NIELSEN: If it is on the record, it is on; if it is not, it is not.

The ACTING CHAIRMAN: Mr. Nielsen is passing on and Mr. Moreau has made his answer, Mr. Cameron. The transcript will so show. If Mr. Nielsen were going to pursue it further it might be well to have the answer read, but Mr. Nielsen has indicated that he is taking up another aspect of the matter.

Mr. NIELSEN: Did Mr. Girouard ask at any time for a meeting to be laid on with Mr. Davey.

Mr. MOREAU: Did he ask for a meeting?

Mr. NIELSEN: Yes.

Mr. MOREAU: He did not ask for one. He agreed and consented to it.

Mr. NIELSEN: He did not ask, in fact, at any time in discussion with you for a meeting with Mr. Davey?

Mr. MOREAU: No, in reply to a question as to whether he wanted me to open a line of communication I mentioned that I could call Mr. Davey and he consented to me making that call.

Mr. NIELSEN: Let me put the question again in case you did not understand it. Did Mr. Girouard at any time ask you to lay on a meeting with Mr. Davey?

Mr. MOREAU: He did not ask me to do it; I offered to do it.

Mr. NIELSEN: Did Mr. Girouard at any time ever ask you or anybody else in your presence for permission to join the Liberal party?

Mr. MOREAU: He did not ask me for permission. He knew full well that I could not give it to him.

Mr. NIELSEN: Did he ever ask anybody in your presence, or did he ever express a desire in your presence to join the Liberal party?

Mr. MOREAU: Certainly by the discussions that we had and the actions that he took, I would say he entertained the idea very seriously.

Mr. NIELSEN: Did Mr. Girouard ever, to you or to anybody else in your presence, say that he wanted to join the Liberal party?

Mr. MOREAU: Not specifically in those terms.

Mr. NIELSEN: Now, Mr. Girouard on the other hand indicated clearly to you that he intended to join the Progressive Conservative party. Is that not correct?

Mr. MOREAU: Yes, he did.

Mr. NIELSEN: When you said to one of the previous questioners that Mr. Girouard indicated to you that others may follow his lead—I think that was the expression used—did you infer from that statement that they intended to follow his lead in joining the Progressive Conservative party or the Liberal party, in the light of his answer?

Mr. GRÉGOIRE: Ask Mr. Balcer; he knows.

Mr. MOREAU: In discussing the possibility of whether he would be acceptable or not in the Liberal party, he indicated others might follow his lead. I do not recall him specifically saying they were going to follow his lead into the Conservative party.

Mr. NIELSEN: You already have told us he indicated quite clearly his intention was to join the Progressive Conservative party, and never said to you or anybody else that he intended to join the Liberal party, and yet you persist in saying you felt the lead he was establishing was a lead to his followers to join the Liberal party.

Mr. MOREAU: He did say he was intending to join the Conservative party at the outset of the discussion. We had moved quite a distance from that in the discussion.

Mr. WOOLLIAMS: In what direction?

Mr. MOREAU: The point was made that perhaps other persons would be prepared to follow his lead.

Mr. NIELSEN: Mr. Moreau, have you ever written a letter on this subject to the Prime Minister, Mr. Davey, or any of the other witnesses who are likely to be called?

Mr. MOREAU: No, I have not.

Mr. NIELSEN: In this meeting with Mr. Davey at Mr. Macaluso's office—I believe that is where it was?

Mr. MOREAU: It was in my office with Mr. Davey.

Mr. NIELSEN: Did you discuss the Liberal party at all?

Mr. MOREAU: The matter of the flag and the matter of organization, and so on, was discussed.

Mr. NIELSEN: Did you discuss the Liberal party at all?

Mr. MOREAU: The organizational structure in the sense of how nomination meetings were called, yes, and the leadership question also was discussed.

Mr. NIELSEN: I will come to that leadership question in a moment. You say the Liberal party was discussed. Was it suggested at that time that the Liberal party was in power?

Mr. MOREAU: No, not in those specific terms. There was a discussion with regard to the political advantages for Mr. Girouard to belong to the Liberal party, relating to the matter of ease of election.

Mr. NIELSEN: Are you saying it was not suggested at any time during that session in your office that the Liberal party was in power?

Mr. MOREAU: It hardly needed stating, Mr. Nielsen.

An hon. MEMBER: For a good few years.

Mr. NIELSEN: You also said you had never in the past experienced any difficulty in communicating with Mr. Davey?

Mr. MOREAU: No, when he is in.

Mr. NIELSEN: How many times has Mr. Davey been in your office since you have been a member of parliament prior to this occasion?

Mr. MOREAU: Well, I am not sure exactly how many times. I would say perhaps two or three.

Mr. PRUD'HOMME: Talk about the leadership.

Mr. NIELSEN: At the time of the telephone call setting up the meeting in Mr. Macaluso's office, and then in your office, did Mr. Davey tell you that he had to speak to the Prime Minister?

Mr. MOREAU: No, he did not tell me that. He indicated that in my office at another meeting to Mr. Girouard.

Mr. NIELSEN: Had he told you that or had any member of Mr. Davey's staff told you that prior to the meeting in your office?

Mr. MOREAU: I did not discuss it with any member of Mr. Davey's staff.

Mr. NIELSEN: Is your answer to the question no?

Mr. MOREAU: Mr. Davey never said to me that he had to consult the Prime Minister. I obviously knew that in any case.

Mr. NIELSEN: Had you ever, prior to the telephone conversation with Mr. Davey setting up the meeting in your office, been told by Mr. Davey or any member of his staff that Mr. Davey had spoken to the Prime Minister?

Mr. MOREAU: No. That was a Sunday; I was not here.

Mr. NIELSEN: On the day that Mr. Girouard made his statement of privilege?

Mr. MOREAU: Yes.

Mr. NIELSEN: Did you not have a discussion with him prior to the house sitting on that day?

Mr. MOREAU: Yes.

Mr. NIELSEN: At that time did Mr. Girouard not tell you what he was going to do in the house?

Mr. MOREAU: He did; at least part of what he was going to do.

Mr. NIELSEN: Did he not say he was going to include in his statement the matter with reference to the allegations concerning the Prime Minister?

Mr. MOREAU: Yes, he did.

Mr. NIELSEN: Did you not say to him at that time that that was not exactly what you said?

Mr. MOREAU: I said to him that is not what was said. I indicated to him that he had said that.

Mr. NIELSEN: With regard to the previous Liberal candidate in the riding of The Battlefords, do you know who that is?

Mr. MOREAU: No I do not.

Mr. NIELSEN: Do you know what he is doing now?

Mr. MOREAU: No.

Mr. NIELSEN: If I suggested to you that he was the executive assistant to the Postmaster General, would you be surprised?

The ACTING CHAIRMAN: He said he does not know who it is.

Mr. GRÉGOIRE: How about Mr. Vermette, the former Conservative candidate in Labelle?

Mr. NIELSEN: You said on a couple of occasions this evening that Mr. Davey discussed upon the occasion of the meeting in your office the advantages of running in Quebec under the Liberals.

Mr. GRÉGOIRE: Mr. Chairman, that would be hearsay. We will have Mr. Davey. This is irrelevant.

Mr. MOREAU: Would you clarify to which telephone call you are referring?

Mr. NIELSEN: The one setting up the meeting in your office.

Mr. MOREAU: That is the telephone call I received in the morning from Mr. Davey. Initially the first call, or the second one, on the night in Hull established the meeting in Mr. Macaluso's office. The meeting to come to my office was established on the morning of the 18th, and certainly Mr. Davey did not discuss that he was going to or that he had discussed it with the Prime Minister, and I never had any discussion with any member of his staff relating to this question.

Mr. NIELSEN: You had a discussion with Mr. Girouard, did you not, Mr. Moreau, prior to the sitting of the house on the day that Mr. Girouard made his statement of privilege. Is that a correct recollection of your testimony?

Mr. MOREAU: In the general discussion that took place at the meeting, the matter of leadership came up and the question of whether or not it would be easier for Mr. Girouard to be elected under Mr. Pearson's leadership or Mr. Diefenbaker's leadership. This was discussed.

Mr. NIELSEN: I may have recorded my notes wrongly, but they indicate that that discussion pointed out the advantages of running in Quebec under the Liberals.

Mr. MOREAU: I never used those terms.

Mr. NIELSEN: I have no further questions at the moment.

The ACTING CHAIRMAN: Mr. Chrétien is the next person on my list. Then there is Mr. Valade, Mr. Grégoire, and also Mr. Scott. Are you indicating that you wish to be put on the list, Mr. Fisher?

(*Translation*)

Mr. CHRÉTIEN: Mr. Chairman, I would like to ask just a few questions because I am anxious to hear Mr. Davey, as was Mr. Pigeon early today.

Mr. Moreau, did you have your dinner, on February 17, 1964, at the Interprovincial Hotel, or elsewhere?

Mr. MOREAU: Elsewhere.

Mr. CHRÉTIEN: How long did you stay at the Interprovincial Hotel?

Mr. MOREAU: We came at approximately ten o'clock or, say, ten minutes to ten, and we left at eleven o'clock or a quarter after; so we stayed an hour and a half in all.

Mr. CHRÉTIEN: Was it made clear to Mr. Girouard that the decision had to come first from the Liberal Association of Labelle's county, or from the Liberal Organization of the Province of Quebec, or from you, or from Mr. Davey?

Mr. MOREAU: Or from Davey. Which meeting?

Mr. CHRÉTIEN: The meeting in your office . . .

(*Text*)

The ACTING CHAIRMAN: Just a moment, the microphone in front of you, Mr. Chrétien, appears to be shut off and the translator cannot pick up your voice.

Mr. GRÉGOIRE: Do not change the microphone; open the button over there.

The ACTING CHAIRMAN: Will you test it now?

(*Translation*)

Mr. CHRÉTIEN: Was it made clear to Mr. Girouard that the decision had first to come from the Liberal Association of Labelle county, and from the Liberal Organization of the Province of Quebec, or from you and from Mr. Davey?

Mr. MOREAU: That was clearly indicated to Mr. Girouard, that Mr. Davey was to do, was to ask the Liberal Federation, Mr. Giguère, to establish—maybe it would be better if I spoke in English.

(*Text*)

That he would make the assessment. He would bring this matter to Mr. Giguère and Mr. Giguère would make the assessment as to whether or not he was acceptable to the Quebec Liberal federation.

(*Translation*)

Mr. CHRÉTIEN: Did Mr. Girouard have a particular attitude when you told him that you were going to call Mr. Davey at that hour in the evening at his home?

(*Text*)

Mr. MOREAU: Well, he did seem somewhat surprised that I could get up and make a phone call to Mr. Davey at his home.

(*Translation*)

Mr. CHRÉTIEN: When the question of leadership came up, what were the words exchanged between you, the other members and Mr. Girouard?

(*Text*)

Mr. MOREAU: Well, that night in Hull Mr. Girouard indicated that he might have some difficulty getting elected as a Social Crediter and he was leaving the Social Credit party, and I asked him if he felt that his lot would improve substantially under Mr. Diefenbaker's leadership, and he conceded that I had a point.

Mr. GREENE: Out of the frying pan.

(*Translation*)

Mr. CHRÉTIEN: I have no other questions. Thank you.

(*Text*)

The ACTING CHAIRMAN: Gentlemen, it is now five minutes to ten. Do you want to start another witness.

I would welcome a chance to break off. We could have the last few minutes to determine when we will resume.

Mr. PRUD'HOMME: Tomorrow.

Mr. LESSARD (*Saint-Henri*): Tuesday.

The ACTING CHAIRMAN: Out of deference to Mr. Moreau, he has said he has a delegation coming tomorrow and I think we should grant him that courtesy.

Mr. MARCOUX: Next Tuesday.

Mr. LESSARD (*Saint-Henri*): Tuesday morning at 10 o'clock.

The ACTING CHAIRMAN: I would entertain a motion for Monday afternoon.

Mr. GRÉGOIRE: I move that we meet on Monday afternoon after orders of the day.

Mr. PRUD'HOMME: I second the motion.

The ACTING CHAIRMAN: It has been moved by Mr. Grégoire and seconded by Mr. Prud'homme that we meet at 3.30 or after orders of the day, whichever is later. All those in favour?

Mr. CROSSMAN: What day?

The ACTING CHAIRMAN: Monday. All those in favour? Contrary?

That motion is lost.

Mr. RHÉAUME: I move we hold our next meeting on Tuesday morning at 10 o'clock.

Mr. MARCOUX: I second the motion.

The ACTING CHAIRMAN: It has been moved by Mr. Rhéaume and seconded by Mr. Marcoux that we meet next on Tuesday morning at 10 o'clock. All those in favour? Contrary?

Motion agreed to.

Gentlemen, the next meeting will be held at 10 o'clock on Tuesday morning.

HOUSE OF COMMONS

Second Session—Twenty-sixth Parliament

1964

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Acting Chairman: MR. LAWRENCE T. PENNELL

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 4

TUESDAY, MAY 26, 1964

WEDNESDAY, MAY 27, 1964

Matters raised by the honourable member for Labelle (Mr. Girouard) in the house Monday, April 27, 1964.

WITNESSES:

Mr. Maurice-J. Moreau, M.P. and Mr. Keith Davey, National Organizer of the Liberal Party

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20825—1

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Acting Chairman: Mr. Larry Pennell

Vice-Chairman: Mr. Jean-Eudes Dubé

and Messrs.

Balcer	Grégoire	Pennell
Beaulé	[1]Klein	Pigeon
Cameron (*High Park*)	[7]Lessard (*Saint-Henri*)	[3]Prud'homme
Cashin	[5]Marcoux	[4]Rhéaume[8]
[2]Chapdelaine	Martineau	Rochon
Chretien	[6]Mullally	Scott
Crossman	Nielsen	Valade
Fisher	Nugent	Vincent
Francis	O'Keefe	Woolliams—29.
Greene	Paul	

(Quorum 10)

Maxime Guitard,
Clerk of the Committee.

[1] Miss Jewett replaced Mr. Klein, on May 25, 1964.
[2] Mr. Leboe replaced Mr. Chapdelaine, on May 26, 1964.
[3] Mr. Dubé replaced Mr. Prud'homme, on May 26, 1964.
[4] Mr. Fairweather replaced Mr. Rhéaume, on May 26, 1964.
[5] Mr. Chapdelaine replaced Mr. Marcoux, on May 26, 1964.
[6] Mr. Drouin replaced Mr. Mullally, on May 27, 1964.
[7] Mr. Prud'homme replaced Mr. Lessard (*St-Henri*), on May 27, 1964.
[8] Mr. Rhéaume replaced Mr. Fairweather, on May 27, 1964.

ORDERS OF REFERENCE

MONDAY, May 25, 1964.

Ordered,—That the name of Miss Jewett be substituted for that of Mr. Klein on the Standing Committee on Privileges and Elections.

TUESDAY, May 26, 1964.

Ordered,—That the names of Messrs. Leboe, Dubé, and Fairweather be substituted for those of Messrs. Chapdelaine, Prud'homme, and Rhéaume respectively on the Standing Committee on Privileges and Elections.

TUESDAY, May 26, 1964.

Ordered,—That the name of Mr. Chapdelaine be substituted for that of Mr. Marcoux on the Standing Committee on Privileges and Elections.

WEDNESDAY, May 27, 1964.

Ordered,—That the names of Messrs. Drouin, Prud'homme, and Rhéaume be substituted for those of Messrs. Mullaly, Lessard (*Saint-Henri*), and Fairweather respectively on the Standing Committee on Privileges and Elections.

Attest.

LEON-J. RAYMOND,
The Clerk of the House.

20825—1½

MINUTES OF PROCEEDINGS

TUESDAY, May 26, 1964.
(11)

The Standing Committee on Privileges and Elections met at 4:02 o'clock p.m. this day. The acting Chairman, Mr. Pennell, presided.

Members present: Miss Jewett and Messrs. Balcer, Beaulé, Cameron (*High Park*), Cashin, Chapdelaine, Chrétien, Crossman, Dubé, Fairweather, Fisher, Francis, Greene, Grégoire, Leboe, Lessard (*Saint-Henri*), Martineau, Mullally, Nielsen, O'Keefe, Paul, Pennell, Pigeon, Rochon, Valade, Woolliams (26).

In attendance: Dr. Maurice Ollivier, Parliamentary Counsel and Parliamentary interpreters interpreting.

The acting Chairman informed the Committee and the witness that beginning this day's sitting all the verbatim deliberations and evidence are recorded by means of an electronic recording apparatus pursuant to a recommendation contained in the Seventh Report of the Special Committee on Procedure and Organization in the House of Commons, and concurred in on May 20, 1964.

The Committee resumed examining the witness, Mr. Moreau, M.P.

Then Mr. Fisher moved, seconded by Mr. Leboe,

That the witness, Mr. Moreau retire and that Mr. Keith Davey be called as the next witness.

After debate thereon, the question being put on the said motion, it was decided on the following division:

YEAS: Miss Jewett, Messrs. Balcer, Beaulé, Cameron (*High Park*), Cashin, Chrétien, Chapdelaine, Crossman, Dubé, Fisher, Greene, Leboe, Grégoire, Lessard (*Saint-Henri*), Mullally, O'Keefe, Paul, Pigeon, Rochon (19).

NAYS: Mr. Valade (1).

It being 3:30 o'clock p.m. the Committee adjourned until tomorrow at 3:30 o'clock p.m.

WEDNESDAY, May 27, 1964.
(12)

The Standing Committee on Privileges and Elections met at 3:54 o'clock p.m. this day. The acting Chairman, Mr. Pennell, presided.

Members present: Miss Jewett and Messrs. Balcer, Beaulé, Cameron (*High Park*), Cashin, Chapdelaine, Chrétien, Crossman, Dubé, Fisher, Francis, Drouin, Greene, Grégoire, Leboe, Nielsen, Nugent, O'Keefe, Pennell, Pigeon, Prud'homme, Rhéaume, Rochon, Valade, Vincent, Woolliams.—(26).

In attendance: Mr. Keith Davey, National Organizer of the Liberal Party.

Also in attendance: Dr. Maurice Ollivier, Parliamentary Counsel, and Parliamentary interpreters interpreting.

The acting Chairman reminded the Committee that all the evidence taken during this sitting is recorded by an electronic machine.

Mr. Keith Davey was called, sworn and examined.

Mr. Fisher moved, seconded by Mr. Chapdelaine,

That the Committee report to the House that it has had no evidence to indicate on the Girouard's matter that any bribery took place with regard to this member in his relation with Liberal Members of Parliament and Officials; and therefore, no privilege of the House were involved.

After debate thereon, both the mover and the seconder agreed to have their motion stand until it is studied by the Subcommitee on Agenda and Procedure, which will report thereon to the Committee at its next sitting.

The examination of the witness being suspended, at 5:52 o'clock p.m. the Committee adjourned until 10:00 o'clock a.m. on Friday, May 29.

Maxime Guitard,
Clerk of the Committee.

EVIDENCE

TUESDAY, May 26, 1964.

(All the evidence adduced in French and translated into English was recorded by an electronic recording apparatus, pursuant to a recommendation contained in the Seventh Report of the Special Committee on Procedure and Organization, presented and concurred in, on May 20, 1964.)

[*Text*]

Mr. GRÉGOIRE: Mr. Chairman I see a quorum and I see the witness.

The ACTING CHAIRMAN: We will bring the committee to order.

Before we resume the hearing of evidence I might say that we are making a procedural first today. In pursuance of the order of the House of Commons we are adopting the recommendation of the committee on procedure and, for the first on parliament hill, we will be officially having tape recordings made of the evidence. I am looking forward to the fact that this may assist the Chair somewhat. I will have to have a little more co-operation from the members of the committee at large because you will have to be identified, and when cross-fire becomes rather heavy there is a possibility the system will break down. I will leave it up to your better judgment to restrain yourselves and if you do speak either identify yourself before you make your remarks or, if not, your Chairman will attempt to do so.

I believe Mr. Moreau was testifying when the committee adjourned and I will now ask Mr. Moreau to take the witness' chair.

Subject to correction, I believe Mr. Nielsen had completed his questioning at the time of our adjournment. Is that right Mr. Nielsen?

Mr. NIELSEN: Pardon me, I am sorry.

The ACTING CHAIRMAN: Subject to correction, is it my understanding that you had for the time being at least completed your questioning of this witness when the committee adjourned?

Mr. NIELSEN: I am entirely finished.

The ACTING CHAIRMAN: The next questioner I have on my list, which I have carried over from our last meeting, is Mr. Chrétien.

Mr. CHRÉTIEN: I have finished, Mr. Chairman.

The ACTING CHAIRMAN: I will go down the list.

Mr. LESSARD (*Saint-Henri*): I think, Mr. Chairman, it was Mr. Valade.

The ACTING CHAIRMAN: Mr. Valade was the next one I had after Mr. Chrétien. Then I shall call upon Mr. Grégoire whose name is next on my list.

[*Translation*]

Mr. GRÉGOIRE: Mr. Moreau, in what language did the conversation take place at the Interprovincial Hotel in Hull?

Mr. MOREAU: In both languages, Mr. Grégoire, but I would say for the most part in French.

Mr. GRÉGOIRE: Mr. Moreau do you understand French thoroughly?

Mr. MOREAU: I think I do.

Mr. GRÉGOIRE: You also speak it quite well, from what I can see at least.

Mr. MOREAU: I would say I speak English better.

Mr. GRÉGOIRE: Now, is it possible that some things may have been wrongly interpreted precisely because of the difficulty in understanding the language?

Mr. MOREAU: It could happen, but I doubt it very much.

Mr. GRÉGOIRE: You think you understand French well enough not to cause him any prejudice.

Mr. MOREAU: And I think Mr. Girouard also understands English fairly well.

Mr. GRÉGOIRE: When you met at the hotel you invited Mr. Girouard to join you? He stopped and said "good day" to you.

Mr. MOREAU: We saw him go by and we said "good evening" to him. He was obviously looking for someone and we invited him to join us.

Mr. GRÉGOIRE: Would you try to remember and tell us who brought up the subject of political allegiances, of belonging to political parties, who mentioned it first?

Mr. MOREAU: I do not quite understand the question. Could you help me a little?

Mr. GRÉGOIRE: Who spoke first during the conversation? You discussed Mr. Girouard's political allegiance at one time?

Mr. MOREAU: Mr. Girouard was the one who first mentioned the matter.

Mr. GRÉGOIRE: He was the first one to mention it—

Mr. MOREAU: —that he was going to change parties.

Mr. GRÉGOIRE: He was the first one, and he simply said he was going to change parties?

Mr. MOREAU: Yes.

Mr. GRÉGOIRE: At first then, he did not necessarily mention that he was going to change to the Conservative party?

Mr. MOREAU: Oh yes, he did, he went on to say, maybe I should say this in English to be quite sure I am understood.

[*Text*]

He said it would be easier to make the transition to Conservative because his organization and the people who would work for him would be either Union Nationale or the remnants of the Conservative party in Labelle.

[*Translation*]

Mr. GREGOIRE: At that time did he state that his mind was made up, that he had definitely decided and would not come back on his decision.

Mr. MOREAU: I did not get that impression, no.

Mr. GRÉGOIRE: When Mr. Davey was called on the 'phone for the first time did Mr. Girouard know that you were getting up to go and 'phone?

Mr. MOREAU: Yes.

Mr. GRÉGOIRE: He knew whom you were going to call?

Mr. MOREAU: Yes.

Mr. GRÉGOIRE: Did he—

Mr. MOREAU: —and he had also agreed.

Mr. GRÉGOIRE: Who suggested the name of Mr. Davey?

Mr. MOREAU: I did.

Mr. GRÉGOIRE: You did. Did he seem to want you to call him?

Mr. MOREAU: He agreed that I should call him, I would say that.

Mr. GRÉGOIRE: Now, between the time you met Mr. Davey in your office and the time you told him it was useless to pursue the matter, between those occasions, those two periods of time, did you meet Mr. Girouard again?

Mr. MOREAU: Between—

Mr. GRÉGOIRE: —After the time you met him with Mr. Davey?

Mr. MOREAU: Oh yes, several times.

Mr. GRÉGOIRE: Did he ask you if you had any news?

[*Text*]

Mr. MOREAU: We met on many occasions very briefly in the hall and on the way perhaps to the House of Commons or from the House of Commons and he asked me on at least one occasion if I had any news.

(*Translation*)

Mr. GRÉGOIRE: He asked you himself whether you had any news?

Mr. MOREAU: Yes.

Mr. GRÉGOIRE: Did you conclude that he was interested?

Mr. MOREAU: Yes.

Mr. GRÉGOIRE: Now, when you met him with Mr. Davey, did he mention that other Socred-Thompsonites would follow him?

Mr. MOREAU: Not at that time. At the hotel the previous night he had indicated that there might be others.

Mr. GRÉGOIRE: And in Mr. Davey's presence, was it mentioned?

Mr. MOREAU: I do not think so.

Mr. GRÉGOIRE: But after the meeting with Mr. Davey he mentioned it to you?

Mr. MOREAU: Yes, we discussed the matter again.

Mr. GRÉGOIRE: Then, one day it was two, the next day it was three.

Mr. MOREAU: The number—

Mr. GRÉGOIRE: —was increasing.

Mr. MOREAU: Increasing, yes.

Mr. GRÉGOIRE: Did he tell you the number was increasing to show you it was worthwhile?

Mr. MOREAU: Oh!

Mr. GRÉGOIRE: —or did he—

(*Text*)

Mr. MOREAU: I have no knowledge, other than what Mr. Girouard indicated, that anyone else was interested. I wanted to make that perfectly clear. I did not speak to or check.

Mr. GRÉGOIRE: You did not check, but many—

(*Translation*)

—but he himself, Mr. Girouard, was telling you that others would follow?

Mr. MOREAU: Yes.

Mr. GRÉGOIRE: Did he say that in such a way as to show that it was in the Liberal Party's interest to take him in?

(*Text*)

Mr. MOREAU: I do not know. I would not know why. It seems to me that would be a conclusion on my part. I have no way of knowing what he was thinking.

(*Translation*)

Mr. GRÉGOIRE: Did he ask you to say that, Mr. Davey said that the number of those who were to follow was increasing?

Mr. MOREAU: No.

Mr. GRÉGOIRE: In your opinion, did he give the impression, before Mr. Davey, of flatly refusing all offers?

(*Text*)

Mr. MOREAU: I must make it clear that there was no offer made. Mr. Davey undertook to ascertain whether or not he would be acceptable and I thought, or certainly had the impression, that Mr. Girouard was very interested in having that checked out.

(*Translation*)

Mr. GRÉGOIRE: One last question, just to make sure. Who said that Mr. Pearson had asked his chief organizer to let up all pressure so as not to lose the support of the Social Credit party? Was it you who said that, or was it Mr. Girouard?

Mr. MOREAU: Mr. Girouard.

Mr. GRÉGOIRE: Himself.

Mr. MOREAU: Mr. Girouard.

Mr. GRÉGOIRE: That is all,, Mr. Chairman.

(*Text*)

The ACTING CHAIRMAN: Thank you.

Mr. BALCER: Mr. Chairman, I just have one or two short questions.

I should like to ask Mr. Moreau when he came to the conclusion that his recollection of the events was different from that which Mr. Girouard presented to the House of Commons when he rose on a question of privilege.

Mr. MOREAU: Immediately.

Mr. BALCER: Were you present in the House of Commons when Mr. Girouard made his statement?

Mr. MOREAU: Yes.

Mr. BALCER: Did you rise on that question of privilege yourself?

Mr. MOREAU: No, I did not, because it was my impression that I did not have a question of privilege. I had not been named.

Mr. BALCER: Why did you not speak on the question of privilege raised by Mr. Girouard? Mr. Girouard did raise the question of privilege?

Mr. MOREAU: Yes.

Mr. BALCER: He stated his objection to what Mr. Davey had said to the press and he made quite a lengthy statement. All through your testimony here you have disagreed with certain portions of his statement. Now you tell us that you came to the conclusion that your version and impressions of the facts and events were different from that presented by Mr. Girouard. Do you want the committee to believe that you knew that Mr. Girouard was not stating the facts correctly but that you just sat there listening all through this whole statement without uttering a single word?

Mr. MOREAU: I do not ask the committee to believe anything, Mr. Balcer. I simply report—

Mr. BALCER: Do you not find it looks a little strange for a member of parliament to sit there, hear it all and wait for another six weeks before coming forward and saying it is not true?

Mr. MOREAU: I do not think it is strange at all. I was not named in the statement and therefore I felt I was not involved directly in the question of

privilege. The next day the matter was being referred to the committee and I was quite content to make my statement before the committee. This is why I waited six weeks, as you termed it.

Mr. BALCER: Mr. Moreau, is it not a fact that before Mr. Girouard made his statement, on the same day, he met you and you discussed the matter with him and you even told him, according to what you said here, that you deferred opinion on certain points? You know the rules; you had all the opportunity in the world to get up and tell the house that it was not right.

Mr. LESSARD (*Saint-Henri*): He did not have to do so.

Mr. BALCER: You had the opportunity to tell the press about it because your name was mentioned in the press as the person referred to by Mr. Girouard.

Mr. MOREAU: I volunteered that information to the press and I also told him that I would make any statements I had to make before the committee. I did not feel that the newspaper dialogue was the best way to handle this whole matter, and I felt it should be discussed here in the committee.

Mr. BALCER: But, Mr. Moreau, before Mr. Knowles stood up and moved the motion that the whole thing be referred to the committee on privileges and elections you had the opportunity, according to the rules, to get up and state your position.

Mr. MOREAU: I am not so sure that I did.

Mr. GREENE: Mr. Chairman, on a point of order, we are not here to hear a recitation of the rules from the hon. member. He is supposed to be cross-examining Mr. Moreau, not giving his views on the rules. He may or may not be right.

Mr. BALCER: I certainly do not want to give any lecture on the rules to anyone here. I am quite confident that Mr. Moreau knows the House of Commons rules. I am definitely sure that he knows them very well, and that is exactly the reason why I am so startled. I am startled that as knowledgeable a member as Mr. Moreau did not get up right at that moment to state that his was incorrect. After all—

Mr. GREENE: Mr. Chairman, on a point of order—

The ACTING CHAIRMAN: Mr. Greene is speaking now.

Mr. GREENE: —I think you have warned questioners about putting things in people's mouths that they have not put there themselves. I do not know that it was a point of order that belonged to Mr. Moreau here—

Some hon. MEMBERS: A point of privilege.

Mr. GREENE: —and I doubt whether there was a point of privilege either. We know some members of the house twist the rules of privilege and order so that they can get up and make statements that are improper. Whether or not there was a point of privilege is rather doubtful, and nothing was said about Mr. Moreau making any of these statements.

Mr. BALCER: Mr. Girouard told him—

Mr. GREENE: It was alleged that Mr. Davey had made these statements. With respect, I do not think these insinuations should be drawn as to whether there was or was not a point of privilege. Surely the hon. member can ask a question and leave it at that rather than lecture the witness on what points of privilege he might or might not have brought up.

The ACTING CHAIRMAN: I will terminate this matter as quickly as I possibly can because I want to see the committee proceed.

It seems to me that the question Mr. Balcer was putting forth was correct. He was asking certain questions. He was asking why Mr. Moreau had

not done so. However, I may say with respect to Mr. Balcer that I thought he was beginning to labour it a little at the end, and I hope he will bring this type of questioning to a speedy conclusion.

Mr. BALCER: I am through, Mr. Chairman. I just want to tell the committee that the admission speaks for itself.

Mr. MOREAU: I would like to comment on the allegation made. Perhaps my knowledge of the rules is not as extensive as Mr. Balcer's; he has been here a great deal longer than I. However, I was not named in the question of privilege by Mr. Girouard, and, as everyone knows, these things happen very quickly in the house. My knowledge of the rules is perhaps not as extensive as yours, Mr. Balcer, and I certainly did not feel it was my position to get up and speak on this question when I had not even been mentioned by name at that time. As I indicated earlier, I immediately revealed my implication to the press but I did refrain from making any statements outside the committee because I felt the committee was the place in which to make the statements.

The ACTING CHAIRMAN: Having gone around the table, I have on my list of members wishing to speak Mr. Fisher and Mr. Woolliams. Those are the only two who still wish to speak as far I am aware at the moment.

Mr. FISHER: Mr. Chairman, I did not want to ask questions, but rather at this stage to express a couple of views about the proceedings and their relevance to Mr. Moreau.

It seems to me rather obvious that if we are primarily considering a question of bribery we have had enough indication—since we have in a sense two sides to the dispute—to indicate that this is really not an issue at all. The one thing that has come up that has been disturbing, I imagine, to all members of the committee is the contradiction in the evidence. I can see few indications that any further witnesses are likely to have anything to do with this. I do not know what way out of this there is, but I would like to suggest that one of the responsibilities that the parliamentary counsel and you as Chairman should take upon yourselves is to find some precedent for a position such as this so that we can consider it and report to the house on the situation that seems to be apparent.

I wish to express the feeling that, as one individual on the committee, I have very grave doubts whether we are going to achieve much more in our questioning. What really remains is whether this contradiction in evidence is worth taking any further or whether we should report back to the house for its advice.

The Acting CHAIRMAN: As I understand your suggestion, Mr. Fisher, it is that you feel that we have heard enough in order to deal with the question of privilege; that we can answer that; and that perhaps the Chairman and parliamentary counsel should make a suggestion to the committee at large on the method of procedure. I can certainly tell you that I have no suggestion, off the top of my head, to put to the committee.

Mr. FISHER: That is my feeling. I will put it to you this way. Mr. Moreau is involved in this matter. It is now obvious that we are almost certain to have the word of five persons against the word of one which, to a general attitude towards fair play, looks unsatisfactory to everyone; that is, five to one in terms of this question of whether or not there were enticements, or what actually took place. We might as well face it, Mr. Chairman, because of the fact there is a partisan quality to this matter. I think we would be stupid to go much further in trying to nail this particular thing down. It seems to me that it is going to be a question of one man's word against five other men's word. Mr. Girouard might be prepared to comment about this point because it does raise very important questions for him.

The other matter is that we have contradictory testimony from the two witnesses we have heard with regard to a meeting that took place later that involves this whole question of a supposed late message from the Prime Minister. Again, it seems to me that one comes down to a situation in which one has one word against another word in regard to what took place with no real way of coming to grips with it. I am not arguing against bringing Mr. Davey forward to be examined; to try to go against this would be wrong. However, I am suggesting to the committee that it would be a better course for us to start considering waiving this question of whether there was bribery and rather find out whether there is any precedent for obtaining advice on what role we should play. My own feeling is that this is not something for the committee to get into very deeply.

Mr. WOOLLIAMS: I would like to speak to what the member for Port Arthur has just said, and I am inclined to agree with him. Of course it is not unusual in any tribunal, whether it is a committee such as this where you call a witness, or a board or even a court, to find that witnesses differ. For example, it happens often in a court of law that one witness in a vehicle accident says he was on the right side of the road going in the one direction and another witness says he was on the other side going in another direction and all this happened on a 66 foot highway, and both of them have a head on collision almost at a standstill. It is therefore not unusual to have witnesses differing on the stand, but I do believe there is probably something significant in what the member for Port Arthur said, and this has concerned me ever since I have sat on this committee, that is whether we as members—and this is a good point well taken by the member for Port Arthur—could ever come to any conclusion.

It is particularly difficult for the steering committee to guide this committee as to who may be telling the truth and who may not be telling the truth. I do not know whether we should even attempt to take on that task. I suppose in other tribunals where you have a judge, it is the function and duty of the judge to perform that task. He may not always be right but he has to perform this duty whether he is right or wrong. This is something to keep in mind. It is going to be difficult to come to that conclusion and we may never be able to come to that conclusion. We will just have to report that there is certainly no evidence—and there certainly is no evidence today—of any bribe suggested by the member for Winnipeg North Centre and the witness, Mr. Girouard, as well as our witness today would certainly confirm that because it would be in his interest to confirm it—and I do not say this improperly—that there has been no such evidence. But I do believe it would certainly leave a funny taste in some of our mouths because there is integrity to consider and surely this is a different thing we are considering.

We are dealing with the integrity of a member of parliament and it seems to me that the rules governing members of parliament are entirely different from rules in that regard governing other witnesses when they appear before other tribunals. If it is a definite case of perjury, then there is a remedy. However, I have sat at the bar for years and have seen many differences in the testimony which went right down to the fundamentals of the whole case, and it is the function of the judge to say whom he believes and whom he does not believe. Maybe we do not need to hear the other four witnesses, but the fact that they all corroborate Mr. Moreau's story against Mr. Girouard does not mean that, because there are five against one, the one is not telling the truth.

Mr. FISHER: I did not suggest that.

Mr. WOOLLIAMS: I did not think you did, but I would suggest that.

Mr. FISHER: I would say, just so that you are clear on this, it is not like a court in that we have a partisan quality or nature that I assume does not exist in the jury box or in the judge's mind.

Mr. WOOLLIAMS: Of course we are not an impartial jury or judge and I think that is what the member for Port Arthur is saying. I want to make my position clear. This is the concern of every member and I am glad the member for Port Arthur raised this point at this time. Our concern is whether we have jurisdiction to come to that conclusion, and even if we had the jurisdiction I do not know how we could ever come to that conclusion because we are not really an impartial body.

Mr. GREENE: Mr. Chairman, I think there is a good deal to be said for the presentations of both the hon. member for Port Arthur and the hon. member for Bow River. I think it must be remembered that we are not here to try an issue of credibility between the respective members of parliament, and I think all the members of the committee have expressed that thought. We are not some kind of a court or a new kind of judicial tribunal, and there is a great danger that this committee may grow into some type of new judicial tribunal if we do not take care to do only the things that we were deputized by parliament to do. As I see it, our function is to see whether there is a point of privilege on one of these four points enunciated by the hon. member for Winnipeg North Centre whose motion we are here to consider. We are not here to determine whether A is not telling the trust or B is telling the truth. We are here to determine points of privilege, and, with respect, I think the three points we are here to determine are: (a) is there a point of privilege under standing order 79, namely was there any offer of any money or other advantage to any member of this house, for the promoting of any matter whatsoever pending or to be transacted in parliament. That is point No. 1 we are here to consider.

Point No. 2 we are here to consider it whether there was any point of privilege under citation 108 of Beauchesne; was there any offer of a bribe in order to influence a member in any of the proceedings of the house or of the committee. That is the second aspect of the valid point of privilege under the hon. member's motion whereby the matter was remitted to this committee.

I deny, and I think probably hon. members would agree with me, that section 100 of the Criminal Code has any relevance in this proceeding, so I am going to ignore it, and I say that the third aspect of a point of privilege which we are here to consider is whether or not the privileges of the house itself were breached because of this statement with respect to the Prime Minister. I will quote again from Mr. Knowles where he says, at page 2645 of *Hansard*:

> —if there is no foundation for them, are an insult to and calumny upon one of the members of the house, and that member happens to be the Prime Minister.

If the Prime Minister had been calumniated, according to the hon. member for Winnipeg North Centre, then there would be a breach of privilege of the house of which any member of the house could take notice, as he has in bringing it before this committee.

On these three scores I would suggest, Mr. Chairman, the question to which we must give our attention is the evidence as it is heard: Has there been a breach of privilege of the house on any one of these three elements? If there has not, and there clearly has not, then it is possible that we should give serious consideration to whether there is any point in continuing to go much further. I am inclined to agree with the member for Bow River to the effect that possibly Mr. Davey should be heard, and I am sure he would wish to be heard. His name has been drawn into these proceedings, and certainly in the press he has been accused by inference of some of these charges. I am sure that in fairness to him he would want to be heard but only on this aspect of whether or not, on

either of these three scores, there has been a breach of privilege of the house, and not on a matter of a trial between one group of the members and another group of the members of the house. I hope I understood the two hon. members who preceded me. If I did, I think I would be inclined to weigh very heavily the point they have brought before us.

Mr. PIGEON: I think the committee should try to have Dr. Ollivier's opinion on this matter.

Mr. GRÉGOIRE: Before we have the opinion of Dr. Ollivier I think it would be in order to have the witness withdraw from the witness box.

Mr. WOOLLIAMS: I have two questions to put to him.

Mr. GRÉGOIRE: Before asking the opinion of Dr. Ollivier we should finish with the witness.

The Acting CHAIRMAN: I quite agree. I suggest we should conclude the questioning, and if there is any motion, it could be brought to the Chairman's attention at that time. I recognize Mr. Woolliams and would ask him to proceed with his questioning.

Mr. WOOLLIAMS: I have gone through the evidence and I have before me a copy of the white paper as far as the committee is concerned. I want to ask you this question because it seems to me quite important as it follows the line of questioning suggested by Mr. Greene. At the meeting where the four of you met, including yourself and Mr. Davey, I believe it was your evidence that Mr. Davey said he would discuss the matter with the Prime Minister—that is the matter of Mr. Girouard becoming a member of the Liberal party.

Mr. MOREAU: That is right.

Mr. WOOLLIAMS: Do you know whether Mr. Davey carried it out and discussed it with Mr. Pearson?

Mr. GREENE: Mr. Chairman, with respect I would ask you—

Mr. WOOLLIAMS: If he is going to interrupt me, it is difficult for me to proceed. I do not know why Mr. Greene has to continually interrupt everything we are doing.

Mr. GREENE: If the question is improper it should be interrupted, and if it is not improper you will be permitted to ask him this question.

The Acting CHAIRMAN: The question is very simple. Mr. Moreau can either say he knows by hearsay, in which case I would rule it out, or that he does not know personally and I will say yes.

Mr. GREENE: You ruled in respect of the organizers of Mr. Girouard for a very good reason and I know that Mr. Woolliams would not try to take advantage of your ruling by getting in an inadmissible question.

The ACTING CHAIRMAN: I suggest you ask your question, Mr. Woolliams, and then if it goes beyond that I will deal with it.

Mr. WOOLLIAMS: This is an important question. I might tell the witness, through you, I have asked him this question before, and Mr. Greene was present at that time and did not object to it then. I spoke clearly and distinctly, I am sure, and the witness answered the question.

I have two versions of this and I want to clear the air. This is important both to the witness and to me. Now, I am going to ask the question again, if Mr. Greene will bear with me.

Do you know whether Mr. Davey carried out the suggestion and discussed it with Mr. Pearson?

Mr. MOREAU: Yes, I think he discussed it with Mr. Pearson. He told me since he did discuss it with Mr. Pearson, and I already knew that fact in any case.

Mr. WOOLLIAMS: Now, I am going to read from page EE-7 of the transcript. This is a question which I put to you directly on this point. I am using the exact words, and I am sure this might help in coming to the conclusion that the member of Port Arthur has raised. I quote:

> Do you know whether Mr. Davey carried it out and discussed it with Mr. Pearson?

The answer by Mr. Moreau was:

> I have no knowledge.

Mr. MOREAU: Is that the whole answer?

Mr. WOOLLIAMS: That is right. I am going to read another answer you gave. If you want, I will read the whole deposition.

The ACTING CHAIRMAN: Will you just read sufficient before that in order that Mr. Moreau gets this in the proper context so that he will know to what you are referring.

Mr. WOOLLIAMS: I am reading from page EE-6, as follows—and this is attributed to Mr. Moreau:

> Mr. Davey said he could not make this decision—

which I have brought out. And, continuing:

> —and he was sure Mr. Girouard would understand this. He said that he would have to investigate the matter with the Quebec organization. He said he would have to discuss it with the Prime Minister. He discussed it with—

And then I interrupted him myself, and my next question was:

> There was an undertaking at least by Mr. Davey to discuss it with Mr. Pearson.

The answer given by Mr. Moreau was:

> He was to inform Mr. Pearson.

Then, a question by myself at page EE-7, as follows:

> Do you know whether Mr. Davey carried it out and discussed it with Mr. Pearson?

The answer given by Mr. Moreau was:

> I have no knowledge.

Now, I am going to read from page EE-9, dealing with the same subject, and this can be checked.

Mr. MOREAU: Mr. Woolliams, will you proceed on from the words after "I have no knowledge"?

Mr. GRÉGOIRE: And, will you continue after that statement.

Mr. WOOLLIAMS: Yes, I will read the whole works, if you want.

Mr. GRÉGOIRE: Mr. Chairman, on a point of order, I can now see that the member for Bow River had an opportunity which we did not have. We had no copies of this transcript. Now, as you know, this poses a problem.

If Mr. Woolliams wants to read a part of the testimony and if we ask him to continue on for a further sentence I think in all fairness he should do that before referring to another part of it. I think it would be in order for Mr. Woolliams, as I say, to continue after the answer given by Mr. Moreau, which was:

> I have no knowledge.

I want to know what comes after that and then, if he wishes, he can refer to another part of it.

Mr. GREENE: Mr. Chairman, on the same point of order, I fail to see how one member of this committee obtains copies of these proceedings and not others. Are there special rules?

The ACTING CHAIRMAN: I am not aware from where the hon. member received the transcript he has in front of him. I believe he obtained it on his own initiative.

Mr. WOOLLIAMS: Right.

The ACTING CHAIRMAN: Copies certainly have not been distributed.

Mr. GREENE: No. On what authority has he the report. Is there some ruling in this connection?

The ACTING CHAIRMAN: Order.

Mr. WOOLLIAMS: Mr. Chairman, could I speak on a question of order for a moment. If the members will bear with me for a moment and then if after I have finished they want to speak to it I will sit down.

It seems very strange to me that we should have these remarks when we have been honestly concerned by the question of who is telling the truth. Now, in respect of the statements made of my reading the answers and questions from depositions which I received from the committee may I say they are the white sheets, such as we have on *Hansard*. They are available and, no doubt, anyone could have obtained them. But, as I say, I used my initiative and obtained them. But, as soon as I get to the danger signal, where the red light goes on, and where my questioning might help the committee, then I hear objections.

Mr. GREENE: Just a moment, please.

The ACTING CHAIRMAN: Order. Let Mr. Woolliams finish. I want to hear what he has to say.

Mr. WOOLLIAMS: As soon as I get into a position where the red light comes on then I am met with a lot of questions of order. Surely, Mr. Chairman, I can ask him these questions.

Mr. GRÉGOIRE: On a point of privilege Mr. Chairman—

Mr. WOOLLIAMS: Now, Mr. Chairman, I am not going to be cut off at this stage.

The ACTING CHAIRMAN: Order. Let him finish.

Mr. GRÉGOIRE: Mr. Chairman, on a question of privilege, I do not like the insinuation in respect of the red light going on. There is no red light. There are two different points involved here. This is a question of privilege and I do not like, as I have said, these insinuations being made.

Mr. WOOLLIAMS: Mr. Chairman, I am ready and willing to read any number of pages. I think Mr. Grégoire is acquainted with the proper procedure and he will know what I am reverting to when I have accomplished that feat. I want to read another question, where he answered "yes". He said: "I have no knowledge". Now, I will read this.

The ACTING CHAIRMAN: Gentlemen, I can deal with this very easily, it is a simple point and, as I say, the Chair can deal with it. Will you finish it off.

Mr. WOOLLIAMS: That is my point, Mr. Chairman. Surely I can read to him the questions and his answers then if he wants to explain what he means I, as well as everyone else, I am sure, would want to hear it.

The ACTING CHAIRMAN: I would respectfully ask you, Mr. Woolliams, to continue for a sentence or two after he gave his answer to clear that point.

There are two points. Members have taken exception to the fact you had not read further along in the first part of the testimony, and the other point raised was the question of how Mr. Woolliams came to have the transcript in his possession. Those are the two points and, in respect of point one, I would respectfully ask you to read on.

Mr. GREENE: Mr. Chairman, is the Chair ruling this is a proper transcript. I, for one, do not know by what authority it is. Is it a sworn document? Is it a proper legal transcript? For all I know, it may be something he wrote up. And, is there such a thing as a proper legal transcript? I do not think he has any right to confront the witness with it.

Mr. WOOLLIAMS: My answer to Mr. Greene is that I say with respect I have been practising law for 20 years, am a member of two bars and a member of the House of Commons and I never have been accused by any court or bar of manufacturing evidence. I mentioned where I obtained this material. These are the white sheets from the committee branch of the House of Commons. It has this attachment on the transcript which reads:

> The attached transcript of evidence is the property of parliament and should be treated with the utmost care. The following practice in revising this evidence should be strictly adhered to:
>
> 1. Revisions of substance are not permitted. Should such alterations appear necessary, the clerk of the committee must be consulted forthwith.
> 2. Minor revisions are permitted but only for the purpose of clarification.
> 3. It is urgent that the transcript be returned promptly to the clerk of the committee.

And, this attachment is signed. I have a copy of the transcript. It is unfortunate we have not had the printing done but, we have not. I would rather have a printed copy.

Mr. LEBOE: Mr. Chairman, in this connection I would like to ask a question. Has the witness seen this transcript in order to ascertain whether or not these things were actually said.

Mr. MOREAU: I have not seen it.

Mr. GRÉGOIRE: Mr. Chairman, I have another question. Before we continue with the transcript may we know where Mr. Woolliams obtained the said transcript.

Mr. WOOLLIAMS: I received it from the committee branch. I do not recall the name of the person from whom I obtained it. But, as I say, I received it from the committee branch. I did not ask him his name. I asked him this question—and, I have nothing to hide: will the evidence be printed before we meet again? They said they did not think it could be arranged. Then, I said could I have a look at the white sheets. That is how I have them in my hand now. I am prepared to return these when they have served their purpose. In answer to the hon. member from Cariboo, surely the witness may see a transcript. There is nothing to hide. Mr. Moreau surely can see this. But, when this report is taken down by the reporters and transcribed, unless he says that he misunderstood a question or questions the record will have to stand. Now, as you have heard, we have had a lot of talk. I feel there has been two different answers given to this question. Mr. Moreau can come forward now and say which answer he thinks is correct, how he came to contradict himself and everything else and then, if it is a contradiction, it is up to the committee to decide.

The ACTING CHAIRMAN: There may be nothing in it and there may be.

Mr. GREENE: But, Mr. Chairman, that document should be identified. He said he got it from somebody in the committees branch. At least the Chairman of the committee should be sworn and state that this is the proper legal document.

Mr. CHAPDELAINE: I think if the witness is ready to be confronted with two different declarations, it should be allowed.

The ACTING CHAIRMAN: As I understand it, this is an unrevised edition. What that means I do not know. I am now informed it is the unrevised edition

of the evidence given at the last sitting of this committee. I am going to ask Mr. Woolliams to go back and read the evidence he read originally, and continue to the sentence beyond, at the request of the witness, remembering we are not in a court of law.

Mr. WOOLLIAMS: I am starting at page EE 5. This is the first thing I will refer to to give the witness a chance to understand what we are talking about. I asked this question:

> What else was discussed by Mr. Davey?

This is at the famous meeting where there were the four of you. This is his answer:

> As I said, the next part of the conversation was concerned with my relating what had happened.
>
> Mr. Woolliams: What was that conversation? You were there and every witness was there for a considerable length of time, and you say there were interruptions and then Mr. Davey would say something. We are out for the facts. You have made some denials today. You have already said Mr. Girouard was a man you respected, that you did not question his integrity. Someone's integrity is going to be questioned before we are through because your story is diametrically opposed to Mr. Girouard's story. I intend to find out what Mr. Davey said, and I have lost of time and I am going to ask that question continuously until I get an answer. Tell us what Mr. Davey said in detail.
>
> You just want Mr. Davey's points?

The ACTING CHAIRMAN: Would you identify the person speaking?

Mr. WOOLLIAMS: That was Mr. Moreau's answer:

> You just want Mr. Davey's points?
>
> Mr. Woolliams: That is right. I am interested in what Mr. Davey said because there are allegations by Mr. Girouard that Mr. Davey said something very important and interesting things.
>
> Mr. Moreau: Mr. Davey said he could not make this decision and he was sure Mr. Girouard would understand this. He said that he would have to investigate the matter with the Quebec organization. He said he would have to discuss it with the Prime Minister. He discussed it with—
>
> Mr. Woolliams: There was an undertaking at least by Mr. Davey to discuss it with Mr. Pearson?

Mr. Moreau: He was to inform Mr. Pearson.

> Mr. Woolliams: Do you know whether Mr. Davey carried it out and discussed it with Mr. Pearson?
>
> Mr. Moreau: I have no knowledge.
>
> Mr. Woolliams: But there was mention that he would have to discuss it with Mr. Pearson?
>
> Mr. Moreau: He indicated that he could not make such a decision; that he would have to consult with the Quebec organization, Mr. Pearson, and other members of the party.
>
> Mr. Woolliams: I think it was the member for Port Arthur who was questioning Mr. Girouard on this matter. I was very interested. Was the question of the general policy and the Liberal philosophy discussed with Mr. Girouard by Mr. Davey?
>
> Mr. Moreau: At this meeting? No.

That was reading on a paragraph further than where I read from the top of the page.

Mr. Grégoire, through you, Mr. Chairman, it really does get into the other matter. Now, I will come back to the other part of the evidence. I was going to read from page EEE 9, but I will go back a page. I do not want any misunderstanding. This is at page EEE 8 and Mr. Rhéaume was questioning:

> At that time did he say that he would also talk to the Prime Minister in the meantime?
>
> Mr. Moreau: He did not say that, no.
>
> Mr. Rhéaume: Did you ask him if he had done so?
>
> Mr. Moreau: No, I did not.
>
> Mr. Rhéaume: You testified that when he left your office initially he said he was going to hash this out with Mr. Pearson and Mr. Guiguère and the others, but you did not pursue this?
>
> Mr. Moreau: No.
>
> Mr. Rhéaume: So you do not know whether Mr. Davey saw the Prime Minister or not, to your personal knowledge?
>
> Mr. Moreau: I do know. I have learned subsequently.
>
> Mr. RHÉAUME: To your knowledge, had Mr. Davey—
>
> Mr. Moreau: At that time when I called Mr. Davey—ten days later—I had no knowledge. He had not told me that he had talked to the Prime Minister and I did not ask him.

The ACTING CHAIRMAN: Excuse me. I have a copy which reads—and I am sure it is an oversight:

He had not told me that he had talked to the Prime Minister—

That is at page EEE 9, as I followed you along.

Mr. GREENE: This is exactly why this is improper.

Mr. WOOLLIAMS: I am reading page EEE 8. I will continue to read it:

> Mr. Moreau: I do not know. I have learned subsequently.
>
> Mr. Rhéaume: To your knowledge, had Mr. Davey—
>
> Mr. Moreau: At that time when I called Mr. Davey—ten days later—I had no knowledge. He had not told me that he had talked to the Prime Minister and I did not ask him.

The ACTING CHAIRMAN: That is where my copy reads "he had not told me that he had talked to the Prime Minister".

Mr. WOOLLIAMS: "He had not told me that he had talked to the Prime Minister—". That is what I said, "He had not".

The ACTING CHAIRMAN: If you did, I misunderstood you.

Mr. WOOLLIAMS:

> He had not told me that he had talked to the Prime Minister and I did not ask him.
>
> Mr. Rhéaume: Did you ask him subsequent to this if he had talked to the Prime Minister?
>
> Mr. Moreau: Yes.
>
> Mr. Rhéaume: What did he say?
>
> Mr. Moreau: He said that he had discussed it with the Prime Minister.

Now, coming back to the other one, I asked him about subsequent to that meeting and he said:

> Mr. Woolliams: Do you know whether Mr. Davey carried it out and discussed it with Mr. Pearson?

And he said:

I have no knowledge.

That is on page EE 7. Then on page EEE 9:

Mr. Rhéaume: Did you ask him subsequent to this if he had talked to the Prime Minister?

Mr. Moreau: Yes.

Mr. Rhéaume: What did he say?

Mr. Moreau: He said he had discussed it with the Prime Minister.

If he had discussed it with the Prime Minister, he would have to have knowledge, and I put it to him and say, what is the proof of the facts.

Mr. GRÉGOIRE: Mr. Chairman, I would like to rise on an objection. If you read the two questions asked by Mr. Woolliams and Mr. Rheaume and the answer of the witness, I do not think you will find any contradiction. I think the way Mr. Woolliams is putting it now in front of the witness, he is trying to put two different questions with two different answers, but the question was not the same.

Mr. MARTINEAU: Obviously Mr. Grégoire has not studied the transcript, because the one statement at page EE 7 refers to the afternoon meeting where Mr. Moreau said he had no knowledge with regard to Mr. Davey's conversations with the Prime Minister, and in the evening on page EEE 9 Mr. Moreau says he did not know that Mr. Davey had discussions with the Prime Minister.

(*Translation*)

Mr. CHAPDELAINE: It has not been established whether it was before or after, it has not been established that it was given to Mr. Woolliams, who determines, who affirms that the question he had asked was related to an event which had occurred after the meeting, whereas in the context it may well be that it had been before, and the witness is not able to say here whether or not the two statements were made during a discussion which took place following the meeting.

(*Text*)

Mr. WOOLLIAMS: Mr. Chairman, if the witness had been permitted to answer he might have clarified it, but everybody has given his version except the witness.

Mr. FRANCIS: Mr. Chairman, I would like to raise a question of procedure. It looks as though there is an original and a copy, and that the copy has got into the hands of Mr. Woolliams presumably for the purpose of making possibly some corrections in his own questioning.

Mr. WOOLLIAMS: No. It is to do exactly what I am doing now.

Mr. FRANCIS: Then, Mr. Chairman, I think from now on there should be a definite understanding with regard to who is going to get these copies before the evidence is printed, and what the method of circulation is. Does it mean that the first person who gets to the committee branch gets the copy? Is that the way it is going to be?

Mr. VALADE: There is a point which has tended to mislead this committee in respect of what was said by the member. While Mr. Woolliams was reading it, I believe you also, Mr. Chairman, were following the same transcript, and you corroborated exactly what Mr. Woolliams was reading. I want to make this as a clear statement so that there will not be any ambiguity in respect of the point raised.

(*Translation*)

Mr. CHAPDELAINE:—Mr. Chairman, that you had to retake twice, to correct the manuscript—

(*Text*)

Mr. FRANCIS: Who has access to the copy before printing and subsequent to the meeting of the committee? Who has access and how many copies are there? I think this should be made clear before we have any further hearings.

Mr. CAMERON (*High Park*): I do not think we should go any further; I do not think the members of the committee have any jurisdiction in this matter of who should have the copy. I think you, Mr. Chairman, should consult our legal counsel to see how this can pass from the reporters to Mr. Woolliams' possession without the other members of the committee knowing about it. I can see from his smile that he thinks he pulled off a smart thing.

Mr. VALADE: Keep your insults to yourself.

Mr. WOOLLIAMS: On a point of privilege—

Mr. CAMERON (*High Park*): Mr. Chairman, I still have the floor, and I am speaking to a point of privilege, too.

Mr. WOOLLIAMS: No, you raised a point of order.

Mr. CAMERON (*High Park*): I think it is perfectly in order. I think this matter should not be proceeded with further until we have an authoritative legal opinion as to just who is entitled to receive that copy, and then we might proceed further.

Mr. LEBOE: Can you tell us whether or not copies of this transcript were available to the 265 members?

The Acting CHAIRMAN: I was not aware that Mr. Woolliams had a copy. I could not say that I gave any order for it to be distributed. I was not aware that it had been in anyone's possession until Mr. Woolliams asked the question about it.

Mr. LEBOE: May all members get these white copies immediately? Are they duplicated so that everybody may have a copy? That is what I want to know.

Mr. FISHER: I think all of us have known that it is possible to go and consult the record before it is printed, and that these are available, but there is no distribution. You can go and consult them. This has always been the practice as far as I know. I do not see why there should be any great difficulty with Mr. Woolliams. Again, it is just the practice.

Mr. LEBOE: There is one point which I think is important and it is that when a document is taken out and moved around, it is not left for someone else to look at. This places the other person in a disadvantageous position.

Mr. BALCER: Not a single member of this committee has been refused access to this transcript, not a single one. So I do not see how anyone could have any objection because a member of the committee has chosen to do his homework. If other members of the committee wanted to consult this transcript, they could have done so. If they had been alert and had done their homework well, they could have done it.

The Acting CHAIRMAN: It will not change the situation if we have it printed, because it goes out the way it has been read today. Then we will be confronted by the problem. And if Mr. Moreau feels he has not been properly quoted, or wants to answer the question put to him by Mr. Woolliams, then the matter could be settled.

Mr. WOOLLIAMS: Might I say in answer to the member who said that I seemed to be smiling that for years I have been going to people who transcribed evidence to get a copy of the evidence and read it. It is part of my training to do this. I feel I have been doing the right thing. There is nothing underhanded about it.

Mr. CAMERON (*High Park*): I bow to the hon. member for Bow River.

Mr. WOOLLIAMS: I am glad, because I did not think you could stand and bow. I challenge anybody to suggest that I did anything improper. I do not feel that I have. If the evidence does show there is a contradiction, the witness should have answered it. In the discussion that is now before us the value of what I was trying to do to assist the committee has been lost.

Mr. GREENE: I have a point of privilege.

The ACTING CHAIRMAN: Order, order. Let me say that all these statements are falling around here which are not evidence. A lot of the members are getting up and making statements. There are 25 to 30 of you sitting around here. Let us digest the evidence later on and reach our conclusions then, without Mr. Woolliams making statements. When he does so, he speaks for himself and no one else. In the final determination we will weigh the evidence and reach a decision, and if it reaches the course suggested by Mr. Fisher, we will make other conclusions. We are not advancing the cause of the committee one bit by all these members making their observations and getting excited. I think we should keep that clearly in mind.

Mr. CAMERON (*High Park*): May I say in reply to the hon. member for Bow River that I am casting no aspersions upon him. I merely wanted to find out by what authority he got the transcript, and if it seemed to indicate that it was proper for someone to go and ask for it. I want to go after this meeting and ask for a transcript myself, now that I understand that we can do so. I know there was a certain amount of smiling on the other side, but it was perfectly all right. If somebody else is smarter than I am, I am quite willing to bow to him. I saw Mr. Pigeon smiling and waving his hands, also Mr. Neilsen and others. But so long as these documents are produced under proper authority, I am satisfied. Let me say that I was casting no aspersions on the member for Bow River, and I would like to say that I have been a member of the bar for twice as long as he has been.

Mr. GREENE: Is there any rule which permits the release of evidence before it has been printed?

The ACTING CHAIRMAN: The clerk of the committee would like to say a word about how this came about.

Mr. LESSARD (*Saint-Henri*): A question was asked of Dr. Ollivier and I think he should be allowed to answer it.

Mr. DUBÉ: For the record I would like to say that I obtained a copy myself.

The ACTING CHAIRMAN: Order.

Mr. DUBÉ: I was away for the last few days.

The ACTING CHAIRMAN: Is there any ruling against it, Dr. Ollivier?

Dr. P. M. Ollivier (Law Clerk of the House of Commons): I do not think there is any ruling at all against it. I think the practice in committees is the same as the practice in the house. Copies are circulated generally to the members who have made speeches so that they might correct their speeches but not change them. Then they are supposed to return them to the committee after they have corrected them. Otherwise the member who corrected it might get a printed copy which was different from the copy which the member first obtained. But there is one thing I am not quite sure about and that is the first copy. The first edition would be advance copy and it might not be the proper document to produce before the committee.

Mr. GREENE: Is there a very strict rule in the house that you cannot get the evidence of any other witness except your own?

Mr. OLLIVIER: There is no rule, but it is the practice.

Mr. GREENE: But here we have the opposite to that practice.

Mr. OLLIVIER: Apparently there are not enough copies for all members, and one member might get an advantage by getting a copy that the other members might not have.

The ACTING CHAIRMAN: We are getting bogged down in a lot of procedure that is not carrying us anywhere.

Mr. GRÉGOIRE: I do not care if we enter into that line of questioning, but I would point out that we are entering upon the credibility of the witness. I do not care at all, but I wonder if it would not be possible to do the same for all the witnesses past or to come? If you agree to go into that kind of questioning, I would agree but only on the condition that we go into the credibility of all the witnesses, those who came before Mr. Moreau as well as those who may come after him. This is not the first time I have asked you that question.

The ACTING CHAIRMAN: That is quite right.

Have you had a chance to look at this transcript?

Mr. GRÉGOIRE: Mr. Chairman, before you allow the witness to answer a question like this I submit you will have to make a ruling. If we are to be allowed to go into questions in respect of the credibility of this witness that ruling will apply to all witnesses past or to come. I do not think you can allow an answer to that question before making that ruling.

The ACTING CHAIRMAN: I never stopped anyone from asking questions in respect of the credibility of a witness. All I have done is limit this type of question to things I felt were issues before the committee. This is a question clearly raised in respect of the transcript of the evidence and I see nothing inconsistent between that ruling and any other ruling I have made prior to this. I say this Mr. Grégoire with respect.

Mr. GRÉGOIRE: Yes. Mr. Chairman, I tried to ask a former witness some questions in respect of questions I had asked the day before and you ruled me out of order.

The ACTING CHAIRMAN: You did not ask questions arising out of the transcript.

Mr. GRÉGOIRE: No, but I asked questions in respect of answers made the day before.

The ACTING CHAIRMAN: It is actually one of the ordinary functions of people asking questions to ask them in respect of the questions appearing in the transcript of the evidence of the witness at previous proceedings.

Mr. GREENE: Your statement has reference to legal transcripts.

The ACTING CHAIRMAN: Let me say for the record, Mr. Greene, that it has been my experience on numerous occasions during court proceedings that I asked the court reporter to type out certain aspects of the evidence and then, having obtained it on my own, cross-examined the witness in respect of that evidence. However, no exception has been taken because I obtained that evidence and other counsel had not obtained it because it is up to one's own initiative. However, in this particular case unfortunately the transcript to which reference has been made was not printed and apparently Mr. Woolliams went to the clerk's office. As I understand it, the original still remains with the clerk. There were some extra copies and Mr. Woolliams obtained a copy in respect of which he is now asking questions.

I think we will now return to our examination of the witness.

Mr. FAIRWEATHER: Mr. Chairman, perhaps it would be helpful to this overwhelming problem if Mr. Woolliams read into the record the name of the person in the committee's branch who signed the green slip that is attached to this transcript. Then we can identify it.

Mr. WOOLLIAMS: It is signed by Maxime Guitard, privileges and elections, room 499—west block; telephone 2-3084.

Mr. FAIRWEATHER: Thank you.

Mr. GREENE: That slip I understand said: "Subject to correction"?

Mr. WOOLLIAMS: Yes. There might be a period perhaps at the wrong time.

Mr. GREENE: There might be a lot of things that were changed.

The ACTING CHAIRMAN: We will now return to the point we reached before we commenced chasing false scents.

Let me respectfully suggest this to Mr. Woolliams. The proper way of dealing with this matter is to ask Mr. Moreau whether these questions were asked of him and did he give these answers? Does he say he has been correctly written down or, if there is any inconsistency, does he wish to clarify it. I suggest that is the way to deal with this and I shall ask Mr. Woolliams to deal with it in that fashion.

Mr. WOOLLIAMS: Thank you very much Mr. Chairman. I was going to proceed in that way when one of the hon. members asked me to read a little bit further.

I put this to you, that on that day in question during which this evidence was taken down, as a result of which this transcript was prepared, you were under oath?

Mr. MOREAU: That is right.

Mr. WOOLLIAMS: These questions were put to you?

Mr. MOREAU: Yes.

Mr. WOOLLIAMS: These answers were made by yourself?

Mr. MOREAU: Well I—

Mr. WOOLLIAMS: Just a moment. Did you answer questions put to you under oath?

Mr. MOREAU: Yes.

Mr. WOOLLIAMS: That is right, and that is what the Chairman wanted to know.

I have read two sets of questions, one found at EE-7 and from previous pages, and other questions at page EE-9 put by Mr. Rheaume. I want to ask you whether these questions were asked you and these answers were given and, if there is any inconsistency, would you please explain it to the committee.

Mr. MOREAU: Mr. Woolliams I note at page number EE-7 the answer "I have no knowledge". That does not seem to me to be a complete sentence. I wonder whether the reporter got the full answer down. I had no personal knowledge of any meeting with Mr. Pearson and Mr. Davey. But, as I indicated in testimony when Mr. Rheaume asked me questions, I had learned subsequently that he had spoken to Mr. Pearson about it. I would suggest to you that on page EE-7 "I have no knowledge" is not a complete answer. I do not recall actually the words that I would have used at that time but I would have thought I would have said: "I have no personal knowledge of that time", and that is in the ten days.

Mr. WOOLLIAMS: That is your answer in respect of those two distinctly opposite answers?

Mr. MOREAU: Yes. I learned of Mr. Pearson—Mr. Davey telling Mr. Pearson of this subsequently because Mr. Davey told me that he had discussed it with him.

Mr. GRÉGOIRE: Mr. Chairman if the line of questions asked by Mr. Woolliams is in order, then it is all right to ask them now but I think we are facing a most irregular situation where a record is used to question a witness when, according to the stenographer's notes, he has already answered. I think it is irregular. I have never seen that.

Mr. WOOLLIAMS: With the greatest respect, I have been in court rooms where one finds the use of an examination for discovery in a civil case and the preliminary hearing in a criminal case. One refers the transcript to the witness and then asks whether those questions were put to him under oath and whether those answers were made. If his answers at the trial are different from his answers at the time of the preliminary hearing or the examination for discovery, then one decides who is telling the truth.

The ACTING CHAIRMAN: All this is simply argument back and forth. The Chairman has made a ruling, rightly or wrongly, and I pointed out to you that this was the unrevised version which Mr. Woolliams read out to you. Eventually you will all have it in your hands and have an opportunity of reading it. It would not surprise me if you could go through the evidence of all the witnesses and find some inconsistency because questions come from all directions. The witness may well not understand, and I am not pointing to anyone in this regard. Some witnesses may give correct answers but it may not be taken down correctly by the reporter. I am pointing out to you now that we are not getting anywhere with all this argument and suggest we return to our questioning of Mr. Moreau.

May I suggest that, while Mr. Woolliams is pursuing his notes further—and I do not intend to lecture—the record will speak for itself. If you go through the record and pick out the inconsistency, whenever a witness misstates something, I am sure that it will be obvious what the witness meant as a result of his complete testimony.

Mr. WOOLLIAMS: I should like again to read from the transcript of the evidence if I may, Mr. Chairman. I do not think I have to duplicate my earlier questions to you, whether questions were put to you and answers were given under oath?

Mr. MOREAU: Sure.

Mr. WOOLLIAMS: I am going to read from page DD-13 and I will start quite a ways back before we came to this other question raised by Mr. Nielsen, the hon. member for the Yukon, when he suggested that the evidence would speak for itself and referred to whether Mr. Davey was tied up or had a meeting which tied him up. At the top of page DD-13 I asked:

> Mr. WOOLLIAMS: Nothing else?
>
> Mr. MOREAU: That was very, very brief.
>
> Mr. WOOLLIAMS: You decided during the second conversation on the telephone that you would meet in Mr. Macaluso's office?
>
> Mr. MOREAU: Right.
>
> Mr. WOOLLIAMS: Yes, the next day at eleven o'clock or shortly after Mr. Davey called and said he was going to be delayed because he had another meeting?
>
> Mr. MOREAU: That is right.
>
> Mr. WOOLLIAMS: That was communicated to Mr. Girouard?
>
> Mr. MOREAU: Right.

We will now refer to what Mr. Nielsen asked you, at which time there was a lot of objections, and I will now read from page LLL-8, beginning with questions asked following Mr. Grégoire who quite properly objected.

Mr. WOOLLIAMS: Starting at the bottom of page LLL-7, we see that Mr. Nielsen said:

> When you spoke to Mr. Davey on the occasion when the meeting time was delayed, did Mr. Davey tell you why it was delayed?

Mr. Grégoire objected to that question and then Mr. Moreau replied:

He told me he was tied up and could not make it for eleven. I did not question him. I did not ask him why.

Mr. NIELSEN: Did Mr. Davey not tell you he had another meeting?

Mr. GRÉGOIRE: Objection.

Mr. MOREAU: No, he told me he was tied up with another meeting.

Mr. NIELSEN: I put it to you, Mr. Moreau, that your earlier testimony when answering questions put to you by my friend Mr. Woolliams disclosed that Mr. Davey told you he had another meeting to go to. Do you want to review that in your memory?

Mr. MOREAU: No, I think not, Mr. Nielsen. He said he was tied up.

The question is: when Mr. Davey said he could not make that meeting at eleven o'clock, did he say he was tied up, that he was in his office, or that he was at a meeting?

An hon. MEMBER: He could be tied in his office at a meeting!

Mr. MOREAU: From page DD-13 you read this extract:

Mr. WOOLLIAMS: Yes, the next day at eleven o'clock or shortly after Mr. Davey called and said he was going to be delayed because he had another meeting?

I wonder if we can go back to where I testified that in the first place, where my words were used.

Mr. WOOLLIAMS: What were the facts in that regard? Was he at a meeting?

Mr. CASHIN: Or was he tied up?

Mr. MOREAU: He told me he was tied up. I may have concluded that he was at a meeting. I wonder where I used the words initially. I just raise the point that you quoted back from evidence to me and I may not have caught the significance of the words "at a meeting". I wonder if we could go back further in the transcript because I think probably I said "he was tied up".

Mr. WOOLLIAMS: I am satisfied on that.

Mr. CASHIN: Are those the only two inconsistencies, Mr. Chairman?

The ACTING CHAIRMAN: Are there any further questions of this witness?

Mr. FISHER: I would like to ask one question, Mr. Chairman. It relates, Mr. Moreau, to the discussion that took place when five of you were gathered in your office. You have referred to it a number of times as a discussion of the leadership issues. Those of us listening to the evidence have had some difficulty in determining just what took up so much time when you seemed to get to so few specifics, or at least we have heard of very few specifics. How long did this particular part in the discussion take, from your memory?

Mr. MOREAU: Which part? The leadership part?

Mr. FISHER: Dealing with the leadership.

Mr. MOREAU: I would say probably no more than three or four minutes.

Mr. FISHER: If you remember, did you or any other of the Liberals there initiate this question or did Mr. Girouard initiate it?

Mr. MOREAU: I do not recall exactly how the conversation started in my office. I initiated it the night before in Hull.

Mr. FISHER: You initiated the question of the leadership?

Mr. Moreau: Yes. It did not take very long to deal with. There seemed to be a general consensus.

Mr. FISHER: That is all.

Mr. NIELSEN: Mr. Chairman—

The ACTING CHAIRMAN: Mr. Nielsen is speaking.

Mr. NIELSEN: Now we have the transcript before us may I refer to page DD—

Mr. O'KEEFE: The hon. member says that we have the transcript before us. Does that mean all of us or just the hon. member?

The ACTING CHAIRMAN: Obviously, all of us have not the transcript before us.

Mr. O'KEEFE: But it is going in the record.

The ACTING CHAIRMAN: Subsequently it is going to be printed as quickly as possible. I have already ruled on it and, with respect, I would ask the members to bow to the Chair's ruling. I will ask Mr. Nielsen to continue.

Mr. NIELSEN: The other night I would have continued with this line of questioning had Mr. Moreau not told us that in his recollection the meeting in Mr. Macaluso's office was called off because Mr. Davey was tied up. However, I now see on page 13 Mr. Moreau said that Mr. Davey had told him that the reason for calling off the meeting in Mr. Macaluso's office was that he had to attend another meeting. Did Mr. Davey at the same time tell you whom he had to meet?

Mr. GREENE: I object, Mr. Chairman. That again is the question you would not allow to be put to Mr. Girouard—which organizer.

The ACTING CHAIRMAN: Just a moment. It is not the same question. If you would examine it minutely you would see that it is not the same question. That question cannot be answered yes or no without divulging any names. I allowed Mr. Girouard to answer the question that could be answered yes or no, and he answered; and then when he was asked the name I said, "No, you cannot ask that". Mr. Nielsen just asked him whether Mr. Davey at the same time told him who he had to meet, and Mr. Moreau can answer that question yes or no. When he asks a name, I will not allow him to answer. I will allow him to answer this question.

Mr. GREENE: He said "Who."

The ACTING CHAIRMAN: No, he did not; he said, "Did he give you the name or not?" He can answer yes or no to that question.

(*Translation*)

Mr. CHRÉTIEN: Mr. Chairman, I rise on a point of order concerning the form of the questions asked. We could have done the same thing in Girouard's case. I have here—we could have analysed his whole testimony—I have here the report of Mr. Girouard's testimony. In one part alone, he mentioned January, when it happened in February. He says it happened on the day the session opened, when it happened on the eve. Should it be desired to go into points like those, there are at least points to be brought up at this time.

(*Text*)

Mr. PIGEON: On a point of order, no.

The ACTING CHAIRMAN: Order, order. Order, gentlemen.

Mr. MOREAU: I would like to refer Mr. Nielsen and Mr. Woolliams to page AA-12. I quote from the transcript that the clerk has given to me:

However, the next day about 10.30 Mr. Davey called me—

Mr. NIELSEN: May I have an answer to my question?

Mr. MOREAU: I am answering your question.

—Mr. Davey called me in my office and said he was tied up and could not make the meeting at eleven o'clock and wondered if it could be made a little later.

I bring you to the point that the words about the meeting were Mr. Woolliams' words, and I admit that I agreed to them but they were not my words. I suggest to you that the significance of the point eluded me at the time. It did not seem to be such a large difference in any case. I had certainly no knowledge of where Mr. Davey was going or what he was doing at the time he told me he was tied up. This is what I initially testified to, and subsequently testified to again in the evening.

Mr. NIELSEN: Then, Mr. Davey did not in that telephone conversation tell you he was going to a meeting?

Mr. MOREAU: No, he did not.

Mr. NIELSEN: Then the answer on page DD-13 is not correct?

Mr. MOREAU: When I agreed with Mr. Woolliams' word?

Mr. NIELSEN: That is not correct?

Mr. MOREAU: That is right.

Miss JEWETT: So you have made a big point; go to the head of the class!

Mr. PIGEON: May I ask a question?

(*Translation*)

As, during those talks, mention has been made of circular letters which the Prime Minister distributed to the members of parliament about flags—the flag—have you any objection to the tabling at the next sitting of the Committee of that circular letter in French and in English?

(*Text*)

The ACTING CHAIRMAN: It is not a question whether he has an objection or not to the question. The question is whether he gave it to Mr. Girouard, and Mr. Girouard was asked about that when he was in the witness box. He said he threw it away.

Mr. MOREAU: I did not give it to Mr. Girouard.

The ACTING CHAIRMAN: He did not give it to Mr. Girouard.

(*Translation*)

Mr. PIGEON: May we have a copy of those two letters regarding the flags?

(*Text*)

Mr. CASHIN: Write to the Prime Minister.

The ACTING CHAIRMAN: Order, order. Please put your remarks through the Chair.

I ask the witness to step down if there are no further questions.

Mr. VALADE: I would like to ask a few questions of Mr. Moreau and I will ask them in French; Mr. Moreau may reply in English if he wishes.

Mr. MOREAU: Thank you.

(*Translation*)

Mr. VALADE: At the time of the evidence given by Mr. Girouard, you said, rather Mr. Girouard said that after having said to Mr. Moreau that I had decided to join the conservatives that Mr. Moreau went to telephone Mr. Davey. Is that right?

Mr. MOREAU: That's right.

Mr. VALADE: That is what Mr. Girouard has said?

Mr. MOREAU: Yes, in his evidence; I have already testified that that was not the way in which it happened, if you will.

(*Text*)

Mr. VALADE: Well, I will put it to you in English. After you learned that Mr. Girouard was joining the Conservative party, you then decided to telephone Mr. Davey?

Mr. MOREAU: I discussed it with Mr. Girouard for a good period of time; there was half an hour's discussion before I made the telephone call, and he knew I was going to make the call.

Mr. VALADE: My question is this: after you learned that Mr. Girouard was going to join the Conservatives, you then decided to call Mr. Davey?

Mr. MOREAU: I did not decide.

Mr. VALADE: You went to telephone Mr. Davey?

Mr. MOREAU: I had his agreement.

Mr. VALADE: Why did you have to telephone Mr. Davey?

Mr. MOREAU: I asked Mr. Girouard if he wanted me to open a line of communication with him and I suggested I call Mr. Davey. He agreed that he would be prepared to meet with him and discuss the matter, so I made the telephone call because I felt that Mr. Davey as the organizer was the one to talk to.

Mr. VALADE: Did you try to convince Mr. Girouard that he should not go to the Conservatives but to the Liberals?

Mr. MOREAU: I did indicate to Mr. Girouard that if he was making the move because of a political decision I did not think he was improving his position very much.

Mr. VALADE: Then you judged that you could not convince Mr. Girouard of the point yourself?

Mr. MOREAU: It was not for me to make the decision whether or not Mr. Girouard would be accepted in the party. I opened a line of communication for him and he agreed to meet with Mr. Davey. That was all I would have to do with it.

Mr. VALADE: Then you thought maybe Mr. Davey could change Mr. Girouard's mind. Is that correct?

Mr. MOREAU: It was my impression that Mr. Girouard was very intrigued with the possibility of being able to join the Liberal party.

Mr. VALADE: Did you think Mr. Davey could change Mr. Girouard's mind?

Mr. MOREAU: I did not think Mr. Girouard needed much convincing.

Mr. VALADE: He did not change his mind so he needed convincing. Did you think Mr. Davey could persuade Mr. Girouard to change his mind?

Mr. MOREAU: I said I did not think he needed much persuasion.

Mr. VALADE: That is not my question.

Mr. MOREAU: It is not a proper question.

Mr. VALADE: It is a proper question. Mr. Chairman, on a point of order—

The ACTING CHAIRMAN: Put the question and I will rule on it.

Mr. VALADE: My question is: Did you think Mr. Davey could change Mr. Girouard's mind?

The ACTING CHAIRMAN: I do not think we should go into what he thought but only into what he said and what he did—that is the concern of the committee, Mr. Valade, with respect.

Mr. VALADE: You said in your previous testimony that you called Mr. Davey more than once. Did you not?

Mr. MOREAU: I called him twice that night.

Mr. VALADE: Were those telephone calls made to Mr. Davey's office?

Mr. MOREAU: No, they were made to his home.

Mr. VALADE: Did you call Mr. Davey in Toronto in that regard?

Mr. MOREAU: Mr. Davey resides in Ottawa.

Mr. VALADE: But he could have been on a trip. Did you call him there?

Mr. MOREAU: No.

Mr. GREENE: He could have been in orbit.

Mr. VALADE: He is in orbit right now. I have no other questions.

(*Translation*)

Mr. CHAPDELAINE: I would like to ask a question to Mr. Moreau. Can you tell us as precisely as possible the exact words which have been used by Mr. Girouard when the matter of the leadership of the Conservative party was mentioned?

Mr. MOREAU: I could not use the exact words.

Mr. CHAPDELAINE: Could you give us as precisely as possible the meaning of those words?

(*Text*)

Mr. VALADE: Mr. Chairman, on a point of order; my point is not on the question because I think the question is not very factual. My question is that if we ask for opinions, this is hearsay. If you allow this line of questioning, we will ask other questions along the same line.

The ACTING CHAIRMAN: I will have to rule that Mr. Chapdelaine's question is in order. I do not think—and this is only my opinion—that it is going to advance the issue before the committee, but I will allow the question.

Mr. CHAPDELAINE: I just want to bring this out in case the witness' credibility is questioned at a further stage.

The ACTING CHAIRMAN: He is subject to recall.

Mr. CHAPDELAINE: I want Mr. Moreau's answer to it.

The ACTING CHAIRMAN: If you wish to press the question I will not rule it out of order.

Mr. MOREAU: Could you repeat the question?

Mr. CHAPDELAINE: Could you give us in a precise manner the sentence used by Mr. Girouard when the question of the Conservative leadership was raised?

Mr. MOREAU: The Conservative leadership was a subject of general discussion in my office the following day. The night before I had suggested to Mr. Girouard that he would not be improving his political fortunes very much by joining the Conservatives under the present leadership, and I think there was general agreement on that.

Mr. WOOLLIAMS: You would not expect anything else from a Liberal.

Mr. CHAPDELAINE: Did Mr. Girouard agree to that?

Mr. MOREAU: Yes; I would say yes.

Mr. CHAPDELAINE: Do you remember approximately what terms he used?

Mr. MOREAU: He conceded I had a point.

Mr. GRÉGOIRE: When he talked about leadership did he talk about the two leaders?

Mr. BALCER: Mr. Moreau, on the same occasion were the names of Mr. Pickersgill, Mr. Gordon and Miss LaMarsh mentioned?

Mr. GREENE: Or Cartier?

Mr. BALCER: And was the possibility of their removal mentioned?

Mr. MOREAU: Certainly not the possibility of their removal.

Mr. BALCER: Or of their resignation in the near future?

Mr. MOREAU: No. I would say that there was some discussion of some of the frontbenchers in the Liberal ranks.

Mr. CHAPDELAINE: I have a supplementary question, Mr. Chairman.

The ACTING CHAIRMAN: I am not going to stop you, gentlemen, but it seems to me that if you are going to pursue this line of questions then there are going to be a lot of comments about people from a number of parties who were not party to this going into the record. You may be surprised at the number of names that may be mentioned; it might come as quite a surprise to a number of people around this table. I would therefore think this would not advance the issue.

Mr. VALADE: Mr. Chairman, on a point of order; this is why I raised the issue when Mr. Chapdelaine raised the point. You allowed Mr. Chapdelaine's question and you allowed Mr. Moreau to answer partially. If you want to close on this point. I would agree with the Chair, but if you want to let Mr. Chapdelaine go on, then you will open the doors to other people asking similar questions.

(Translation)

Mr. CHAPDELAINE: When I addressed the question, Mr. Chairman, to the honourable member for Three-Rivers, while mentioning names, I was just going to ask if there was a mention at that time of the resignation or of the replacement soon of Mr. Diefenbaker?

(Text)

Mr. MOREAU: No.

The ACTING CHAIRMAN: Gentlemen, order.

Mr. FISHER:

> I move that we now ask the witness to leave the chair and that we call Mr. Davey.

Mr. LEBOE: I second the motion.

Mr. NIELSEN: I have one more question.

The ACTING CHAIRMAN: We have a motion that Mr. Davey be called as a witness. Is there any discussion?

Mr. NIELSEN: I would like to speak to the motion. There is one further important line of questioning that I would like to put to Mr. Moreau. It would take precisely two minutes, and I can guarantee the committee that is all it will take. It seems to me we would be ill advised to make haste for want of two minutes.

The ACTING CHAIRMAN: I will let Mr. Nielsen complete his questions.

Mr. FISHER: I have put the motion, Mr. Chairman.

Mr. CASHIN: May I speak to the motion? I am surprised the member from the Yukon brought this question up at the present time. We know of his experience and of his great cross-examination and I am wondering if he would not be doing himself and all of us a service by leaving this committee and letting us carry with us to the grave the suspicion of the excellence of his questions.

Mr. NIELSEN: I will speak to the motion. I do not for a moment suggest my question is of any particular brilliance. I think an answer from the witness would finish it. It is something I wish to have on the record so that I, as a member of this committee, could come to a responsible decision.

Mr. FISHER: I put a motion before the committee, Mr. Chairman.

(Translation)

Mr. BEAULÉ: Mr. Chairman, on the motion, at another meeting of the Committee, Mr. Pigeon was anxious to have Mr. Davey. He said he wanted to hang him. Today, he is not speaking on the motion. Is he anxious to see Mr. Davey?

(Text)

The ACTING CHAIRMAN: All right, gentlemen; you have heard the motion. All those in favour?

Yeas; Messrs. Balcer, Paul, Pigeon, Leboe, Fisher, Cashin, Chrétien, Greene, Dubé, Rochon, Mullally, Crossman, Cameron (*High Park*), Chapdelaine, O'Keefe, Beaulé, Grégoire, Lessard (*Saint-Henri*), Miss Jewett.

The ACTING CHAIRMAN: Contrary.

Nays; Valade.

The ACTING CHAIRMAN: The motion is carried. I would ask the witness to step down at this time and we will call Mr. Keith Davey.

Mr. VALADE: Mr. Chairman, before Mr. Davey takes his place at the table I would like an opportunity to explain to you why I voted against this motion. I think the last thing that should happen is for the committee to refuse a member of parliament the opportunity of putting a question when he feels through duty he should do so.

The ACTING CHAIRMAN: But, Mr. Valade, he is subject to recall.

Mr. Davey, would you come forward.

The ACTING CHAIRMAN: The translation system is not working.

Mr. BEAULÉ: Before we commence questioning Mr. Davey would this be an opportune time to decide when we will sit again? Will it be tonight, tomorrow or when? And, will we be adjourning at 6 o'clock?

The ACTING CHAIRMAN: That is a good point, Mr. Beaulé.

Gentlemen, what time will the committee rise? I ask this question at this time in order to avoid arguments subsequently.

Mr. MULLALLY: Six o'clock.

Mr. FISHER: Six o'clock.

Mr. NIELSEN: Then there is little advantage to be gained since it is almost a quarter to six now.

The ACTING CHAIRMAN: Do you wish to sit this evening?

Mr. BEAULÉ: There is a vote in the house.

Mr. WOOLLIAMS: There is a vote at 8.20 at which time the government will fall, will it not?

Mr. FISHER: Could we sit tomorrow afternoon after the question period?

The ACTING CHAIRMAN: Very well; unless I hear a motion to the contrary we will meet at 3.30 or after orders of the day tomorrow, whichever is later.

Mr. FISHER: I move we adjourn.

Mr. WOOLLIAMS: I second both those motions.

WEDNESDAY, May 27, 1964.

(Recorded by an electronic recording apparatus, pursuant to a recommendation contained in the Seventh Report of the Special Committee on Procedure and Organization, presented and concurred in, on May 20, 1964.)

(Text)

The ACTING CHAIRMAN: Will the committee please come to order.

I would again like to point out that we are continuing to tape record the evidence. Will speakers please identify themselves. This was overlooked by a number of speakers during yesterday's proceedings, which caused some difficulty when the evidence was being typed.

I believe the committee had concurred that Mr. Keith Davey should be called as the next witness. With the approval of the committee, I will now call upon Mr. Davey to come forward.

I will ask the clerk to administer the oath to Mr. Davey.

Mr. KEITH DAVEY (*National Organizer, Liberal Party; Executive Director, Liberal Federation*): having been duly sworn, deposed as follows:

(Translation)

Mr. GRÉGOIRE: Before we begin to question the witness I would like to ask one question. When it is the turn of another member at this table to speak are the microphones, particularly those in front of us, switched on at that time?

(Text)

The ACTING CHAIRMAN: I understand, Mr. Grégoire, that the only microphones that are open are those between the witness and the person asking questions, and they are operated from the machine in front of the gentleman to my extreme left.

Mr. GRÉGOIRE: Then the discussions we might have with our immediate neighbours are not recorded and would not appear in *Hansard*?

Mr. GREENE: Or with your organizer; that would be all right!

Mr. GRÉGOIRE: It would not appear in *Hansard* unless we were speaking officially?

The ACTING CHAIRMAN: I think that would be right, except in a case of an oversight on the part of the machine operator.

The witness has asked that he be allowed the privilege of making a very brief opening statement, a privilege which, I believe, was accorded to the other witnesses.

Agreed.

Mr. DAVEY: Mr. Chairman, on the evening of February 17 I received two telephone calls from Mr. Moreau. As a result of these telephone calls I met the following morning with Mr. Girouard and the four Liberal members of parliament already mentioned. The meeting in Mr. Moreau's office lasted about half an hour, and the six of us were present in its entirety. We discussed the possibility of Mr. Girouard becoming a Liberal.

About a month after the meeting, when it became clear to me that Mr. Girouard's bid to join the Liberal party could not be accepted, I took steps to see that he was so informed.

The only thing I want to say, Mr. Chairman, is that at no time in the meeting was there any discussion of money or campaign funds of any kind. I made no reference to a "fat electoral fund" for the next election; nor did I say that I would "take care of the defeated Liberal candidate"; nor did I say that "as for unsatisfied Liberal organizers" I would only have to change them. I did not use the phrase "The benefits: a party in power."

I would like to put on record also, Mr. Chairman, the fact that the Prime Minister at no time instructed me to begin or cease all pressure, apparently to attract Social Credit members into our party, for fear the Liberal party would supposedly lose the support of the Social Credit party. The Prime Minister made no such statement to me and, of course, because he did not so instruct me I did not make this particular statement to Mr. Moreau.

The ACTING CHAIRMAN: I now recognize the following speakers: Mr. Fisher, Mr. Woolliams, Mr. Grégoire and Mr. Greene.

Mr. FISHER: Mr. Davey, in summary, from what constitutional paper is authority given to you by the position you have?

Mr. DAVEY: Well, Mr. Fisher, I am not exactly sure what you mean by the "authority". If you are asking me what are my functions and my duty I can tell you.

Mr. FISHER: From where do you draw this authority?

Mr. DAVEY: From the leader of the Liberal party. I have two titles. I am the national organizer of the Liberal party and I am the executive director of the Liberal federation.

The ACTING CHAIRMAN: I am prepared to allow questions that bear on the immediate issue. Certain duties Mr. Davey may have which are not related to matters before the committee I will rule inadmissible.

Mr. FISHER: I wanted to find out what he considered to be his main functions.

Mr. DAVEY: I think my main function is to ensure that there is an effective constituency organization in each of the 265 constituencies in the country. I would say that is my main function.

Mr. FISHER: Did you say that at any time Mr. Girouard was "a Liberal reject"?

Mr. DAVEY: Yes, I did.

Mr. FISHER: To whom?

Mr. DAVEY: I said it to a member of the press gallery.

Mr. FISHER: What occasioned this? I do not mean what are your reasons for saying this, but what occasioned it?

Mr. DAVEY: I was telephoned by a member of the press gallery immediately after Mr. Girouard had defected to the Conservative party. I was asked if I had any comment. I said my only comment was that he was a Liberal reject.

Mr. FISHER: Did you consider this kind of statement as one which would fall within the ambit of your functions of which you have told us?

Mr. DAVEY: Well, Mr. Fisher, I would say that I am called every day by one or more members of the press gallery and asked to comment on just about everything that happens in Ottawa. I think possibly it was, yes.

Mr. FISHER: In so far as the brief statement you have made, you are giving us the assurance that at no time did you have any communication from the Prime Minister in connection with Mr. Girouard?

Mr. DAVEY: No, I do not think I said that.

Mr. FISHER: All right, if you did not say that, what communications did you have with the Prime Minister in connection with Mr. Girouard?

The ACTING CHAIRMAN: Mr. Fisher, it seems to me that I might allow a specific question on whether the Prime Minister said that to him—I would permit that.

Mr. FISHER: Mr. Chairman, let me explain why I asked him this question. As I explained yesterday, I have come to some definite conclusions about what the committee can do. The one thing that is left in my mind which bothers me is not the contradictions between Mr. Girouard's statements and the possible five Liberal statements but between Mr. Girouard and Mr. Moreau in their interpretation of what took place, and the central difference with regard to that is the question of the Prime Minister and what the communication was from Mr. Davey. I feel it is perfectly proper to ask questions in relation to this so that we can get the detail of that down and available to us from Mr. Davey's point of view because it will sustain or contradict the information that Mr. Moreau gave us.

The ACTING CHAIRMAN: I feel that there is some measure of validity in the way you pose the matter and I will let you proceed. If I feel you are exceeding the bounds, I will interject, if I may.

Mr. GREENE: May we get your ruling here, Mr. Chairman? Are we merely bound by the alleged statement concerning Mr. Thompson, or can he be asked anything about any conversation having to do with Mr. Girouard, because that might bring in names?

Mr. FISHER: We have to keep an openness and fairness towards Mr. Girouard in this. It is for that reason that I think you should ask the witness to be as candid and direct as possible in the whole question of what role was played by him in this matter so far as he as the national organizer of the Liberal party is concerned and so far as the leaders are concerned, so as to get it on the record and out of the way.

Mr. DAVEY: In absolutely no political sense do I mean; I am here to be candid and direct, and I would like to answer the question.

The ACTING CHAIRMAN: Do you appreciate the question?

Mr. WOOLLIAMS: Before Mr. Davey does that, let me point out to him that if he does open the gate into any other field, then of course he should be prepared to answer the questions fully down the line.

Mr. DAVEY: That is fair.

The ACTING CHAIRMAN: We will limit our conversation to the point raised by Mr. Girouard in his statement.

Mr. FISHER: I will put the question directly: Did Mr. Pearson give you any directions at all in relation to Mr. Girouard?

Mr. DAVEY: No.

Mr. FISHER: So far as you remember, can you recall communicating with Mr. Moreau, or any of his colleagues who were involved in the meeting with Mr. Girouard, regarding anything about the Prime Minister's position or any views he might hold?

Mr. DAVEY: I am sure I did.

Mr. FISHER: What were they?

Mr. DAVEY: As other witnesses have said, at the completion of the meeting, or near the end of the meeting in Mr. Moreau's office, I said that I would have to inform Mr. Pearson of the discussion and that I would have to consult the federal campaign chairman in the province of Quebec. After the meeting in Mr. Moreau's office I did contact the federal campaign chairman in Quebec, and after I had contacted him I mentioned the discussion in Mr. Moreau's office to the Prime Minister. I chose my verb carefully, and I think "mentioned" is the appropriate word. I meet Mr. Pearson once or twice a week and we discuss any number of matters, and usually I will go in with a list of things—he is a very busy man. One of the matters I had on the list was the discussion with Mr. Girouard in Mr. Moreau's office. I informed Mr. Pearson of the discussion, and I informed him that I felt the wisest possible course—because we wanted to know what the Liberals in Quebec thought—would be to contact the federal campaign chairman in Quebec. He concurred that this was probably the wisest course. The only other time the matter was discussed by Mr. Pearson —After my second conversation with Mr. Giguère, which was about a month after the meeting in Mr. Moreau's office, about a month afterwards, I informed Mr. Moreau that Mr. Girouard was not acceptable. It was only after I had so informed Mr. Moreau that in another one of my meetings with the Prime Minister I again mentioned to him that it just would not wash. That was the complete extent of the Prime Minister's involvement.

Mr. FISHER: In that interval, in that month, at any time, did you have any discussions with anybody with whom you associate in the party with

regard to this question on what effects Mr. Girouard's joining the Liberals would have upon the top positions in the house?

Mr. DAVEY: No.

Mr. FISHER: In so far as this month is concerned, I am curious—I will not put it as a hard question—why it took you so long to come to this conclusion?

Mr. DAVEY: I can answer this. When I telephoned the federal campaign chairman in Quebec after the meeting in Mr. Moreau's office—

The ACTING CHAIRMAN: Before you answer this question I will rule out the point dealing with the conversation with anybody in the Quebec organization, the same as I ruled out any question concerning conversations between Mr. Girouard and the organizers of his party. Please continue, Mr. Davey.

Mr. DAVEY: Mr. Guiguère, who is the federal campaign chairman in Quebec, was very negative on the whole idea. He said that he would investigate the situation locally in the province of Quebec and report back to him, but he informed me, in the first conversation, he made it prefectly clear—

Mr. NIELSEN: Did you not rule on that point, Mr. Chairman?

The ACTING CHAIRMAN: I feel he should not get into that.

Mr. DAVEY: May I then answer Mr. Fisher's question in another way, and say that there was no great enthusiasm in the Liberal party in the province of Quebec to proceed with the thing, and as a result it was necessary for me to go after them and to ask "what is happening?"

Mr. FISHER: As soon as you found this out you then told Mr. Moreau to communicate this to Mr. Girouard?

Mr. DAVEY: Yes.

Mr. FISHER: You never considered going to see Mr. Girouard yourself since you last had personal contact with him?

Mr. DAVEY: I did not.

Mr. FISHER: Why did you not?

Mr. DAVEY: Well, it just did not enter my mind. The Liberal party in the province of Quebec had said "no, we are not interested." The last thing in the world I would do would be to go and see Girouard.

Mr. FISHER: But you are quite certain when you stated publicly Mr. Girouard was a Liberal reject?

Mr. DAVEY: Yes.

Mr. FISHER: But actually, in so far as you know, you would not even have known probably that Mr. Moreau delivered the message?

Mr. DAVEY: I assumed Mr. Moreau delivered the message. I phoned Mr. Moreau and said, "This is it; tell Mr. Girouard it will not wash".

Mr. FISHER: Is there not something to this point, that if you were absolutely positive that Mr. Girouard was a Liberal reject, you yourself should have communicated the decision?

Mr. DAVEY: I do not think so. In the first place my contact was through Mr. Moreau. Mr. Moreau introduced me to this particular meeting, and it was agreed at the end of the meeting that Mr. Moreau would be the contact.

Mr. FISHER: I would like to turn to this question that you said there was no mention at any time of a fat electoral fund, no mention of taking care of defeated Liberal candidates and taking care of Liberal organizers. Was there anything else that you can remember in what you contributed to the discussion that might possibly have been interpreted as being in this area?

Mr. DAVEY: Only one thing. I think it was agreed by all present, certainly by Mr. Girouard, that Mr. Girouard's chances of re-election in Labelle would

be considerably greater if he had a Liberal nomination than if he had a Conservative nomination.

Mr. PIGEON: Because he would have more money.

Mr. FISHER: That is the only thing. I have one last question, Mr. Chairman, and then I am through. At no time when these discussions took place with Mr. Girouard were the other people present—Perhaps I should not have said that. I will phrase my question this way: At any time during the discussions that took place did you raise any other possibilities in respect of the attractions of the Liberal party with Mr. Girouard, such as the party program or the Liberal party principles.

Mr. DAVEY: As other witnesses have suggested, the flag had been discussed when I arrived at the meeting. The flag discussion was wound up with Mr. Girouard agreeing with the Liberal members of parliament that our party was in favour of a distinctive Canadian flag. Aside from that there were no discussions in respect of policies or principles and, presumably—

Mr. PIGEON: Two blue flags.

Mr. DAVEY: —that would have come at subsequent meetings.

Mr. WOOLLIAMS: Mr. Davey, I am going to refer before I start to examine you to the statement found at page 2583, in which Mr. Girouard raised a question of privilege. I will read a short portion of it so we will remain within the proper context of what I have in mind. I am going to start reading at the top of the page because prior to that there were telephone conversations and conversations of the big four of the Liberal party:

> I went to that office but my first words to Mr. Davey were to confirm my intention of joining the Conservative party. I told him that if I had come to the meeting, it was only to please my friends.
>
> Mr. Davey was rather suggesting at that moment that I join the ranks of the Liberal party.
>
> He said he would take care of the defeated Liberal candidate and as for unsatisfield Liberal organizers, I only would have to change them.

And then he comes to the insurance policy benefits:

> The benefits: a party in power and a fat electoral fund for the next election.
>
> A week later, a Liberal member of parliament belonging to that same group approached me to tell me that he was very sorry but the Prime Minister (Mr. Pearson) had asked his chief organizer to cease all pressure because he, the Prime Minister, was sure to lose the regular support of the Social Credit Party if he ever stole members from that party.

That seems to be the pith and substance of what we are here to discuss.

Mr. Davey, I am going to try to confine my questions in that regard. But, before doing so, I would like to refer to the article of April 25, 1964. I have read it once. May I just put these words to you. You have sat through the proceedings and I mean nothing wrong by that statement.

Mr. DAVEY: Were you going to read the article?

Mr. WOOLLIAMS: Yes, in a moment. But, you sat through the proceedings of this committee.

Mr. DAVEY: Yes, I have.

Mr. WOOLLIAMS: And, you heard the evidence of Mr. Girouard?

Mr. DAVEY: Yes.

Mr. WOOLLIAMS: And, you heard the evidence of Mr. Moreau?

Mr. DAVEY: Yes.

Mr. WOOLLIAMS: So, you are well aware—and I am not drawing any conclusions in respect of this—and properly so, of what the other witnesses have said up to this time.

Mr. DAVEY: Well, I have not studied the transcript but I was here and heard their evidence, certainly.

Mr. WOOLLIAMS: Was there anything in respect of Mr. Moreau's evidence that you found you could not agree with and that you recall?

Mr. DAVEY: Nothing that I can recall, no.

Mr. WOOLLIAMS: You and I are going to be on a firm ground in this respect. So far as you can recollect now of what Mr. Moreau said you are in accord with it.

Mr. DAVEY: Again, so far as I can recollect; I have not studied the transcript, and you must appreciate that.

Mr. WOOLLIAMS: You have said that you had advice or, at least, you made a statement that Mr. Girouard was rejected by the Liberal party.

Mr. DAVEY: I said he was a Liberal reject.

Mr. WOOLLIAMS: You said he was a Liberal reject.

Mr. DAVEY: That was it.

Mr. WOOLLIAMS: What do you mean by that statement?

Mr. DAVEY: I am sorry.

Mr. WOOLLIAMS: What do you mean by that statement?

Mr. DAVEY: What I meant by that statement was that Mr. Girouard made a bid to join the Liberal party and he was not accepted.

Mr. WOOLLIAMS: Now, you say he made a bid to join the Liberal party and he was not accepted. You heard Mr. Moreau's evidence to the effect that he really had made no formal application to join the Liberal party. You heard that, did you not?

Mr. DAVEY: Yes.

Mr. WOOLLIAMS: And, you agree with that?

Mr. DAVEY: That he made no formal application?

Mr. WOOLLIAMS: Right.

Mr. DAVEY: Yes, I agree with that.

Mr. WOOLLIAMS: There is no such a form. When we use that word there is no written form for him to join the Liberal party.

Mr. DAVEY: No, there is not.

Mr. WOOLLIAMS: For example, Mr. Hazen Argue joined the Liberal party and there was no form he had to sign.

Mr. GREENE: On a point of order, Mr. Chairman—

Mr. FISHER: That is all right.

Mr. WOOLLIAMS: There is nothing wrong with that.

The ACTING CHAIRMAN: I have not ruled it out.

Mr. WOOLLIAMS: Mr. Chairman, as soon as I get close to the issue my good friends seem to get quite upset. I wonder when any members have any objection, especially Mr. Greene, if he would speak through the Chair and then I would be pleased to sit down. In this way everything will be quiet and orderly.

Mr. GREENE: I can assure my affable friend that I will.

Mr. DAVEY: To my knowledge, he did not fill out a formal application.

Mr. WOOLLIAMS: Is there such a thing for the Liberal party?

Mr. DAVEY: Presently there is a membership drive on in Calgary and I think there are formal applications.

Mr. WOOLLIAMS: Well, you may have some rough waters in Bow River, but we will proceed with the cross-examination.

Mr. GRÉGOIRE: You might be surprised.

Mr. DAVEY: The only time there are formal applications is when there is a membership drive or something of that nature. But, no, I cannot recall filling out a formal application myself.

Mr. WOOLLIAMS: I agree with you; I have many good friends, in the real sense of the word, who belong to the Liberal party and I have never heard of any form which they have to sign. They are a member of a national party.

Therefore, when Mr. Moreau said he had never made an application, he meant he had never really said: "I want to join this national Liberal party", had he?

Mr. DAVEY: In those words, no.

Mr. WOOLLIAMS: But, he had told you at the meeting that was held, as I understand it, that he anticipated and he had made a decision to join the Conservative party, and that was before the meeting really got underway. Did he do that?

Mr. DAVEY: That he had made a decision to join the Conservative party?

Mr. WOOLLIAMS: Yes.

Mr. DAVEY: I do not recall those actual words.

Mr. WOOLLIAMS: I will read to you what Mr. Moreau says on page BB-13 of the transcript; and I quote Mr. Moreau:

> Yes, he said to Mr. Davey that he had made a decision to join the Conservative party because of the reasons previously stated—the organization in Labelle, and so on.

Would it then be proper to suggest to you when the meeting started and got under way he did say: "I have made a decision to join the Conservative party," which he eventually did.

Mr. GREENE: On a point of order, Mr. Woolliams has read only part of the record.

Mr. WOOLLIAMS: Would you like me to read the whole 1,000 pages of it?

Mr. GREENE: Would you let me finish my point of order?

I have notes in respect of Mr. Moreau's evidence to the effect these words are what he said, but he also said that the impression was given that he was very definitely interested in joining the Liberal party. In Mr. Woolliams taking these words out of the entire context I think he is misquoting Mr. Moreau's evidence, which is highly improper.

Mr. WOOLLIAMS: Mr. Chairman, I rise on a question of privilege. I appreciate the circumstances, if you do not.

The ACTING CHAIRMAN: Order, I am going to allow the question. Please let us move along.

I will permit you to put your question, Mr. Woolliams, the way you had.

Mr. WOOLLIAMS: I do not think you should allow Mr. Greene to say that I am misquoting. I am on a question of privilege, Mr. Chairman.

Mr. GREENE: Mr. Chairman, the whole of Mr. Moreau's evidence should be read so that it is put in the proper context. The way it is being done results in isolated words, and he cannot quote this as his evidence because it was not his evidence.

The ACTING CHAIRMAN: Mr. Greene, you will have an opportunity to ask a question of the witness or to quote from the record in order to elucidate a

certain point if you feel the question has not been properly covered. The point that Mr. Woolliams raised is whether he agreed with Mr. Moreau's submission in respect of whether Mr. Girouard indicated his intention about the Conservative party.

Mr. WOOLLIAMS: That is right.

The ACTING CHAIRMAN: Will you put the question to the witness.

Mr. WOOLLIAMS: With the greatest respect to Mr. Greene, I have to rely upon the transcript and not Mr. Greene's notes.

I quote from page BB-13, and I will read the whole sentence, where Mr. Moreau said:

> Yes, he said to Mr. Davey that he had made a decision to join the Conservative party because of the reasons previously stated—the organization in Labelle, and so on. He said he was very interested in the fact that we were able to arrange this meeting.

Now, what I say to you is this: Did Mr. Girouard—

Mr. GRÉGOIRE: Mr. Chairman, the situation is exactly as it was yesterday when we asked Mr. Woolliams to read a few sentences before and after. I think Mr. Woolliams agreed to that, and I think this afternoon he should still—

Mr. WOOLLIAMS: I am willing to read all of it. Could I ask him whether that took place, and if he says no, then I will read the balance; if he says yes, then he is accepting it.

The ACTING CHAIRMAN: I respectfully suggest that you complete the sentence of Mr. Moreau.

Mr. CHAPDELAINE: On a point of order; he should finish the paragraph; if he does not, I will.

The ACTING CHAIRMAN: May I suggest that you complete the answer of Mr. Moreau, and then close your questions.

Mr. WOOLLIAMS: Here is the question put by Mr. Scott at page BB-13. I have cross-examined witnesses in this regard before all the courts in this land and I never have been stopped as being improper in respect of the admissibility of evidence. I think Mr. Greene, if he would allow the witness to answer, would find out there is nothing improper in the manner in which I am operating. There is nothing in any law, as you know Mr. Greene, which says I have to read pages of evidence.

Mr. GRÉGOIRE: On the question of privilege, I think Mr. Woolliams—and I admire his talent—has given us an experience yesterday in how to secure those copies.

Mr. WOOLLIAMS: If you would listen, you would learn more.

Mr. GRÉGOIRE: I appreciate the experience he has given us; but we did not have that experience and we did not secure the copy of the testimony. I think we are entitled—as he is—to all the testimony on that specific point, and then we will be on the same level as he is. It is our privilege to be on the same level you are and to have all the sentences before the question is put.

The ACTING CHAIRMAN: Mr. Woolliams, as I understand his question, was dealing with what Mr. Moreau said. I think before Mr. Davey can agree with it, he should hear all the answer.

Mr. WOOLLIAMS: With great respect, I do not mind reading it; but everybody seems to be concerned, and I definitely am concerned, that there certainly is some definite contradiction—I agree with the member from Port Arthur—between Mr. Girouard's evidence and Mr. Moreau's evidence. I

think Mr. Davey answered the questions of Mr. Fisher definitely, succinctly and properly, and I am sure he will do the same for me. I just want to get the facts. The answer was:

> Yes, he said to Mr. Davey that he had made a decision to join the Conservative party because of the reasons previously stated—the organization in Labelle, and so on.

This is my question: Did he say to you—

Mr. DUBÉ: This is not the end of the answer.

The ACTING CHAIRMAN: Order, please. He is asking the question, as I understand it, did Mr. Moreau say he had made a decision to join the Conservative party? It is true Mr. Moreau said other things; but I see nothing wrong with this.

Mr. BALCER: Why are you afraid?

Mr. DUBÉ: We do not insist that he read it page by page, but we do insist on the answer.

The ACTING CHAIRMAN: He could read the whole answer but still come back and say, do you agree with the part where he said that a decision was made to join the Conservative party. I see no objection to the question in that form. Mr. Davey is now under examination and will give us his answer whether he agrees with that statement. I give him the leeway to do that, and I kindly ask the co-operation of the committee that we proceed.

Mr. GREENE: On a point of order, I take it that unless that entire paragraph is read, then it is misconstruing Mr. Moreau's evidence, and it is not proper to ask a witness by saying that another witness said this, do you agree—which is the gist of the question—unless you read everything he said in that paragraph.

Mr. WOOLLIAMS: Mr. Chairman, I do not think—

The ACTING CHAIRMAN: Order.

Mr. WOOLLIAMS: —I should have to shape my cross-examination to suit Mr. Green. I will put the question again.

The ACTING CHAIRMAN: I am ruling it in. Mr. Moreau goes on and says:

> —he had made a decision to join the Conservative party.

Whether or not there was more said on that particular point, Mr. Woolliams' question is, did he make that statement or not? Let us untangle this without a lot of objections. We have wasted a lot of valuable time here. There are things going on in the house, and I am sure all of us would like to be back there to participate in them. I am sure there are a lot more questions. I am doing my level best to be fair to all witnesses, and in my respectful submission there is nothing improper in this question. I would ask Mr. Woolliams to proceed.

Mr. WOOLLIAMS: I will ask you the question again. I am sorry, Mr. Davey, for these interruptions. The answer was:

> Yes, he said to Mr. Davey that he had made a decision to join the Conservative party because of the reasons previously stated—

Now, did Mr. Girouard say to you in words that he had made a decision to join the Conservative party?

Mr. DAVEY: He did not say he had made a decision to join the Conservative party.

Mr. WOOLLIAMS: So, when Mr. Moreau said that, you in that regard would differ with Mr. Moreau?

Mr. DAVEY: Not really, because I am suggesting he did not use these specific words.

Mr. WOOLLIAMS: What were the words you recall?

Mr. DAVEY: Well, in this area, Mr. Woolliams, I think he made it perfectly clear he was going to leave the Social Credit party; that was perfectly clear. He said he was considering joining the Conservative party. In fact—and I do not say this in a political sense—he was resigned to the fact that he had no alternative but to join the Conservative party. He was very anxious to discuss the possibility of joining the Liberal party, but he did say he was intending to join the Conservative party.

Mr. WOOLLIAMS: I am asking you once again, to the best of your recollection, when Mr. Moreau used the words:

> Yes, he said to Mr. Davey that he had made a decision to join the Conservative party—

In that regard you differ with Mr. Moreau.

Mr. DAVEY: I do not. I do not recall Mr. Girouard using the word "decision".

Mr. WOOLLIAMS: All right. We will move along. When you arrived the question of the flag was being discussed?

Mr. DAVEY: Yes, it was.

Mr. WOOLLIAMS: Mr. Moreau suggests—and I will ask you whether this is correct—that about half the conversation that took place in the 30 or 40 minutes was in connection with the flag. Do you agree with that?

Mr. DAVEY: No, I do not.

Mr. WOOLLIAMS: Then, I will have to read you that.

Mr. DAVEY: May I make one point before you do? It might save some time.

Mr. WOOLLIAMS: I want you to feel that to any questions I put to you, you may give your whole answer.

Mr. DAVEY: The discussion on the flag had been going on some time before I arrived. If you are suggesting that half the time I was present with Mr. Girouard that the discussion was on the flag, I would have to disagree with that.

Mr. WOOLLIAMS: That is fine. The explanation you made may be the explanation which clears the matter. This is at page BB-15. Mr. Scott is examining Mr. Moreau:

> Mr. Scott: You also heard in his evidence that one of the main things he remembered of the half hour was the discussion of a 'fat campaign fund'.
>
> Mr. Moreau: I heard that, yes. My recollection is that it lasted a little more than a half hour; it was probably somewhere between half an hour and 45 minutes. My recollection is that in the first half of it the discussion was, as I said, on the flag. In the second part of the discussion when Mr. Davey arrived on the scene there was talk about what had happened the night before. There was a discussion on the organization in Labelle; there was a discussion regarding the acceptability of Mr. Girouard by the Quebec Liberal organization;—

We will pause there for a moment. What you are saying—and I find no fault with that—is apparently there was a discussion on the flag and you arrived on the scene?

Mr. DAVEY: Yes.

Mr. WOOLLIAMS: How long did the discussion on the flag take place after you were there?

Mr. DAVEY: After I arrived?

Mr. WOOLLIAMS: Yes.

Mr. DAVEY: Several minutes.

Mr. WOOLLIAMS: How long did the total conversation take place while you were there?

Mr. DAVEY: You mean on all subjects?

Mr. WOOLLIAMS: I mean on all subjects.

Mr. DAVEY: I would say about 30 minutes.

Mr. WOOLLIAMS: So if Mr. Moreau said it was 45 minutes, that means there was 15 minutes discussion before you arrived. Is that right?

Mr. DAVEY: I do not know what Mr. Moreau meant, but I think I was present for about 30 minutes.

Mr. WOOLLIAMS: You say the conversation lasted about 30 minutes?

Mr. DAVEY: Approximately, yes.

Mr. WOOLLIAMS: What did you say in those 30 minutes, and who did most of the talking?

Mr. DAVEY: I think we all did our share. I do not think any one person did more than another.

Mr. WOOLLIAMS: What did you say during those 30 minutes? Would you summarize what your part of the conversation was?

Mr. DAVEY: About the flag issue; and when I arrived one of the Liberal members asked me to confirm the fact that the Liberal party program included a distinctive Canadian flag. I confirmed that fact. Mr. Girouard then made his position reasonably clear, that is, the position that he was determined to leave the Social Credit party and he wanted to salvage his political career, and that in order to do so it was necessary for him to change parties. He said he intended to join the Conservative party, but he expressed willingness to talk with us about joining the Liberal party.

Mr. WOOLLIAMS: Are those his exact words? Did he say "I am willing to join the Liberal party?

Mr. DAVEY: I do not recall his exact words.

Mr. WOOLLIAMS: What was the import of his words?

Mr. DAVEY: The import of his words was what I have mentioned, that he was willing to discuss with us the possibility of joining the Liberal party.

Mr. WOOLLIAMS: Did anybody mention that the Liberal party was in fact the party in power?

Mr. DAVEY: Well, Mr. Woolliams, I cannot recall anybody mentioning it, no.

Mr. WOOLLIAMS: I suppose everyone—this is an obvious observation—in the room knew that the Liberal party was the government. In your opinion as organizer, and in your answers, to some of Mr. Fisher's questions to you, did you not appreciate that there may be some advantage to being a member of the party in power?

Mr. DAVEY: What do you mean by advantage?

Mr. WOOLLIAMS: There is some advantage to the members of parliament.

Mr. DAVEY: In being on the government's side?

Mr. WOOLLIAMS: Yes.

Mr. GRÉGOIRE: Which one?

The ACTING CHAIRMAN: It seems to me—well, go ahead.

Mr. DAVEY: Again I would like to know what you mean by advantage.

Mr. WOOLLIAMS: Do you feel that there is an advantage to a member of parliament belonging to the party which is in power?

Mr. DAVEY: I think one of the advantages is that you have an opportunity to translate into legislation the party platform.

Mr. WOOLLIAMS: That is right, and also the advantages of making appointments, too?

Mr. DAVEY: Well, appointments are not made by the members.

Mr. GREENE: Are we going to go into Mr. Davey's theories of political philosophy?

The ACTING CHAIRMAN: Everyone around the table—or at least the majority of us around the table, those of us in the party in power and others who have sat in opposition appreciate Mr. Davey's opinion in this matter, and that it is based upon reasonable grounds.

Mr. FISHER: Did he express an opinion in this area, or did he not simply ask what Mr. Woolliams meant?

The ACTING CHAIRMAN: I do not want to argue with members of the committee. He said that there was a benefit of being with the party putting in or promoting legislation, but he said that he did not agree that members made appointments.

Mr. FISHER: There are a number of other items which might be covered by Mr. Woolliams' question. I do not think the statement given by Mr. Davey blanketed the whole question.

Mr. GRÉGOIRE: On a point of order, I think the question asked by Mr. Woolliams was a very interesting one. I am not opposed to his asking his question, but before he asks his question I think we should know the meaning of the question and the words he used, so that if he used the word "advantages", maybe they would be advantages for him, or for me. The words are not the same. Maybe for him it would mean appointments, and for me it would mean the application of Social Credit principles. Therefore we would like to know what he meant by "advantages of the party in power". And then, after that, I say that first we should know what is the meaning of the word, according to the one who is asking the question. Then we would be able better to appreciate the answer, because Mr. Woolliams knows what it means. He was in the party in power for five years.

The ACTING CHAIRMAN: Let me say that you are asking for his opinion, but we are not here to listen to Mr. Davey's opinions or those of any other witness to be put forth. Therefore I rule, quite reasonably, that we have gone far enough in this area.

Mr. CHAPDELAINE: I would like to suggest the same thing which I suggested when Mr. Moreau was asked this question by Mr. Woolliams if he had an opinion of the advantages. Mr. Woolliams has been in the government in power and he could tell us what the advantages are himself.

Mr. RHÉAUME: I think we are going to get on very dangerous ground if any member of the committee can say that he does not understand Mr. Woolliams' question. That is not the issue. The important point is this: Does Mr. Davey understand the question. If the Chair allows it, and if any member does not understand it, then it is his own responsibility. He can get busy and do his own homework so that when he gets his turn to cross-examine he may put the questions that he wishes. Surely the other members cannot object to a line of questioning simply because they say that they do not comprehend the meaning of the words.

The ACTING CHAIRMAN: I am not ruling upon it for that reason, although I think your point is well taken.

Mr. NUGENT: We have already had considerable evidence on the advantages to the party in power. Mr. Girouard said that it was the basis of the conversation. Now if the Chair rules that we cannot pursue what are the advantages of a party in power, I do not know how we are going to find out anything in this committee.

If the witness has no understanding of the advantages to the party in power, he can say so. I believe Mr. Davey has some very firm advantages in mind, and I think it is only logical that these would have been discussed at that meeting. He is open to the questioner, and I suggest if Mr. Davey does not want to bring forward himself some of the advantages that he knows of, advantages which we know to be there, surely he can be asked "are these not advantages of the party in power?" Certainly I cannot see that it is not germane to this matter as part of Mr. Girouard's testimony. How the Chair can say that we cannot ask them, when this witness who is alleged to have been one who talked about these advantages, I cannot see.

The ACTING CHAIRMAN: We are not interested in the opinions of any witness coming in here unless it be those of an expert witness such as Dr. Ollivier. If the witness had stated that it was mentioned, then it would be germane. But the witness stated that it was not mentioned, and not mentioned by him. Therefore in my submission we are not interested in his opinions. He said that it was not mentioned, and he does not recollect anyone else mentioning it. Mr. Girouard said it was mentioned by Mr. Davey, while Mr. Davey said it was not.

Mr. WOOLLIAMS: Mr. Chairman, as the individual who put the question may I speak on this point?

The ACTING CHAIRMAN: Certainly.

Mr. WOOLLIAMS: The reason for my thinking behind this question is this. I do not want to go through the philosophical viewpoint and all the lists of advantages because no one can be as naive around this table that they do not know of these advantages. What I am interested in it, if some witness swears that the sun is not shining, and many witnesses have the feeling that the sun is shining, and they saw it shining, then surely we can find out if he understands what the sun looks like and what it looks like when it is shining. We have a statement here—

An hon. MEMBER: You are not shining now.

Mr. WOOLLIAMS: We have a statement here appearing at page 2583 which refers to "benefits" meaning advantages.

The ACTING CHAIRMAN: I do not want to interrupt you again but again you have missed the point and the fault probably lies with myself. I was not asking whether he understood the meaning of the word "benefit". My understanding is he said it was not mentioned and therefore if it was not mentioned, and that is his point, why should he be cross-examined about this word?

Mr. NIELSEN: Mr. Chairman, surely he can cross-examine on that very point.

Mr. WOOLLIAMS: I remember a fellow who said: "I did not kill my wife." But 12 men on a jury disagreed with him.

The ACTING CHAIRMAN: That may be very well if—

Mr. PRUD'HOMME: Because you were defending the client.

An hon. MEMBER: That was a sad story.

Mr. WOOLLIAMS: I was prosecuting at the time, and I might say to my friend that I had a Liberal partner at that time.

Mr. BEAULÉ: That is why you won the case.

Mr. WOOLLIAMS: I will come back to the question now. Maybe we have somewhat relieved the tension. I will put my question this way because we are dealing with this section in respect of finances. Was there any discussion of any facts that might be a benefit?

Mr. DAVEY: The only one is the one I have mentioned; the fact of the Liberal nomination and the fact that as a Liberal candidate Mr. Girouard had more chance of being elected in Labelle than as a Tory candidate or even as a Social Credit candidate.

Mr. WOOLLIAMS: That was an opinion expressed by yourself to Mr. Girouard?

Mr. DAVEY: It was an opinion concurred in by Mr. Girouard.

Mr. WOOLLIAMS: I say this to you; a Liberal ran against Mr. Girouard on two occasions when he did not run under the Liberal ticket but they did not get elected in Labelle. What basis was there for your opinion?

An hon. MEMBER: Times have changed.

Mr. WOOLLIAMS: They are changing fast.

Mr. DAVEY: What is your question Mr. Woolliams?

Mr. WOOLLIAMS: I wonder if you would read the question back? You see, Mr. Greene laugh, but you see that shows how much more experience in courts I have. I would have to have it read back, but he thinks it is a joke. Anyhow go ahead and read back the question. You have done that many times before for me, Mr. Dyer.

The REPORTER:

> Mr. Woolliams: I say this to you; a Liberal ran against Mr. Girouard on two occasions when he did not run under the Liberal ticket but they did not get elected in Labelle. What basis was there for your opinion?

Mr. WOOLLIAMS: Right.

Mr. DAVEY: I think Mr. Woolliams, just the facts of political life today.

Mr. WOOLLIAMS: What do you mean by that?

Mr. DAVEY: I mean that—

Mr. WOOLLIAMS: What are those facts?

Mr. DAVEY: You know this hearing is important to everybody and it is particularly important to me. I do not want to start preaching a political sermon, but I happen to think the Liberal party will form a majority government after the next election. I do not say that for political purposes in this hearing. I believe that, and I believe we will win in Labelle. That is an opinion.

The ACTING CHAIRMAN: We have had enough opinion.

Mr. WOOLLIAMS: Was that the basis for your opinion that you expressed to Mr. Girouard; what you have just said now, because from facts you had none?

Mr. DAVEY: There are indications. Surely the Gallup poll is one.

Mr. WOOLLIAMS: Do you know the Gallup poll in Labelle?

Mr. DAVEY: I know the Gallup poll in the province of Quebec.

An hon. MEMBER: Careful.

Mr. WOOLLIAMS: Is it not a fact that your national Liberal party has funds to run and operate a campaign?

Mr. DAVEY: The national Liberal federation does not have funds to operate a campaign, no.

Mr. WOOLLIAMS: Who controls those funds?

The ACTING CHAIRMAN: We are not going to get the names now.

Mr. WOOLLIAMS: I do not want—

Some hon. MEMBERS: Oh, oh.

The ACTING CHAIRMAN: Order, order.

Mr. WOOLLIAMS: I do not want the names. What organization within your group—

The ACTING CHAIRMAN: Order.

Mr. WOOLLIAMS: If we could have a little less noise. I was not interested in names. Mr. Chairman, this is a serious matter.

The ACTING CHAIRMAN: That is right.

Mr. WOOLLIAMS: If we are going to laugh at everything we put forward there must be some reason behind this frivolity.

The ACTING CHAIRMAN: May I—

Mr. PRUD'HOMME: Ask Mr. Balcer not to laugh.

The ACTING CHAIRMAN: May I suggest—and you are probably more experienced than I am and I do not want to keep on suggesting questions—that I would permit: "Do you have anything to do with the funds—handling funds for candidates?"

Mr. WOOLLIAMS: I do not know—that is a good question. I am leading up to something. He may not have the power over those funds but he certainly knows who has and he could say something to the man next to him, whom he is hoping to get to run, and I know lots of people they have approached to try to get to run on the Liberal ticket, and I know a lot of the people who have made the approach.

I want to ask the witness this, and I do not want the names. You are an organizer. Do campaign funds come under your jurisdiction?

Mr. DAVEY: No, it does not.

Mr. WOOLLIAMS: But you would have a special branch of the party that does look after campaign funds?

Mr. DAVEY: Yes.

Mr. WOOLLIAMS: And did you discuss with Mr. Girouard that that branch had campaign funds for his election if he ran as a Liberal?

Mr. DAVEY: Absolutely not.

Mr. WOOLLIAMS: Was there any question of money mentioned?

Mr. DAVEY: Not at all.

Mr. WOOLLIAMS: Do you think it is an important ingredient for any election to have some campaign funds?

Mr. DAVEY: I sure do.

Mr. WOOLLIAMS: Yes, so if you do, why was it, when here was a man who said—Moreau said he had made a decision to join the Conservative party and immediately he was promoting this man to join the Liberal party. Here you sit with this man and with four other Liberals. Does it not seem strage to you, and you admit it is such an important thing to have the money to run a campaign, that that was never mentioned?

Mr. DAVEY: No it does not.

Mr. WOOLLIAMS: I will let it drop.

How many telephone calls did you get from Mr. Moreau on the night of February 17?

Mr. DAVEY: Two.

Mr. WOOLLIAMS: Two. What was the conversation of the second telephone call?

Mr. DAVEY: Of the second telephone call?

Mr. WOOLLIAMS: Yes. Give me the full conversation; what Moreau said to you and you said to Moreau, that you recall?

Mr. DAVEY: Mr. Moreau in the first telephone call had left things that the meeting would take place in my office at the national Liberal federation on Cooper street. The second phone call was very short. Mr. Moreau said it was felt that it was best for all concerned that the meeting not take place at Cooper street but rather at the office of one of the members, and I believe it was Mr. Macaluso's office we agreed to meet in the following morning.

Mr. WOOLLIAMS: Coming then to the meeting; did you tell Mr. Girard in front of Mr. Moreau of the conversation; that you would have to discuss this matter with the organization in Quebec and with the Liberal organization and the Prime Minister, the leader of your party?

Mr. DAVEY: I said I would have to inform the Prime Minister and discuss the matter with the organization in Quebec, yes.

Mr. WOOLLIAMS: And did you inform the Prime Minister?

Mr. DAVEY: Yes I did.

Mr. WOOLLIAMS: And did you tell Mr. Moreau that you had informed the Prime Minister?

Mr. DAVEY: I think I did, yes.

Mr. WOOLLIAMS: I want to read to you a question appearing at page EE-6, and see if you agree with this. It appears at the bottom of the page. Mr. Chairman I will wait until you find the page.

An hon. MEMBER: What page is that?

Mr. WOOLLIAMS: It is page EE-6. Everybody has got their evidence today it seems.

An hon. MEMBER: We learn.

Mr. WOOLLIAMS: The question reads:

> Mr. Moreau: There was an undertaking at least by Mr. Davey to discuss it with Mr. Pearson?
>
> Mr. Moreau: He was to inform Mr. Pearson.
>
> Mr. Woolliams: Do you know whether Mr. Davey carried it out and discussed it with Mr. Pearson?
>
> Mr. Moreau: I have no knowledge.

If you told Mr. Moreau why would he have no knowledge.

Mr. GREENE: Mr. Chairman on a point of order, we were through all this yesterday.

Mr. WOOLLIAMS: I knew there would be a point of order on that question because it is an obvious contradiction.

Mr. GREENE: We were through all this yesterday, and again if he is quoting a witness he must quote his evidence in its entirely if he is saying this is what the witness said. There are two other places where this same question is asked and an explanation by Mr. Moreau, and I think we had a lengthy explanation here yesterday of his answer. It was obviously cut off in the middle. I think the other passages should be read also. Then the witness can be asked: "Do you agree with those conclusions?"

Mr. WOOLLIAMS: That is a ridiculous point.

Mr. GREENE: He should not merely pick out a portion of it and leave out the explanations which were brought in yesterday on other similar questions.

Mr. WOOLLIAMS: I should like to have you before a judge, Mr. Greene.

Mr. PIGEON: Mr. Chairman I think it is very important to give permission to Mr. Woolliams to continue with the rest of his questions of the witness, and if Mr. Greene has a question to address he will have his turn.

Mr. CHAPDELAINE: I think he was out of order. When somebody feels that the evidence is not reported correctly they should raise an objection and you can take note of it. When his turn comes the question can be raised again, and then we can study the full quotation.

The ACTING CHAIRMAN: That was the suggestion I put forward. If any member disagrees he can turn up the evidence and read it back to the witness and state then: "Do you agree with that?" I think that would be the expeditious way of dealing with it.

Mr. NUGENT: There is nothing improper in reading a complete question and complete answer to the witness. If someone wants to bring out another facet of the same matter by another question, he is at liberty to do it later. I cannot see any justification for the continued interruption of the cross-examination.

Mr. NIELSEN: It is a smokescreen.

The ACTING CHAIRMAN: Continue.

Mr. WOOLLIAMS: Before I was interrupted, I was asking you this question with regard to the transcript of the evidence at page EE-7:

Mr. Woolliams: Do you know whether Mr. Davey carried it out—

And that "it" means what we were discussing.

—and discussed it with Mr. Pearson?

Mr. Moreau: I have no knowledge.

If you told Mr. Moreau, how could he have no knowledge?

The ACTING CHAIRMAN: I do not think this witness should have to account for what another witness has said. He is just here to answer for what he had done and what he knows. He is not here to answer whether Mr. Moreau or Mr. Girouard is telling the truth. Unless he can account for it, it is an opinion and then the question would be out of order. I think you should rephrase the question.

Mr. WOOLLIAMS: Can you account for it? Mr. Moreau said under oath "I have no knowledge". You said under oath that you did tell Mr. Moreau. How do you explain this anomaly?

Mr. DAVEY: Perhaps the explanation—I do not know, but perhaps the explanation is that your question on EE-7 uses the term "discussed it" with Mr. Pearson, and I have already pointed out in my testimony that I really hardly discussed it with Mr. Pearson; I merely informed him what had taken place and, similarly, I informed Mr. Moreau that I had informed Mr. Pearson. I did not have a discussion with Mr. Moreau on what Mr. Pearson had said. There was nothing that could be discussed.

Mr. WOOLLIAMS: I will read all these questions. At page EE-9 Mr. Rhéaume was examining and asked:

Mr. Rhéaume: Did you ask him—

Meaning yourself.

—subsequent to this if he had talked to the Prime Minister?

Mr. Moreau: Yes.

Mr. Rhéaume: What did he say?

Mr. Moreau: He said he had discussed it with the Prime Minister.

Mr. DAVEY: From where are you quoting?

Mr. WOOLLIAMS: EEE-9. If Mr. Davey would listen to the questions as read, while the Chairman checks the questions if he has any doubt that I might not read the evidence properly, as I am sure I will, then he would be able to answer correctly. I do not thing he has to read everything for himself.

Mr. DAVEY: It assists me to read.

The ACTING CHAIRMAN: Proceed, Mr. Woolliams; we have found the page.

Mr. WOOLLIAMS: All right. At page EEE-9—and I ask if you agree with this testimony of Mr. Moreau—we see that Mr. Rhéaume asked:

> Did you ask him subsequent to this if he had talked to the Prime Minister?
>
> Mr. Moreau: Yes.
>
> Mr. Rhéaume: What did he say?

And, meaning you, Mr. Moreau said:

> He said he had discussed it with the Prime Minister.

Would you agree with that?

Mr. DAVEY: As I said, I told Mr. Moreau that I had mentioned this fact to the Prime Minister.

Mr. WOOLLIAMS: Do you agree with those questions and answers made by Mr. Moreau in that regard?

Mr. DAVEY: Substantially I do, yes.

Mr. WOOLLIAMS: With what do you not agree? You say "substantially".

Mr. DAVEY: What I do not agree with is the word "discussed". I did not discuss this with the Prime Minister so I could hardly say to Mr. Moreau that I did. As I said, I had informed the Prime Minister of the discussion.

Mr. WOOLLIAMS: If Mr. Moreau says you did discuss it, in that regard he either enlarged the word or he was in error?

Mr. DAVEY: He may have enlarged the word.

Mr. WOOLLIAMS: All right, let us go on. As far as your evidence is concerned, you did tell Mr. Moreau that there had been a conversation with the Prime Minister?

Mr. DAVEY: Yes. I would like to make it clear that we are talking about the first conversation with the Prime Minister, not the second.

Mr. WOOLLIAMS: I want to come back to the whole conversation that took 30 minutes. The flag was discussed. The question of the organizers in Labelle was discussed. What other factors were discussed?

Mr. DAVEY: I do not recall the question of the organizers in Labelle being discussed.

Mr. WOOLLIAMS: It was a 30 minute conversation and I would ask you now to review for the whole committee what was said by everybody, giving the names of those who took part. Thirty minutes is a long time. We can talk about a great deal in 30 minutes. No one seems to be too satisfied around this table that there was just a brief conversation like that which has been disclosed.

Mr. PRUD'HOMME: On a point of order, Mr. Chairman, I am satisfied that in 30 minutes six people could discuss just these matters. Do not talk for everyone around this table.

Mr. WOOLLIAMS: I believe they talked about finances during the 30 minutes. I want to know what was said.

Mr. PRUD'HOMME: You could speak for an hour almost—

The ACTING CHAIRMAN: Order, order.

Mr. WOOLLIAMS: Will you tell us what was said?

Mr. PIGEON: "How are you?"; "Good morning."

Mr. WOOLLIAMS: Go ahead.

Mr. DAVEY: I thought Mr. Pigeon had a question.

The ACTING CHAIRMAN: Order, order.

Mr. DAVEY: The discussion lasted about 30 minutes and there were six people present. I think most people expressed their opinions on most of the matters which were brought up. The initial matters—we have dealt with the flag at sufficient length and we do not need to go back into that—

Mr. WOOLLIAMS: That was not discussed much, but you had 30 minutes outside of the flag, more or less. What was said?

Mr. DAVEY: Well, Mr. Girouard made his position clear—I felt he made his position clear—as I have already mentioned, on the determination he had made and his future plans as far as choosing another party was concerned. There was a discussion of the leadership of the Conservative party and the leadership of the Liberal party.

Mr. WOOLLIAMS: There was a discussion on the leadership of the Liberal party, too?

Mr. DAVEY: Yes, there was.

Mr. WOOLLIAMS: Was there a discussion—this was brought out yesterday—about Mr. Pickersgill, Mr. Walter Gordon and Miss Judy LaMarsh?

Mr. DAVEY: I listened carefully yesterday, and I think that reference was to the meeting at the Interprovincial hotel in Hull. At this meeting there was no discussion of members of your party or mine with the exception of the leaders.

Mr. WOOLLIAMS: All right. Carry on.

Mr. DAVEY: The thing that took most of the time was the discussion of nominating procedures, because each Liberal member of parliament in turn went over, in some detail, how he had been nominated. I think each of them, if I recall correctly, had contested conventions and they discussed in some detail how they went about winning their conventions, and this I would say—

Mr. WOOLLIAMS: Tell us what they actually said. You are outlining it in a frame, but what did they actually say? What did you say? I have never met three witnesses who could not describe to anybody—

Mr. DAVEY: That is fine; that is fair enough.

The ACTING CHAIRMAN: Answer Mr. Woolliams' questions.

Mr. DAVEY: Mr. Moreau discussed and explained how there had been a membership drive in Toronto and how members joining the York-Scarborough Liberal association were recruited by Mr. Moreau and his supporters; how they had put themselves in a position to win the nominating convention. This was discussed. Mr. Moreau talked about the membership drive. I think I mentioned the number of memberships which Mr. Moreau himself had sold. I mentioned the fact that the person who had sold the second most membership in the city of Toronto was also in York-Scarborough and was someone who was going to oppose Mr. Moreau at the convention. Mr. McNulty discussed the fact that his convention was contested by six or seven people; I cannot recall the number exactly.

Mr. WOOLLIAMS: May I interrupt you there? I believe Mr. Moreau said you had left the impression that before any decision could be made as to the probability of his joining the Liberal party you had to discuss it with the Prime Minister, the leader of your party. He would have to agree to it?

Mr. DAVEY: Of course.

Mr. WOOLLIAMS: Did Mr. Pearson ever reject Mr. Girouard?

Mr. DAVEY: Mr. Girouard was rejected by the organization in Quebec and Mr. Pearson was—

Mr. WOOLLIAMS: We will come back to that point.

Mr. DAVEY: Well, do you want to hear about the other conventions?

The ACTING CHAIRMAN: Answer Mr. Woolliams' question.

Mr. WOOLLIAMS: Go ahead. I want you to finish that conversation.

Mr. DAVEY: We discussed Mr. McNulty's nomination procedure, Mr. Gray's nomination procedure was discussed and so was Mr. Macaluso's nomination procedure. All this was gone into with a little bit of detail, so I do not think it is hard to explain where the thirty minutes went.

Mr. WOOLLIAMS: Was that all that was discussed?

Mr. DAVEY: Mr. Girouard indicated that he was considerably impressed with the morale of the Liberal backbenchers and of their apparent influence in the party.

Mr. WOOLLIAMS: Was there anything else said?

Mr. FISHER: This was in February.

Mr. DAVEY: Yes, it was in February.

Mr. WOOLLIAMS: I realize that and I appreciate Mr. Fisher's comment, but to come to the point—

Mr. DAVEY: I do not think those were the major things.

Mr. WOOLLIAMS: Mr. Moreau left the impression in his evidence, and I put this to you, that he thought that Mr. Girouard was a man of a kind of calibre which the party would be looking for, and he was trying to promote the idea of joining the Liberals. Was that the kind of conversation you had, encouraging this man to join your party?

Mr. DAVEY: We were interested in knowing if he wanted to join the party.

Mr. WOOLLIAMS: And the conversation you described was the only conversation that took place, to endeavour to encourage him to join your party?

Mr. DAVEY: Mr. Woolliams, as I have said, he did not need much encouragement.

Mr. WOOLLIAMS: He had told Mr. Moreau that he decided to join the Conservative party.

Mr. DAVEY: As I said, he was resigned to the fact that he had no other alternative and he was anxious to explore the possibility of joining the Liberal party.

Mr. WOOLLIAMS: He could have joined Mr. Grégoire's group.

Mr. DAVEY: He did not mention that he was considering that.

Mr. WOOLLIAMS: You said that at least you accept—those were the terms you used—that he was a Liberal reject, and that is really what caused all this, and that is the reason we have this question here before the privileges and elections committee.

Mr. DAVEY: With respect, I stand by that statement, but I do not believe that is the whole reason we are here.

Mr. WOOLLIAMS: If you had not made that statement he would not have had a point of privilege.

The ACTING CHAIRMAN: Order, gentlemen.

Mr. WOOLLIAMS: The next question I want to put to you is as follows: Mr. Moreau said he had made a decision to join the Conservative party, and

Mr. Moreau also said he had never made an application in any shape or form to join the Liberals. How can you categorize him as a Liberal reject?

Mr. DAVEY: I categorize him as a Liberal reject, Mr. Woolliams, because I believe that if the Quebec Liberal organization had given this whole project the green light, then I think Mr. Girouard would have been quite prepared to join the Liberal party.

Mr. WOOLLIAMS: Mr. Moreau said they used to play games in the hall and they finally got to seven people. Were they investigated by the Liberal party and were they rejected?

Mr. DAVEY: I do not know. They certainly were not rejected, but I do not know whether they were investigated—not by me personally.

Mr. WOOLLIAMS: Excuse me for a moment; somebody sent me a note, and this is quite proper. I believe your evidence was to the effect that Mr. Girouard never really said "I want to join the Liberal party".

Mr. DAVEY: No, not in that many words.

Mr. WOOLLIAMS: So he never really asked to join the Liberal party, not in that many words?

Mr. DAVEY: Not in that many words.

Mr. WOOLLIAMS: So he never asked to join the Liberal party in that many words. How could he be rejected?

Mr. DAVEY: As I said, in my opinion—and I would simply repeat the answer to the last question—he was prepared to join the Liberal party.

Mr. WOOLLIAMS: You have heard his evidence in that regard. We are going to let that side drop.

I want to come to the last part, that is the question in reference to this quotation in *Hansard* on page 2583:

> A week later, a Liberal member of parliament belonging to that same group approached me to tell me that he was very sorry but the Prime Minister (Mr. Pearson) had asked his chief organizer to cease all pressure—

Was there any suggestion—if you can recollect it—that there was an agreement in reference to the voting in the house or to other proceedings in the house between Mr. Thompson's group and the Liberal party?

Mr. DAVEY: No.

Mr. WOOLLIAMS: Do you know of any such agreement?

Mr. DAVEY: I do not.

Mr. WOOLLIAMS: Has the Prime Minister ever discussed that?

Mr. DAVEY: He has not.

Mr. WOOLLIAMS: Is it not strange that Mr. Girouard would say that "a week later, a Liberal member of parliament belonging to that same group approached me to tell me that he was very sorry but the Prime Minister had asked his chief organizer to cease all pressure"?

Mr. DAVEY: Yes, it is very strange.

Mr. WOOLLIAMS: And is it not very strange that the Social Credit party and the Liberal party did go together?

The ACTING CHAIRMAN: Order, gentlemen. I rule that out of order. Do not answer that, Mr. Davey. That question is inadmissible.

Mr. CHAPDELAINE: Mr. Chairman, on a point of order—

Mr. WOOLLIAMS: I abide by your ruling, Mr. Chairman. I am not complaining. This is evidence.

Mr. LEBOE: This is an insinuation that does not exist.

Mr. WOOLLIAMS: Was Mr. Thompson's name mentioned? Why I ask this question is that Mr. Girouard at that time was a member of the Social Credit party of which he was the leader. Was his leader ever mentioned?

The ACTING CHAIRMAN: You are talking about the meeting, I understand?

Mr. DAVEY: I do not recall his name being mentioned.

Mr. WOOLLIAMS: How many meetings did you personally have with Mr. Girouard?

Mr. DAVEY: The one meeting. I had met him once before.

Mr. WOOLLIAMS: And as far as you recall Mr. Thompson's name was never mentioned?

Mr. DAVEY: I cannot recall Mr. Thompson's name being mentioned.

Mr. WOOLLIAMS: Did you ask him how many members might move over to another party from Mr. Thompson's small group?

Mr. DAVEY: I do not recall putting that question to him.

Mr. WOOLLIAMS: I do not think I have any more questions.

The ACTING CHAIRMAN: Mr. Grégoire left so I will give the floor to Mr. Greene.

Mr. GREENE: Mr. Davey, I want to refer you to page BB-13. Mr. Woolliams, in his examination, referred to part of the answer of Mr. Moreau, and I want to read to you the whole answer of Mr. Moreau.

> Mr. Moreau: Yes, he said to Mr. Davey that he had made a decision to join the Conservative party because of the reasons previously stated—the organization in Labelle, and so on. He said he was very interested in the fact that we were able to arrange this meeting. I think he was somewhat surprised that we could call Mr. Davey and have him agree to a meeting at such short notice. Although he stated quite clearly that he was not making an application to join the party at this meeting, it was certainly the impression he left with me that he was very interested in knowing whether or not such a thing was possible.

Do you agree with that answer of Mr. Moreau?

Mr. DAVEY: Yes, I do.

Mr. GREENE: Was that your general impression of the attitude of Mr. Girouard?

Mr. DAVEY: Yes.

Mr. GREENE: Mr. Woolliams asked you, "Did you not think it strange that money was never mentioned?" You answered, no, you did not think it was strange. This refers to the meeting in the office. Why did you not think it was strange that money was not discussed?

Mr. DAVEY: It was not a thing which I normally would discuss with Liberal candidates or with members.

Mr. GREENE: Would this question be discussed with potential candidates before they had received the convention nomination?

Mr. DAVEY: No.

Mr. GREENE: The normal practice would be that the question of campaign funds would not be discussed until there is a candidate.

Mr. DAVEY: That is correct, until after the convention.

Mr. RHÉAUME: I want to be clear on this. Mr. Davey already said that discussion of campaign funds is not within his sphere of responsibility. Later on I will pursue a very interesting line of questioning within the same terms of reference.

Mr. GREENE: Now, Mr. Davey, during the discussion in Mr. Moreau's office was there any discussion at any time of the benefits of a party in power?

Mr. DAVEY: There was not.

Mr. GREENE: Was there at any time any discussion involving a fat electoral fund?

Mr. DAVEY: No, there was not.

Mr. GREENE: Were the words "a fat electoral fund" ever used by you or anyone else—

Mr. DAVEY: They were not.

Mr. GREENE: —on that occasion? And, was there at any time any discussion between you and Mr. Moreau in respect of the fact that Mr. Thompson would not give support or would be hurt or offended if these discussions were pursued with Mr. Girouard.

Mr. DAVEY: No, there was not.

Mr. GREENE: Was there any basis on which you could have made such a statement?

Mr. DAVEY: None.

Mr. GREENE: Was there ever any discussion between yourself and Mr. Pearson along these lines?

Mr. DAVEY: No, there was not.

Mr. GREENE: I have no further questions.

The ACTING CHAIRMAN: Next on the list is Mr. Pigeon.

(*Translation*)

Mr. PIGEON: Would you tell me once more exactly what position you occupy in your party at the present time?

(*Text*)

Mr. DAVEY: Well, as I answered Mr. Fisher, my basic function is to make sure that the party organization is active in every constituency in the country.

Mr. PIGEON: That is your main function?

Mr. DAVEY: I would describe that as my main function.

Mr. PIGEON: Now, are you working in the Prime Minister's office?

Mr. DAVEY: No, I am not.

Mr. PIGEON: You are not paid by the government?

Mr. DAVEY: I am not.

Mr. PIGEON: Not directly.

(*Translation*)

When you were there you met Mr. Girouard, did you talk about a proposed flag?

(*Text*)

Mr. DAVEY: Of the designs, no, no.

(*Translation*)

Mr. PIGEON: Did you talk about two or only one proposed flag?

(*Text*)

Mr. DAVEY: One flag.

(*Translation*)

Mr. PIGEON: It was not mentioned. Did you also talk about two national anthems?

(*Text*)

Mr. DAVEY: No.

(*Translation*)

Mr. PIGEON: Was any mention made of replacing the Red Ensign by the Union Jack during the conversation?

Mr. CHAPDELAINE: On a point of order, Mr. Chairman, I do not see where these questions are leading us.

(*Text*)

Mr. PIGEON: No, that is a very important question.

(*Translation*)

Mr. CHAPDELAINE: They are merely political matters.

(*Text*)

Mr. DAVEY: No, Mr. Pigeon.

(*Translation*)

Mr. PIGEON: Did you offer Mr. Girouard to convince him that he should join the Liberals, that he would have an easy convention in Labelle?

(*Text*)

Mr. DAVEY: I did not. I did not offer him anything.

(*Translation*)

Mr. PIGEON: You did not even touch on the subject of a convention in Labelle if one day he decided to join the party?

(*Text*)

Mr. DAVEY: Yes, it was made clear. I made clear at the beginning of the meeting, of course, that in no way could I commit the Liberal party to accepting Mr. Girouard. In the final analysis it was made clear to him. In the final analysis, if he decided to come into the Liberal party he would have to go before a nominating convention in Labelle and he would have to win the nomination in Labelle.

(*Translation*)

Mr. PIGEON: What did you mean exactly by appointment, because Mr. Lamontagne said the appointments had been organized, were "wrapped up" in other words?

(*Text*)

The ACTING CHAIRMAN: I am not interested in respect of what Mr. Lamontagne may or may not have said as it is out of order, and I so rule.

(*Translation*)

Mr. DROUIN: Mr. Chairman, I would want that question struck from the record, an eminent member of the House, and what is more a Minister of the Crown is being attacked, he is credited with saying things he never said and I want the insinuations Mr. Pigeon has just made struck from the record, I do not want you to say merely that his question is out of order, I want his statement struck from the record.

(*Text*)

Mr. PIGEON: Mr. Chairman, on a question of privilege—

The ACTING CHAIRMAN: There is no question of privilege. I am asking you to continue with your question.

Mr. PIGEON: But, that is a fact, you know.

(*Translation*)

Mr. Davey, was there any mention of the defeated Liberal candidate in Labelle constituency when you were speaking with Mr. Girouard?

(*Text*)

Mr. DAVEY: I do not recall any mention of the defeated Liberal candidate, no.

(*Translation*)

Mr. PIGEON: You remember absolutely nothing? You didn't tell Mr. Girouard that it would be easy to bring the defeated Liberal candidate to his senses?

(*Text*)

Mr. DAVEY: I did not.

(*Translation*)

Mr. PIGEON: I wanted to ask you this, Mr. Davey: had you met the four Liberal members who had gone to the Interprovincial Hotel to try to make an arrangement so that there would be no contradiction in your evidence?

(*Text*)

Mr. DAVEY: I am sorry.

(*Translation*)

Mr. PIGEON: Whether you met the Liberal members who were at the Interprovincial Hotel when it was decided that this business would come here, before the Privileges and Elections Committee? Whether you met the incriminated Liberal members in order to try to have a—to have a—

Mr. DROUIN: Mr. Chairman, on a question of privilege, no Liberal members have been incriminated before this committee. I understand that our colleague, the member for Joliette-L'Assomption-Montcalm, should be afraid of the fate awaiting him at the next election, but that does not justify him insulting everybody, insulting all the members here in this House and ascribing feelings to them which may be his own but which are not in the makeup of honest men.

(*Text*)

The ACTING CHAIRMAN: Gentlemen, the question is quite improper.

(*Translation*)

Mr. PIGEON: Well, Mr. Chairman, first of all, it is necessary that the honourable member know the meaning of "incriminate"; I mean those members who were mixed up in this business and who might justifiably be called to appear here, before the Privileges and Elections Committee.

(*Text*)

The ACTING CHAIRMAN: You know very well, Mr. Pigeon, that no one is being accused around this table. We are reviewing a question of privilege that was raised in the house, and I appeal to your better judgment to use proper language.

(*Translation*)

Mr. CHAPDELAINE: It won't take long, Mr. Chairman. I would like to point out that if Mr. Pigeon wishes to give words a meaning that they don't have, then that's another thing he'll have to explain, that is, his interpretation, because we use the dictionary for ours. I was also suggesting that he not make all sorts of purely political allusions when he asks questions, because that doesn't get us anywhere.

Mr. PIGEON: I wanted to say "the members concerned", to be more fair, more accurate, "concerned"; I'm sorry if I misled a few members, but I wanted to say "concerned". Mr. Davey, would you have—

(*Text*)

Mr. GREENE: Mr. Chairman, on that point of privilege, I want to make very certain that the Chair has ruled that the word in question will be obliterated from the record.

The ACTING CHAIRMAN: I ruled that the way in which the question was put is inadmissible.

Mr. GREENE: But it will still show on the record. Mr. Pigeon very properly has withdrawn it.

Mr. WOOLLIAMS: Mr. Chairman, I never have heard in this country that in any tribunal you can have words struck from the record. This is all right on T.V. but it is not the case in respect of a tribunal.

Mr. GREENE: Mr. Chairman, if we might get back to the point and thereby save the histrionic career of Mr. Woolliams, I would like to ascertain that it is withdrawn and that it does not show on the transcript.

The ACTING CHAIRMAN: As I understood it, Mr. Pigeon said he withdrew the word.

Mr. PIGEON: I changed the word.

Mr. NIELSEN: Mr. Chairman, on a point of order, I do not think any word can be withdrawn or obliterated from the record as it is being transcribed.

The ACTING CHAIRMAN: It is not taken out of the record but Mr. Pigeon can withdraw the word and this would be shown in the record.

Let us get on with the hearing.

Mr. PIGEON: I would like to place a motion. I want to proceed.

The ACTING CHAIRMAN: Now, no one is enhancing the reputation of this committee by engaging in this cross fire. Let us get on with our business.

Let us get on with it.

(*Translation*)

Mr. PIGEON: Sir, I would like to ask Mr. Davey this: after it had been decided to refer this whole affair to the Privileges and Elections Committee, did you meet the Liberal members concerned, to arrange things so that your evidence would not conflict with theirs?

(*Text*)

Mr. DAVEY: No.

(*Translation*)

Mr. DROUIN: Mr. Chairman—

(*Text*)

Mr. DAVEY: Not for the purpose you describe, no. Not for the purpose you suggested.

(*Translation*)

Mr. PIGEON: Did you discuss it?

(*Text*)

Mr. DAVEY: Yes.

(*Translation*)

Mr. PIGEON: What did you actually discuss?

An hon. MEMBER: The broad outlines—

(*Text*)

The ACTING CHAIRMAN: I am not going to allow this question for the same reason I explained the other day. If we are going to open it up, it would mean if Mr. X made different remarks about Mr. Girouard in the course of this discussion, and another member said the same thing, and so on, you can see how you could blacken the reputation and character of a man without him being present. I am not going to get into that. We are not damaging people's reputations in this committee in this manner.

Mr. PIGEON: Mr. Chairman, I have no further questions.

The ACTING CHAIRMAN: Then Mr. Rhéaume is next.

Mr. RHÉAUME: Did you agree in a telephone call to Mr. Moreau, either the first or the second, that you would be agreeable to meet with Mr. Girouard in Mr. Girouard's office? You have testified that the final decision was on made in Mr. Macaluso's office, or you think that was it. Did you say at any time you would also be willing to go to Mr. Girouard's office, or that that was a possibility?

Mr. DAVEY: I do not recall specifically refusing to go to Mr. Girouard's office. At the first telephone call, the meeting was set for the Liberal federation, and in the second, for Mr. Macaluso's office.

Mr. RHÉAUME: You do not recall saying you would not go to Mr. Girouard's office?

Mr. DAVEY: No.

Mr. RHÉAUME: Do you recall whether Mr. Moreau asked you whether you would consider going?

Mr. DAVEY: I do not think he did.

Mr. RHÉAUME: Are you positive?

Mr. DAVEY: I do not recall him asking me that question.

Mr. RHÉAUME: You do not recall saying you would not go?

Mr. DAVEY: No.

Mr. RHÉAUME: In your state of mind at the end, would you have gone to Mr. Girouard's office?

Mr. DAVEY: Yes.

Mr. RHÉAUME: You mentioned Mr. Guiguère. Who is he?

Mr. DAVEY: The federal campaign chairman for the Liberal party in the province of Quebec.

Mr. RHÉAUME: He was that at the time the check-out on Mr. Girouard was being done?

Mr. DAVEY: Yes.

Mr. RHÉAUME: You said to the press and have repeated to the committee, in effect, that Mr. Girouard was a reject, and that those grapes were probably sour.

Mr. DAVEY: I said he was a Liberal reject, yes.

Mr. RHÉAUME: And you based this on the fact that you had told Mr. Moreau about a month after the meeting that the Quebec Liberal party was not prepared to accept Mr. Girouard?

Mr. DAVEY: Not entirely. I based it on the fact that it was obvious to me as a result of the meeting in Mr. Moreau's office that Mr. Girouard would be prepared to enter the Liberal party and that subsequently this could not be facilitated, and I asked Mr. Moreau to so inform him.

Mr. RHÉAUME: Do you know whether Mr. Moreau informed him or not?

Mr. DAVEY: Well, Mr. Moreau—

Mr. RHÉAUME: To your personal knowledge do you know? You were not present?

Mr. DAVEY: I was not present; no.

Mr. RHÉAUME: Do you have any personal knowledge with regard to not only the decision being translated to Mr. Girouard by Mr. Moreau, but also the terms or the reasons for it?

Mr. DAVEY: No.

The ACTING CHAIRMAN: At what time?

Mr. RHÉAUME: When Mr. Moreau was relating it.

Mr. DAVEY: You mean the final conversation?

Mr. RHÉAUME: Yes.

Mr. DAVEY: Do I know what Mr. Moreau said in that conversation?

Mr. RHÉAUME: Yes.

Mr. DAVEY: Only what he testified under oath yesterday.

Mr. RHÉAUME: Do you know personally that Mr. Moreau even said anything at all to Mr. Girouard to the effect that he was unacceptable, to your knowledge?

Mr. DAVEY: You mean if I had not been here yesterday at this hearing?

Mr. RHÉAUME: Yes.

Mr. DAVEY: I cannot recall Mr. Moreau saying that.

Mr. RHÉAUME: At the time you made the statement to the press saying that he was a reject, did you personally know that any information had been fed to him about his not being acceptable to the Liberal party?

Mr. DAVEY: I assumed he had spoken to him.

Mr. RHÉAUME: You assumed he had been told?

Mr. DAVEY: I sure did.

Mr. RHÉAUME: You assumed he had been told it was because of the Quebec Liberal party, Mr. Giguère, and so on, who did not find him acceptable. That was in your assumption?

Mr. DAVEY: I did not speculate in my mind. As I say, I did not speculate on what Mr. Moreau had said.

Mr. RHÉAUME: You told Mr. Moreau why Mr. Girouard was unacceptable?

Mr. DAVEY: Yes.

Mr. RHÉAUME: You assume that he relayed that decision to Mr. Girouard?

Mr. DAVEY: I have no knowledge. I assumed that.

Mr. RHÉAUME: Did you also assume he told him the reason?

Mr. DAVEY: Yes.

Mr. RHÉAUME: That is what I wanted. At one point in the discussion at the meeting in the west block the following day, you stated this—I am trying to quote from my notes—that the Liberal program included a distinctive national flag. You told us that earlier in answer to Mr. Woolliams. Did you indicate that was the extent of the policy, or that it was merely an inclusion in the policy?

Mr. DAVEY: Well, Mr. Rhéaume—

Mr. RHÉAUME: Was that the whole policy you were quoting, or only part of it? You say it included a discussion of the national flag, or that it related to the flag issue.

Mr. DAVEY: As I say, the flag was being discussed when I arrived, and I was asked to confirm the position that was being taken by the Liberal members,

and I did. That was the occasion of the discussion of policy. There was no reference with regard to whether or not that was the entire—

Mr. RHÉAUME: The extent of it.

Mr. DAVEY: Right.

Mr. RHÉAUME: I asked you that because I am going to read you a question and answer at page BBB 4 in the transcript, two thirds of the way down the page. I am going to read it in sequence. I will read it all for the benefit of the new leader in Ontario.

Mr. DAVEY: He would be an excellent leader, I might say.

Mr. RHÉAUME: My question was:

> Did Mr. Davey at any point suggest that it was Liberal party policy to have a distinctive Canadian flag, and that the party intended to pursue it?
>
> Mr. Moreau: He confirmed what we had been telling Mr. Girouard, yes.
>
> Mr. Rhéaume: Did he at any time state to Mr. Girouard that the red ensign was in effect to be a co-flag?
>
> Mr. Moreau: No.
>
> Mr. Rhéaume: In the discussion between your own members, the Liberal party members, and Mr. Girouard over the letter which Mr. Pearson or the whip was sending out, suggesting that you people send it, was there any suggestion then that the proper answer to these kind of queries would be two flags for Canada?
>
> Mr. Moreau: There was mention however that the red ensign would be an appropriate flag for Commonwealth occasions and could be retained in that sense.

That is the sequence I am reading to you.

Mr. FISHER: Mr. Chairman, on a point of order, I would just like to ask the person questioning the reasons for this line of questioning. Has it to do with the credibility of the witnesses? Otherwise, I cannot see how it is germane.

Mr. RHÉAUME: Very definitely it has to do with credibility of witnesses; that is the full purpose of it.

On page BBB 4, he said:

> He confirmed what we had been telling Mr. Girouard, yes.

Meaning the Liberal party program which you had put your imprimatur on. Then:

> There was mention, however, that the red ensign would be an appropriate flag for Commonwealth occasions and could be retained in that sense.

Is it your recollection that you confirmed that?

Mr. DAVEY: May I ask what you said about my imprimatur?

Mr. RHÉAUME: When you came in, Mr. Moreau said you confirmed—they had made the pitch about the flag, and you put your approval on it.

Mr. DAVEY: It was hardly a pitch.

Mr. RHÉAUME: You do not know what they were doing before you got there?

Mr. DAVEY: I know what they told me they were doing when I arrived, and I would not say it was a pitch.

Mr. RHÉAUME: I continue.

Mr. Moreau: There was mentioned however that the red ensign would be an appropriate flag for Commonwealth occasions and could be retained in that sense.

Do you recall confirming that?

Mr. DAVEY: No, I do not.

Mr. RHÉAUME: Do you recall speaking to Mr. Girouard or confirming what they had said. Could you be mistaken? Was it possible that what was said was that the union jack would be appropriate?

Mr. DAVEY: No, I was simply asked to confirm that the party policy was in favour of a distinctive Canadian flag, and this is what I did. Most of the flag conversation, I suggest—

Mr. RHÉAUME: Was over.

Mr. DAVEY: Yes.

Mr. RHÉAUME: When you were there was the letter which the whip had suggested to you—was it still in circulation.

Mr. DAVEY: It was present, yes.

Mr. RHÉAUME: Are you familiar with the contents of that letter?

Mr. DAVEY: No, I am not.

Mr. RHÉAUME: Do I understand that you are not familiar with the contents of the letter which purported to be the answer to a distinctive national flag for Canada, that the Liberal members were using?

Mr. DAVEY: That is correct.

Mr. RHÉAUME: You do not know the policy outlined in that letter?

Mr. DAVEY: I had some idea, but I had not seen the letter, and I was not familiar with its contents.

Mr. RHÉAUME: You are not sure.

Mr. DAVEY: I know what was in the letter.

Mr. RHÉAUME: So it may be that the letter does say that "It was mentioned however that the red ensign—"; it is possible that the letter said that?

Mr. DAVEY: I have not read the letter yet.

Mr. RHÉAUME: You testified that you had been there to confirm what your party's policy was?

Mr. DAVEY: I confirmed that our policy was in favour of a distinctive Canadian flag.

Mr. RHÉAUME: But you do not disagree that this was also Mr. Moreau's view?

Mr. DAVEY: I do not say I would disagree; I said that I have not seen the letter.

Mr. RHÉAUME: There was no mention of the red ensign while you were there?

Mr. DAVEY: Not that I can recall.

Mr. RHÉAUME: You said your understanding of what Mr. Girouard was there for was to join the Liberal party, although he did not say so in as many words. Is that a correct statement?

Mr. DAVEY: Yes.

Mr. RHÉAUME: Did he say in so many words that he intended to join the Conservative party?

Mr. DAVEY: In so many words, I would say yes.

Mr. RHÉAUME: How many conversations altogether did you have with Mr. Moreau starting with the first phone call from Hull? About how many meetings would you have had?

Mr. DAVEY: If we count the half hour meeting as one conversation, then I had five.

Mr. RHÉAUME: You had five altogether?

Mr. DAVEY: Yes.

Mr. RHÉAUME: When the nomination procedures were being discussed and the four Liberal members were present, was there a reaction to your efforts to achieve the Liberal nomination?

Mr. DAVEY: Yes.

Mr. RHÉAUME: I gather from your evidence that there was some detailed discussion of it?

Mr. DAVEY: Yes.

Mr. RHÉAUME: Including the pushing of Liberal membership tickets and who had won the first prize and who had won the second prize for selling the most?

Mr. DAVEY: The membership drive pertained to York-Scarborough only. There was no mention of a membership drive in other constituencies.

Mr. RHÉAUME: Presumably the mechanics of how a delegate vote is registered, or whether you use some other system, the procedural method of selecting a candidate was also discussed?

Mr. DAVEY: It was not, no.

Mr. RHÉAUME: So this discussion about membership was unrelated to the matter of nomination?

Mr. DAVEY: It was related, but procedural methods were not discussed.

Mr. RHÉAUME: At this point you had made it absolutely clear to Mr. Girouard that he was nothing more than a postulant or applicant?

Mr. DAVEY: I had made it perfectly clear I think to Mr. Girouard that it would not be up to me to pass judgment on whether or not he could cross the floor and join the Liberal party. I fell it was perfectly clear.

Mr. RHÉAUME: You feel that it was perfectly clear to him that he was an applicant not approved, and that you did not have the authority in the first place, and that you would want to do some checking out of his credentials?

Mr. DAVEY: Yes, I think he was clear on that.

Mr. RHÉAUME: Would this not be unusual in this kind of discussion? I assume you have had several. You are familiar with this kind of approach. Was it not unusual to be discussing it with someone who was clearly nothing more than an applicant, and that you would begin to discuss nomination procedures and who had sold the most tickets in York-Scarborough?

Mr. DAVEY: It was not unusual to me. Mr. Girouard was a member of parliament and he was interested. He had made it perfectly clear that he was going to leave his party and join another party. I do not think there was anything unusual about it at all.

Mr. RHÉAUME: Did you tell him who had sold the most tickets in York-Scarborough?

Mr. DAVEY: Whether I told this or not, I do not know.

Mr. RHÉAUME: Were you there when Mr. Moreau said it?

Mr. DAVEY: One of the things which troubled Mr. Girouard most, one of the reasons he was resigned to the Conservative alternative, was that he felt that the Liberal party in his constituency probably would not have him.

Mr. RHÉAUME: He said that to you?

Mr. DAVEY: He indicated that there would be a problem.

Mr. RHÉAUME: Did he indicate it in words?

Mr. DAVEY: He indicated that there would be a problem, yes.

Mr. RHÉAUME: The problem of being accepted by the Liberal party?

Mr. DAVEY: Yes.

Mr. RHÉAUME: Did you say to him at any time that the Liberal door is always open to you?

Mr. DAVEY: I do not recall using those words, but the door is always open?

Mr. RHÉAUME: Did you say anything that would make him feel it, in your opinion? Did you do anything by signal or otherwise to indicate that the Liberal door was open?

Mr. DAVEY: I would think that the very fact that I came to the meeting indicated that we were prepared to discuss it. I am prepared to concede it, of course.

Mr. RHÉAUME: Fine, that is good. Fine. Do you think it would be reasonable? Would it be? You received a phone call about 10.30 p.m. from Mr. Moreau suggesting that Mr. Girouard would be willing to talk to you.

Mr. DAVEY: Yes.

Mr. RHÉAUME: I would like to have some more of the details. Did Mr. Moreau say to you that there was more than one, that Mr. Girouard maybe was the key to the Thompson group coming in with us? Did Mr. Moreau say that?

Mr. DAVEY: Mr. Moreau said that he was talking to Mr. Girouard, and that there might be others, yes.

Mr. RHÉAUME: This would be about 10.30 at night?

Mr. DAVEY: Yes.

Mr. RHÉAUME: And at that point you were prepared to see him the next morning?

Mr. DAVEY: Yes.

Mr. RHÉAUME: That would be some 12 hours later?

Mr. DAVEY: Yes.

Mr. RHÉAUME: You were prepared to meet with him?

Mr. DAVEY: Yes.

Mr. RHÉAUME: And you insisted that you participate in it?

Mr. DAVEY: Yes.

Mr. RHÉAUME: When did the first phone call get to you approximately?

Mr. DAVEY: The first phone call?

Mr. RHÉAUME: Yes.

Mr. DAVEY: About 10.30.

Mr. RHÉAUME: At night, and when did the second one come saying that the deal had to be changed?

Mr. DAVEY: About 10 to 15 minutes later there was a second phone call suggesting that the locale of the meeting would have to be changed.

Mr. RHÉAUME: You have heard earlier evidence of Mr. Girouard and Mr. Moreau which contains a direct contradiction as to whether there had been a phone call made initially or not. When Mr. Moreau called you at the office at 10.30 at night and identified the fact that he was calling you from the Interprovincial hotel in Hull and gave you this information, did you

have any reason to believe from his tone of voice, or from the way he spoke that he was impaired, or did not know what he was talking about?

Mr. DAVEY: Absolutely no.

Mr. RHÉAUME: You are perfectly clear on that?

Mr. DAVEY: Perfectly.

Mr. RHÉAUME: I have asked this question before and I intend to ask the same question again, and for a perfectly good reason.

Mr. DAVEY: Yes, I am perfectly clear.

Mr. RHÉAUME: If you had thought that there was any hanky-panky or some kind of joviality which might occur after a cocktail party and get together, you would not have treated it so lightly.

Mr. DAVEY: I would have phoned Mr. Moreau the following morning at nine o'clock.

Mr. RHÉAUME: Confirming it? You are absolutely sure?

Mr. DAVEY: I am sure, yes.

Mr. RHÉAUME: Fine. Those are all the questions I have.

The ACTING CHAIRMAN: Mr. Balcer is the next questioner on my list. Mr. Fisher, I have Mr. Prud'homme and then Mr. Francis as the next two questioners.

Mr. WOOLLIAMS: Mr. Chairman I was wondering at this stage, it being fifteen minutes to six, whether we might adjourn now and meet tomorrow.

The ACTING CHAIRMAN: While you were raising that point it has just been communicated to me by the clerk that the committee on Agriculture and Colonization somehow or other has already requisitioned this room and they are hearing witnesses at ten o'clock tomorrow. This is the only committee room so far as I am aware that has been set up for hearing witnesses with simultaneous translation and this equipment. This is something I am going to try to work out with the chairman of the agriculture committee. When did this situation arise? When did that committee requisition the room? I am informed they requisitioned the room sometime back. However, I would like to see this committee move along. However, there is the situation.

Mr. GREENE: Let us press on.

Mr. NUGENT: Can we finish in 15 minutes?

Mr. LEBOE: Sure, we can finish. We could have finished half an hour ago.

Mr. FISHER: I am prepared to put a motion if I can get a seconder. I will move that the committee report to the House of Commons that it has had no evidence to indicate in the Girouard matter that any bribery took place with regard to this member and his relations with certain Liberal M.P.'s and officials.

Mr. NUGENT: That is not a complete report to the House of Commons, Mr. Chairman. We are to report back on matters raised in statements, and the only matters raised in the statements certainly did not refer to whether there was bribery. Even Mr. Knowles has made some insinuations in respect of things that might be raised and I would think that our report back to the House of Commons would have to be, whether or not any question affecting the privileges of members of the house had been disclosed at the hearings.

The ACTING CHAIRMAN: I am going to throw this suggestion out from the Chair, that the steering committee meet without prejudice to the further hearings of this meeting. I merely throw that out as a suggestion.

Mr. WOOLLIAMS: Is that all right with you?

Mr. CASHIN: Yes.

The ACTING CHAIRMAN: With the hope that there will be some fruition as a result of the steering committee meeting without prejudice to any rights of the members at this time.

Mr. WOOLLIAMS: Would you agree to that Mr. Fisher?

Mr. FISHER: Yes, sure. I think we are going around in a circle and I think we should get off.

Mr. PRUD'HOMME: I would second the motion.

Mr. GREENE: Put the question.

Mr. CASHIN: What is the question.

Mr. FISHER: I move that the committee report to the House of Commons that it has had no evidence to indicate in the Girouard matter that any bribery took place with regard to this member and his relations with certain Liberal M.P.'s and officials, and with the permission of the seconder I would add to cover the point raised by Mr. Nugent, and therefore, no breaches of privileges of the House of Commons are involved.

Mr. PRUD'HOMME: I second that motion.

Mr. WOOLLIAMS: We are in this position at the moment—

The ACTING CHAIRMAN: Order.

Mr. CAMERON (*High Park*): I think you have suggested that we adjourn and that the steering committee meet. I thought that was what Mr. Woolliams asked Mr. Fisher if he would be agreeable to. I certainly would not agree to this motion at present. I think it is premature. I think when we conclude the evidence we can sit down and study the report we want to make and I am not prepared to deal with it in that rather offhand sort of manner. I am agreeable to your suggestion.

Mr. CASHIN: Mr. Chairman, I should just like to say I think this motion is proper at this time. However, you suggest, am I clear, that Mr. Woolliams would rather that the steering committee meet to discuss these things to see whether this motion would be acceptable?

Mr. WOOLLIAMS: In answer to the question put to me by the hon. member, I feel if the steering committee, which is representative of all parties, had a chance to discuss this and then come back and report that a motion such as Mr. Fisher has put forward might be quite agreeable. There may be a few more questions. There are a few more questions that some of the members wish to ask but I think surely the steering committee might be able to meet and report at the next sittings.

Mr. DUBÉ: I also think the steering committee should meet and perhaps study the words of the motion and prepare another statement along the same lines in order to make sure the official report to the House of Commons will cover all the possibilities in respect of those who might be affected.

Mr. CHAPDELAINE: I have two questions I want to ask and maybe after we have heard the answers from Mr. Davey to those two questions everybody will agree on the motion that we have just had put. If the committee is agreeable that I should be allowed to ask those two questions perhaps the answers will clarify a situation that is not now clear.

Mr. FRANCIS: I have a very brief question I want to ask.

The ACTING CHAIRMAN: When I put forward my suggestion Mr. Fisher did not have a seconder.

Mr. CASHIN: Mr. Chairman, would Mr. Fisher consider including in his motion words to the effect that the steering committee meet and consider—

Mr. FISHER: I think the best thing to do is to leave the motion before the committee and accept the suggestion of the Chairman that the steering com-

mittee meet. Following which I may be prepared to withdraw the motion or have it amended on the recommendation of the steering committee.

Mr. WOOLLIAMS: I think the member for Port Arthur is being very fair, and I think that is an excellent suggestion.

The ACTING CHAIRMAN: You may say that you have just a couple of questions, but when you ask a couple that leads to a couple more and we are back to the whole circle. I cannot shut off any member.

Mr. CHAPDELAINE: They are very simple but if the committee does not agree I will not pursue the matter.

The ACTING CHAIRMAN: I am not ruling you out.

Mr. NUGENT: Sometimes you get a complicated answer to a simple question.

Mr. CAMERON (*High Park*): Mr. Chairman, I do not like the idea of leaving the motion on the record. Let us either vote on it or have it withdrawn.

The ACTING CHAIRMAN: I would respectfully suggest, if I may from the Chair, that the motion stand and, if I have the concurrence of the mover and seconder, that it be dealt with as the first thing at the next meeting of the committee.

Mr. NUGENT: Right.

The ACTING CHAIRMAN: If you leave it with the Chairman and the steering committee to meet at the call of the Chair I will reconvene the committee on that question and assure you there will be no delay in the matter. I will bring it on as expeditiously as possible.

Mr. GREENE: I quite concur with Mr. Woolliams and the hon. member for Port Arthur in this matter, but I would think that possibly in order to indicate to all members that we are going to move expeditiously you should call the meeting of the steering committee and name the time of it right now.

The ACTING CHAIRMAN: I will name it for tomorrow, if I may. I think all of the members of the steering committee are represented here. Do you want the meeting in the morning or in the afternoon? What is your wish?

Mr. WOOLLIAMS: You call the meeting for tomorrow and that will be fine.

Mr. FISHER: Yes, we will get there. You name it and we will turn up.

The ACTING CHAIRMAN: I will call the meeting for eleven o'clock tomorrow morning.

Mr. FISHER: I move we adjourn.

HOUSE OF COMMONS

Second Session—Twenty-sixth Parliament

1964

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Acting Chairman: MR. LAWRENCE T. PENNELL

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 5

FRIDAY, MAY 29, 1964

TUESDAY, JUNE 9, 1964

WEDNESDAY, JUNE 10, 1964

Matters raised by the honourable member for Labelle (Mr. Girouard) in the house Monday, April 27, 1964.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20827—1

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Acting Chairman: Mr. Larry Pennell

Vice-Chairman: Mr. Jean-Eudes Dubé

and Messrs.

Balcer,	Fisher,	Paul,
Beaulé,	Francis,	Pennell,
Cameron (*High Park*),	Greene,	Pigeon,
Cashin,[3]	Grégoire,	Prud'homme,[1]
Chapdelaine,	Jewett (*Miss*),	Rhéaume,
Chrétien,	Leboe,	Rochon,
Crossman,[2]	Martineau,	Scott,
Drouin,	Nielsen,	Valade,
Dubé,	Nugent,	Vincent,
	O'Keefe,	Woolliams—29

(Quorum 10)

Maxime Guitard,
Clerk of the Committee.

[1]Mr. Lessard (St-Henri) replaced Mr. Prud'homme, on May 28, 1964.
[2]Mr. Mullally replaced Mr. Crossman, on May 28, 1964.
[3]Mr. Groos replaced Mr. Cashin, on May 29, 1964.

ORDERS OF REFERENCE

THURSDAY, May 28, 1964.

Ordered,—That the names of Messrs. Lessard (*Saint-Henri*) and Mullally be substituted for those of Messrs. Prud'homme and Crossman respectively on the Standing Committee on Privileges and Elections.

FRIDAY, May 29, 1964.

Ordered,—That the name of Mr. Groos be substituted for that of Mr. Cashin on the Standing Committee on Privileges and Elections.

Attest.

LÉON-J. RAYMOND,
The Clerk of the House.

20827—1½

REPORT TO THE HOUSE

MONDAY, June 15, 1964.

The Standing Committee on Privileges and Elections has the honour to present its

SECOND REPORT

1. Pursuant to its Order of Reference of April 28, 1964, your Committee had before it, for consideration and report the matters raised by the honourable member for Labelle (Mr. Girouard) in his question of privilege as reported in *Hansard* for Monday, April 27, 1964.

2. On April 10, 1964, the House of Commons designated twenty-nine members of the Committee: Miss Jewett, Messrs. Armstrong, Balcer, Beaulé, Brewin, Cameron (*High Park*), Cashin, Crossman, Doucett, Drouin, Dubé, Francis, Girouard, Greene, Howard, Lessard (*Saint-Henri*), Macquarrie, Marcoux, More (*Regina City*), Moreau, Nielsen, Nugent, O'Keefe, Paul, Plourde, Rapp, Rochon, Valade, Woolliams.

The following were also appointed from time to time to the Committee, during the course of its sittings: Messrs. Leboe, Fisher, Scott, Grégoire, Martineau, Pigeon, Rhéaume, Vincent, Pennell, Chrétien, Fairweather, Mullally, Gauthier, Basford, Loiselle, Olson, Morison, Prud'homme, Klein, Groos, Chapdelaine.

A Subcommittee on Agenda and Procedure was appointed to prepare the sittings of the Committee. It comprised of Messrs. Pennell, Dubé, Fisher, Greene, Grégoire, Leboe, Nielsen, Woolliams.

3. Your Committee held fifteen meetings and heard evidence under oath.

4. Your Committee heard the following witnesses: Messrs. Gérard Girouard, M.P., Maurice J. Moreau, M.P., and Keith Davey, National Organizer of the Liberal Party.

5. The Committee then decided to sit *in camera* and listened to an opinion from Dr. Maurice Ollivier, Parliamentary Counsel, which opinion is attached as an appendix to the Minutes of Proceedings and Evidence. Your Committee reports that it found no evidence of bribery or attempted bribery.

There is no question of privilege involved in the present reference.

The Committee wishes to express its sincere appreciation to the personnel of the House of Commons and all those persons who otherwise assisted the Committee in its work.

Respectfully submitted,

LAWRENCE T. PENNELL,
Chairman.

MINUTES OF PROCEEDINGS

FRIDAY, May 29, 1964.
(13)

The Standing Committee on Privileges and Elections met at 10.13 o'clock a.m. this day. The Acting Chairman, Mr. Pennell, presided.

Members present: Miss Jewett and Messrs. Beaulé, Cameron (*High Park*), Cashin, Chapdelaine, Chrétien, Drouin, Dubé, Francis, Greene, Grégoire, Leboe, Lessard, Mullally, Nielsen, O'Keefe, Pennell, Pigeon, Rhéaume, Rochon, Vincent, Woolliams (22).

In attendance: Dr. Maurice Ollivier, Parliamentary Counsel and Parliamentary interpreters interpreting.

The Acting Chairman instructed the Clerk to read the Fourth Report of the Subcommittee on Agenda and Procedure of the meeting held at 11:00 o'clock a.m. on May 28, 1964.

FOURTH REPORT

THURSDAY, May 28, 1964.

The Subcommittee on Agenda and Procedure of the Standing Committee on Privileges and Elections met at 11:03 o'clock a.m. this day. The Acting Chairman, Mr. Pennell, presided.

Members present: Messrs. Dubé, Fisher, Greene, Grégoire, Leboe, Pennell, Woolliams (7).

Pursuant to an Order of the Committee, the Subcommittee considered and studied the motion of Mr. Fisher, seconded by Mr. Chapdelaine, that the Committee report to the House of Commons that it has had no evidence to indicate on the Girouard matter that any bribery took place with regard to this Member in his relations with certain Liberal Members of Parliament and officials, and therefore, no privileges of the House were involved.

The Acting Chairman read a legal opinion prepared by Dr. Maurice Ollivier, Parliamentary Counsel.

On motion of Mr. Leboe, seconded by Mr. Francis,

Resolved: That the Fourth Report of the Subcommittee meeting held at 11:00 o'clock a.m. on Thursday, May 28, 1964, be adopted as read.

Then the Acting Chairman read the Fifth Report of the Subcommittee on Agenda and Procedure:

FIFTH REPORT

THURSDAY, May 28, 1964.

The Subcommittee of the Standing Committee on Privileges and Elections met at 8:15 o'clock p.m. this evening. However, the meeting was interrupted at its very beginning by the division bell but reconvened at 9:00 o'clock p.m. The Acting Chairman, Mr. Pennell, presided.

Members present: Messrs. Dubé, Fisher, Greene, Leboe, Nielsen, Pennell, Woolliams (7).

The Subcommittee resumed consideration of the motion of Mr. Fisher, pursuant to its Order from the Committee.

However, the Subcommittee reports that it has not yet reached the stage of making, to the Committee, any recommendation.

Having reached no final decision concerning that motion, the Subcommittee decided to reconvene at 8:15 p.m. this evening.

On motion of Mr. Greene, seconded by Mr. Leboe,

Resolved: That the Subcommittee membership be enlarged in order to include a second member of the Progressive Conservative Party to be appointed the regular way.

Thereupon Mr. Chapdelaine moved, seconded by Mr. Leboe,

That the Committee do report that there was no bribery or attempted bribery and therefore is of the opinion that there is no question of privilege involved and should so report to the House.

And debate arising thereon, Mr. Nielsen moved, in amendment thereto seconded by Mr. Greene.

That the motion of Mr. Chapdelaine, seconded by Mr. Leboe, be discussed *in camera*.

After further debate, the question being put on the said amendment, it was decided on the following division: Yeas, Miss Jewett, Messrs. Cameron (*High Park*), Cashin, Chapdelaine, Dubé, Francis, Greene, Leboe, Mullally, Nielsen, O'Keefe, Pigeon, Rhéaume, Rochon, Vincent, Woolliams (16);

Nays: Messrs. Beaulé, Chrétien, Drouin, Grégoire, Lessard (*Saint-Henri*) (5).

After seven minutes recess, the Committee reassembled *in camera*.

The Acting Chairman then asked the Clerk to administer the oath to Mr. Albert Robertson, messenger, acting as operator of the simultaneous interpretation device switchboard.

At 10:58 o'clock a.m. the Committee adjourned until 2:30 o'clock p.m. this day, to sit *in Camera*.

AFTERNOON SITTING

FRIDAY, May 29, 1964.
(14)

The Standing Committee on Privileges and Elections reconvened *in camera*, at 2:36 o'clock p.m. this afternoon. The Acting Chairman, Mr. Lawrence T. Pennell, presided.

Members present: Messrs. Balcer, Beaulé, Cameron (*High Park*), Chapdelaine, Drouin, Dubé, Francis, Greene, Grégoire, Groos, Jewett (Miss), Leboe, Lessard (*Saint-Henri*), Mullally, O'Keefe, Pennell, Rochon, Vincent and Woolliams (19).

In attendance: Dr. Maurice Ollivier, Parliamentary Counsel, and Parliamentary interpreters interpreting.

The Acting Chairman instructed the Clerk of the Committee to administer the oath to the messenger, Mr. R. I. Gow, acting as operator of the simultaneous interpretation device switchboard.

The Committee resumed consideration of the following motion:

"Moved by Mr. Fisher, seconded by Mr. Chapdelaine,

That the Committee report to the House that it has had no evidence to indicate on the Girouard matter that any bribery took place with regard to this Member in his relation with certain Liberal Members of Parliament and officials and therefore, no privileges of the House were involved."

After debate thereon, Mr. Grégoire, seconded by Mr. Beaulé, moved in amendment thereto,

Que les mots suivants soient ajoutés à la motion principale:

"Que le Comité des Privilèges et des Elections rapporte à la Chambre des communes le dossier des témoignages et, devant les contradictions apparentes, recommande à la Chambre de le faire étudier par le procureur général de l'Ontario et laisse à celui-ci le soin de prendre les procédures et décisions qui s'imposent."

After further debate, the question being put on the said amendment, it was, by a show of hands, negatived. Yeas: 4; Nays: 13.

And the question being put on the main motion, it was resolved, by a show of hands, in the affirmative. Yeas: 14; Nays: 2.

On motion of Mr. Woolliams, seconded by Mr. Mullally,

Resolved,—That the Subcommittee on Agenda and Procedure meet to prepare a draft report to be submitted to the Committee.

At 3:19 o'clock p.m. the Committee adjourned to the call of the Chair.

TUESDAY, June 9, 1964.
(15)

The Standing Committee on Privileges and Elections having been duly called to meet *in camera* at 10:00 o'clock a.m. this day, the following members were present:

Messrs. Balcer, Fisher, Francis, Greene, Groos, Grégoire, Leboe, Martineau, Rhéaume (9).

In attendance: Dr. Maurice P. Ollivier, Parliamentary Counsel and Parliamentary interpreters.

There being no quorum, the members dispersed.

WEDNESDAY, June 10, 1964.
(16)

The Standing Committee on Privileges and Elections met, *in camera*, at 10:40 o'clock a.m. this day. The Acting Chairman, Mr. Pennell presided.

Members present: Miss Jewett and Messrs. Cameron (*High Park*), Chrétien, Crossman, Drouin, Fisher, Greene, Grégoire, Groos, Leboe, Mullally, Nugent, Pennell, Rochon, Scott (15).

In attendance: Dr. Maurice P. Ollivier, Parliamentary Counsel.

The Committee considered its draft report on the matters raised by the member for Labelle (Mr. Girouard) in his question of privilege, as reported in *Hansard* for Monday, April 27, 1964.

Mr. Fisher moved, seconded by Mr. Scott,

That paragraph No. 5 be amended to read as follows:

> The Committee then decided to sit *in camera* and listen to an opinion from Dr. Maurice P. Ollivier, Parliamentary Counsel, which opinion is attached as an appendix to the Minutes of Proceedings and Evidence. Your Committee reports that it found no evidence of bribery or attempted bribery. There is no question of privilege involved in the present reference.

After debate thereon, the question being put on the said amendment to Paragraph No. 5 of the draft report, it was resolved, by a show of hands, in the affirmative. Yeas: 10; Nays: 1.

Then Mr. Grégoire moved, seconded by Mr. Drouin,

That in the last paragraph of the draft report, the words "testified before the Committee or otherwise" be deleted, and that the word "otherwise" be added after the word "who", in order that this said last paragraph read:

> The Committee wishes to express its sincere appreciation to the personnel of the House of Commons and all those persons who otherwise assisted the Committee in its work.

This said motion was agreed to unanimously.

At 10:50 o'clock a.m., Mr. Drouin moved, seconded by Mr. Mullally,

That the Committee adjourn to the call of the Chair.

Maxime Guitard,
Clerk of the Committee.

APPENDIX "A"

MEMORANDUM

(Prepared and presented by Dr. P. M. Ollivier, Parliamentary Counsel)

to the

Committee on Privileges and Elections

I believe that the first and only question before the Committee is whether there is a question of privilege comprised in the motion of Mr. Knowles which has been referred to you, namely:

> That the matters raised by the Member for Labelle . . . be referred to the Committee on Privileges and Elections for consideration and report.

The matter raised by the Member for Labelle as to whether or not he was rejected by the Liberal Party is secondary and cannot be regarded as a question of privilege by any stretch of the imagination. On April 24th, Mr. Speaker ruled (p. 2537 of *Hansard*) that "this question does not relate to public affairs at all" and he added "it does not deal with a public matter, that is a matter which concerns the House. The private goings on, and comings and goings of private members with regard to their own affairs are not matters of public interest."

Then there is the question of bribery which has been mentioned and, if it existed, would certainly affect the question of privilege. Bribery is defined in Bouvier's Law Dictionary as "The receiving or offering any undue reward by or to any person whomsoever, whose ordinary profession or business relates to the administration of public justice, in order to influence his behaviour in office, and to incline him to act contrary to his duty and the known rules of honesty and integrity."

Bouvier also defines a bribe—"The gift or promise which is accepted, of some advantage as the inducement for some illegal act or omission; or of some illegal emolument, as a consideration for proferring one person to another, in the performance of a legal act."

I could also refer to section 100 of the Criminal Code mentioned by Mr. Knowles.

Now, I have read carefully the statements of the Member for Labelle in the House on April 24th and 27th and, at no time did he mention the words "bribe" or "bribery".

I come now to Mr. Girouard's testimony at the first meeting of the Committee. He stated:

> In the first place I want to refute, in every possible way, the accusation made against me in the press to the effect that I had been rejected by the Liberal Party.

This is no question of privilege and if that were the only purpose of the reference to the Committee, the Committee might as well conclude its deliberations and report to the House that it has found that there is no question of privilege involved.

Now, to come back to the question of bribery. As I stated before, at no time did the Member for Labelle mention bribery in his accusations before the House. In the Committee, he went further (as will be found at p. 50 of the

evidence) when he stated: "I did not rise with the intention of accusing anyone or anything. I rose in the House of Commons for the sole purpose of clearing myself of the accusation and insinuation against me."

Therefore, if this Committee is here to study the "matters raised by the honourable Member for Labelle", I submit that "bribery is not one of them by virtue of the statements of the honourable Member himself."

In other words, and to shorten this exposé, it does not appear to me that there is any evidence of bribery and, secondly, that the Committee therefore should report that there is no question of privilege involved.

(*Please note, that all the evidence adduced in French and translated into English, was recorded by an electronic recording apparatus pursuant to a recommendation contained in the Seventh Report of the Special Committee on Procedure and Organization, presented and concurred in, on May 20, 1964.*)

EVIDENCE

FRIDAY, May 29, 1964.

(*Text*)

The ACTING CHAIRMAN: I would ask the committee to come to order.

First of all I would ask the clerk of the committee to read the report of the steering committee. The members of the steering committee did not come to any real meeting of minds. We met yesterday morning; it is a brief report.

(*See Minutes of Proceedings, morning sitting of May 29, 1964 on page No. 337*)

The ACTING CHAIRMAN: The only comment I have to offer in that respect is that I believed or understood it had been the intention of the committee originally that there be two members of the Progressive Conservative party on the steering committee, two Liberals and one each of the other parties. This had been an oversight, and we passed the motion to bring the strength of the Progressive Conservative party on the steering committee up to two.

I would ask the committee to adopt this report, thereby increasing the membership on the steering committee to two in respect of the Progressive Conservative party.

Mr. LEBOE: I so move.

Mr. FRANCIS: I second the motion.

The ACTING CHAIRMAN: All those in favour? Contrary?

The motion is carried unanimously.

I might say we met in the evening, as a result of which I really can report only progress; we made no final conclusions.

At this time Dr. Ollivier's report was read. It was a very brief report and, with the permission of the committee, I would ask that Dr. Ollivier be allowed to read his report into the record for the benefit of the members of the committee.

Some hon. MEMBERS: Agreed.

Mr. WOOLLIAMS: But, Mr. Chairman, with the greatest respect, we have not gone through the finished product of the steering committee.

The ACTING CHAIRMAN: What comes to your mind, Mr. Woolliams?

Mr. WOOLLIAMS: Is Dr. Ollivier going to read the report now?

Dr. M. P. OLLIVIER (*Law Clerk, House of Commons*): No; I am reading my own report.

The ACTING CHAIRMAN: I read the report of the steering committee.

Mr. WOOLLIAMS: But, surely Dr. Ollivier's report to the steering committee was to give us some idea when we are shaping our opinions. I do not think it is necessary that this report be read in committee.

The ACTING CHAIRMAN: Well, I am not pressing it.

Mr. WOOLLIAMS: Dr. Ollivier is not a member of the committee. However, he has been very helpful to us. He was advising us as counsel but I do not think it is necessary that we have this report read at this time.

The ACTING CHAIRMAN: All I was doing was bringing it to your attention, if you thought it necessary that it be read into the record.

Mr. FRANCIS: Under the circumstances, I would like to hear the advice given by Dr. Ollivier.

Mr. NIELSEN: Why do we not print it as an appendix to the proceedings?

Mr. WOOLLIAMS: I do believe that a good many of these statements—I do not know whether they were statements; perhaps "words" would be a better word—are totally unnecessary. However, I still believe in respect of whatever report we come up with, the less we say the better. People have a decent funeral if they keep their mouths shut. Even a judge who has a brief judgment is in a far better position to be upheld in court of appeal than if he makes a 30 or 40 page judgment. I think this report was meant for the steering committee and it is for our benefit when we are deciding what to do and making our report.

Mr. OLLIVIER: It is very short and it is along the lines decided by the steering committee.

Mr. WOOLLIAMS: Well, I do not want to proceed with this matter any further or to say more than I already have said.

Mr. NIELSEN: If Dr. Ollivier's report concerns advice which this committee must have in order to arrive at the report to the house and, if it is the committee's desire to hear it then, surely it should not be heard except in the usual way, namely in camera.

Some hon. MEMBERS: Agreed.

The ACTING CHAIRMAN: I just raised this matter; I am in the hands of the committee in this respect. Is there anything else?

Mr. CAMERON (*High Park*): Mr. Chairman, I think the answer is that we hear it in camera when we are sitting down to write out our report.

The ACTING CHAIRMAN: Very well, then.

Mr. WOOLLIAMS: Mr. Chairman, it is a very obnoxious sort of report; it may be taken to be something we are really saying and, in fact, we are not saying it until we prepare our report. This is like a very rough sketch. I know the doctor has drawn up some very potent material but it is a rough sketch until such time as we approve of it.

The ACTING CHAIRMAN: Then, the steering committee met in the evening. I would ask the Clerk of the Committee to read that report.

The CLERK OF THE COMMITTEE:

> The subcommittee of the standing committee on privileges and elections met at 8.15 o'clock p.m. this evening—

That is, May 28, 1964.

The ACTING CHAIRMAN: If I may interrupt, the committee decided they would read Dr. Ollivier's report in camera when they prepared their report.

Mr. LESSARD (*Saint-Henri*): Why are we not being made aware of that report now?

Mr. DROULN: I agree; we are interested in what is going on.

The ACTING CHAIRMAN: Let us finish the steering committee report first:

(*See Minutes of Proceedings of morning sitting, May 29, 1964, on page No. 337*)

The ACTING CHAIRMAN: I do not think any motion is necessary to adopt this report. I am just reporting to the committee that at that meeting we did not reach a final determination.

When the committee rose there was a motion by Mr. Fisher which he put forward. But, as I understand it, that motion was not before the committee; in other words, until it is read from the Chair it is my understanding it is still in the possession of the person who was proposing it, and while I askd him to stand the motion, in those words, technically that was not correct because really all he was doing was holding it. It could not be stood until the Chairman had read it and then stood it. Mr. Fisher is not here now and if it is the wish that that matter be pursued perhaps Mr. Chapdelaine, the seconder of the motion, would like to say something at this time.

Mr. CHAPDELAINE: I am ready to bring forward a like motion, Mr. Chairman, which would read:

> Moved by Mr. Chapdelaine and seconded by Mr. Leboe that the committee do report that there was no bribery or attempted bribery and, therefore, is of the opinion that there is no question of privilege involved and should so report to the house.

Mr. NIELSEN: This is precisely the type of motion that should be considered in camera.

Mr. DROUIN: Louder please, Mr. Nielsen.

Mr. NIELSEN: Our usual practice is to consider this type of motion, in respect of what we report to the house, in camera and not in open committee. I would ask that you hear me out on that.

Mr. GREENE: Mr. Chairman, I think that is a very sound suggestion.

The ACTING CHAIRMAN: This certainly is a debatable motion but I might say if it was adopted it would be in essence the committee's report and, therefore, usually it is framed in camera. I think that suggestion is quite proper, and if Mr. Nielsen would so move, seconded by Mr. Greene, I would entertain it.

Mr. NIELSEN: I think the committee is in agreement with that.

Mr. GRÉGOIRE: Would you speak louder, Mr. Nielsen.

Mr. NIELSEN: The basis for considering this type of thing in camera is so the committee can report to the house, which is entitled to hear our report before anyone else is entitled to hear it.

So, therefore, I would move that we do adjourn this open meeting and consider the motion of Mr. Chapdelaine in camera.

Mr. GRÉGOIRE: Mr. Chairman, I do not know if this is really the time to present a report. We were supposed to invite three other witnesses. We have not discussed the appearances of any other witnesses since hearing Mr. Davey and, as you know, there were three other members present at the meeting with Mr. Davey whom we were supposed to hear.

The ACTING CHAIRMAN: There has been a motion put which I am going to read. At the moment the motion is whether or not we hear this in camera. I am not going to close off any debate because it goes to the nub of the point and I want to allow full discussion. If the motion so moved were carried in essence this would be a report to the house. It has been a long standing practice that the report of any committee is arrived at in camera.

Mr. Nielsen, did you make a motion to the effect that we consider this matter in camera?

Mr. NIELSEN: That is correct.

Mr. GREENE: With respect, I think it is only Mr. Nielsen's motion that has to be discussed and heard in camera.

Mr. Grégoire has a very good point in the event we proposed in camera and decide to do something else; so, there should be no discussion on the first motion. It should only be a discussion with regard to whether or not we discuss it in camera.

The ACTING CHAIRMAN: It is moved by Mr. Nielsen, seconded by Mr. Greene, that the motion put forward by Mr. Chapdelaine and seconded by Mr. Leboe be discussed in camera. We are discussing the point with regard to whether or not we meet in camera.

Mr. GRÉGOIRE: Before we agree on that motion, I would like to point out some facts. First, there is a question of privilege which was raised in the House of Commons. Accusations were thrown out in that question of privilege. In fact, that was the essence of the question of privilege. There were the main parts of the question of privilege. Today we would be ready to report, but before that, do we have all the facts? Serious things were said, for instance about Mr. Pearson, about Mr. ... and about Social credit in general.

The ACTING CHAIRMAN: With respect, Mr. Grégoire, you are now, as I understand it, discussing the motion suggested by Mr. Chapdelaine and Mr. Leboe. You are not discussing the motion with regard to whether or not we will discuss this in camera, which is what I suggest we should be discussing.

Mr. GRÉGOIRE: I am discussing the motion of Mr. Nielsen.

The ACTING CHAIRMAN: The motion of whether or not we go into camera.

(*Translation*)

Mr. GRÉGOIRE: For I think that if I wish to maintain that the time has perhaps not yet come to sit in camera, I could perhaps obtain leave to give the reasons why we don't even have all the evidence as yet, all the evidence that could be brought forth in Committee. There is, for instance—

(*Text*)

Mr. GREENE: Mr. Chairman, this is the substance of the motion that Mr. Grégoire is discussing. With respect, I think he is perfectly entitled to discuss all this when the motion is being discussed, but at present we are discussing whether or not we go into camera.

Mr. GRÉGOIRE: That is exactly what I am discussing—whether we go into camera or not.

Mr. LEBOE: Mr. Chairman, on the point of order, if Mr. Grégoire wishes to discuss this, after we go into camera he can discuss it to his heart's content; but the question now is whether or not we go into camera. He can discuss it all he wants if we do go into camera, but I suggest his remarks are completely out of place at this time, and I think we should proceed.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, I am precisely discussing the motion. Should we sit in camera or not—and I say no—and it is for this reason that I say that proof has not yet been established satisfactorily and that the time has not come yet to sit in camera, submit our report as long as we don't have all the evidence or the proof in committee, and I say, Mr. Chairman, that we do not have all the evidence in committee. There was some evidence given by both sides. There were contradictions that were qualified as contradictions sworn by the *La Presse* newspaper. In view of the facts, can one say that the enquiry is finished, that we have all the evidence, completely? I say no, Mr. Chairman, and that is why I would ask that proof be established completely. Things were said that were opposed by two witnesses.

Shall we remain? Shall we go and sit in camera, to prepare the report? Are we ready to prepare the report with the only evidence we have? I still say no. I think that before—

(*Text*)

Mr. GREENE: Mr. Chairman, on a point of order, that is exactly what we will discuss. You have ruled we are only discussing here the motion of going into camera. There is no sense in Mr. Grégoire saying he is talking on a motion to go into camera when, in fact, he is speaking on the main motion. With respect, I suggest the Chair should call him to order.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, I submit to my friend, Mr. Greene, that I am not speaking at all on Mr. Chapdelaine's motion, to find out whether or not there was privilege or not, bribery or not. I am speaking about the fact and all the evidence that we have before us with regard to our going in camera to examine Mr. Chapdelaine's motion. It is that point which I am discussing—only that point—and I think that my friend, Mr. Greene, whom I have found extremely intelligent since this committee began to sit, admitting that I should discuss the second motion rather than the first, and secondly, before we sit in camera.

(*Text*)

Mr. WOOLLIAMS: It often is hard to come to a conclusion like that, because you have to have the same mentality to come to a conclusion like that.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, I think that my friend, Mr. Woolliams, wants to hear that he, too, has been extremely intelligent—(*laughter*). Before sitting in camera, Mr. Chairman, I submit that we should hear the other three witnesses of the meeting between Mr. Davey and the member for Labelle. I also submit that we should have the opportunity to re-question the member for Labelle, and seeing that at present the evidence does not seem to be complete, but that it can be completed by the questioning of these four witnesses on Mr. Pearson's part in the matter raised by the member for Labelle. There has however been a rather serious charge and I think that we would have new facts on this matter. That is why I feel the inquiry should be continued, not necessarily for long, for there would be only a few questions to each witness to get their version of the incident and then we would be ready to sit in camera to discuss the whole matter—

(*Text*)

The ACTING CHAIRMAN: I am going to put the question. It is moved by Mr. Nielsen, seconded by Mr. Greene, that the committee now go into camera to consider the motion by Mr. Chapdelaine and Mr. Leboe. All those—

(*Translation*)

Mr. GRÉGOIRE: Before voting on that motion, I should like to make one last remark: I realize that this morning the atmosphere is completely changed; that the atmosphere between the different.....in this committee is completely changed from last week or two weeks ago. In the beginning there seemed to be a real interest in knowing what actually happened. With the sworn contradictions we have had in committee, I see that in fact the groups who were interested in the matter seem to be more interested now in silence and "covering-up"—

[*Text*]

The ACTING CHAIRMAN: Order, order, order. You are not speaking on the motion to go into camera or not?

Mr. GRÉGOIRE: Yes.

The ACTING CHAIRMAN: No.

Mr. WOOLLIAMS: I suppose he is a fisherman and I have caught the fly; but it is very difficult not to remain silent when the distinguished Mr. Grégoire is doing the talking. I do wish he would not draw those totally incorrect inferences. We are trying to bear with him as we have in the past.

[*Translation*]

Mr. CHAPDELAINE: I should like to point out to Mr. Grégoire that when a decision will have been made, if there is no mention of the evidence that was given, he will always have personally the possibility to take action in order to get the revenge or satisfaction he desires.

Mr. GRÉGOIRE: Mr. Chairman, on a question of privilege, I think that the remarks of the member for Sherbrooke are unwarranted. I do think that towards him I have never looked for vengeance or had any thought of vengeance; on the contrary, I always thought he was a good fellow and I do not have the slightest intention to revenge myself on him. His constituents will see to that...

[*Text*]

The ACTING CHAIRMAN: I accept that.

[*Translation*]

Mr. GRÉGOIRE: I should like to continue speaking on the matter of whether or not we shall sit in camera.

[*Text*]

The ACTING CHAIRMAN: We go back to the motion.

[*Translation*]

Mr. GRÉGOIRE: I should like to continue; I would like to know... on the question whether we are going to sit in camera; as I said before, and in spite of interference by the member for Bow River, the atmosphere this morning shows, without a doubt, by the understanding that seems to exist here and which can be sensed very easily, that from now on silence is more interesting in spite of the sworn statements we may have had and then...

[*Text*]

Mr. LEBOE: Mr. Chairman, I object to this line of discussion.

The ACTING CHAIRMAN: The remarks are entirely out of order. I am going to put the motion.

Mr. NIELSEN: Tell us about Donald Gordon.

The ACTING CHAIRMAN: Order. The motion has been put. All those in favour?

Mr. GREENE: In view of the remarks, I would like to put it on the record that the question whether or not this tribunal is properly constituted to determine other matters than those in the reference is exactly what we are here to decide in our deliberations in camera. Nobody is trying to hide anything or bury anything. I submit it is for the protection of other people, as Mr. Nielsen has said, that this matter should be discussed in camera. But I do not want to leave any inference that anybody is trying to buy silence or bury anything.

[*Translation*]

Mr. GRÉGOIRE: I am perhaps out of order, but it is true just the same, Mr. Chairman, you will agree with me that...

I would propose an amendment, if I be permitted. Seconded by Mr. Beaulé, I would propose that, to amend Mr. Nielsen's motion, we now call Messrs. Gray, Macaluso, and McNulty.

[*Text*]

The ACTING CHAIRMAN: That is not an amendment to the motion. I do not think you could have an amendment to the motion. It is that we either go into camera or we do not.

Those in favour of the motion will signify by raising their hands. The Clerk will call the names.

The CLERK: Messrs. Rhéaume, Woolliams, Nielsen, Pigeon, Vincent, Leboe, Greene, Chapdelaine, Dubé, Rochon, Cashin, Mullally, Cameron (*High Park*), O'Keefe, Francis, and Miss Jewett.

The ACTING CHAIRMAN: Those contrary minded? Messrs. Chrétien, Beaulé, Grégoire, Lessard (*Saint-Henri*) and Drouin.

I declare the motion carried, and that the committee do now go into camera.

HOUSE OF COMMONS

Second Session—Twenty-sixth Parliament

1964

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: MR. MAURICE-J. MOREAU

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 6

TUESDAY, SEPTEMBER 1, 1964

WEDNESDAY, SEPTEMBER 2, 1964

Respecting

Subject-matter of Bill C-7, An Act to establish the Office of Parliamentary Commissioner

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WITNESS:

Sir Guy Richardson Powles, K.B.E., C.M.G., E.D., LL.B.,

Parliamentary Ombudsman of New Zealand

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20829—1

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Maurice-J. Moreau

Vice-Chairman: Mr. Jean-Eudes Dubé

and Messrs.

Balcer,
Beaulé,
Cameron (*High Park*),
Chapdelaine,
Chrétien,
Drouin,
Fisher,
Francis,
Groos,
Grégoire,
Jewett (Miss),
Lessard (*Saint-Henri*),
Macdonald,
Martineau,
Mullally,
Nielsen,
Nugent,
O'Keefe,
Paul,
Pigeon,
Rhéaume,
Rochon,
Scott,
Thompson,
Valade,
Vincent,
Woolliams—29

(Quorum 10)

Gabrielle Savard,
Clerk of the Committee.

Note: Messrs. Moreau, Macdonald and Thompson replaced Messrs. Pennell, Greene and Leboe on August 31 and September 1st.

ORDERS OF REFERENCE

TUESDAY, March 17, 1964.

Ordered,—That the subject matter of Bill C-7, An Act to establish the Office of Parliamentary Commissioner, be referred to the Standing Committee on Privileges and Elections.

MONDAY, August 31, 1964.

Ordered,—That the names of Messrs. Moreau, Macdonald and Thompson be substituted for those of Messrs. Pennell, Greene and Olson on the Standing Committee on Privileges and Elections.

TUESDAY, September 1, 1964.

Ordered,—That the name of Mr. Leboe be deleted from the list of Members on the Standing Committee on Privileges and Elections.

Attest.

LÉON-J. RAYMOND,
The Clerk of the House.

20829—1½

MINUTES OF PROCEEDINGS

TUESDAY, September 1, 1964.
(16)

The Standing Committee on Privileges and Elections met this day at 5.10 p.m.

Members present: Messrs. Balcer, Beaulé, Cameron (*High Park*), Chrétien, Drouin, Dubé, Francis, Lessard (*Saint-Henri*), Martineau, Moreau, O'Keefe, Paul, Rochon, Thompson—14.

Because both the Chairman and the Vice-Chairman were replaced and later on reappointed as members of this Committee, the Clerk proceeded to the election of a Chairman.

On motion of Mr. Dubé, seconded by Mr. Beaulé, and there being no other nominations, Mr. Maurice-J. Moreau was unanimously re-elected Chairman of the Committee.

The Chairman took the Chair and thanked the Committee for his re-election.

On motion of Mr. Lessard, seconded by Mr. Francis, Mr. Jean-Eudes Dubé was unanimously re-elected Vice-Chairman.

The Chairman referred to the order of reference—Subject matter of Bill C-7, An Act to establish the Office of Parliamentary Commissioner—and announced that Sir Guy Powles, Parliamentary Ombudsman of New Zealand now visiting Canada, has agreed to come to Ottawa and speak to the Committee on Wednesday, September 2, at 3.00 p.m., concerning this matter.

Mr. Drouin moved, seconded by Mr. Beaulé, that an official invitation be sent to Sir Guy Powles. *Carried unanimously.*

On motion of Mr. Francis, seconded by Mr. Lessard,

Resolved (unanimously),—That the Chairman and the Members of the Special Committee on Procedure and Organization be invited to attend the meeting of Wednesday September 2, to hear Sir Guy Powles, Parliamentary Ombudsman of New Zealand, and to participate in the proceedings of the Committee.

After discussion on the order of business of the said meeting, on motion of Mr. Cameron, the Committee adjourned to 3 o'clock Wednesday afternoon, September 2.

WEDNESDAY, September 2, 1964
(17)

The Standing Committee on Privileges and Elections met this day at 3.10 p.m. The Chairman, Mr. Maurice J. Moreau, presided.

Members present: Messrs. Cameron (*High Park*), Chrétien, Drouin, Dubé, Fisher, Francis, Macdonald, Moreau, Nielsen, Nugent, O'Keefe, Thompson, Valade (13).

Also present: the following Members of the Special Committee on Procedure and Organization: The Hon. Alan Macnaughton, Speaker of the House, Chairman, and Messrs. Aiken, Fairweather, Knowles, Olson.

In attendance: His Excellency John Stanhope Reid, High Commissioner for New Zealand in Canada; Sir Guy Powles, Parliamentary Ombudsman of New Zealand, and M. E. A. Driedger, Deputy Minister of Justice and Deputy Attorney General of Canada.

Also in attendance: Mr. Maurice Ollivier, Parliamentary Counsel.

The Chairman called the subject matter of Bill C-7, An Act to establish the office of Parliamentary Commissioner, and welcomed the Committee's distinguished guests. He referred to the fact that at a previous meeting the Committee agreed to invite the members of the Special Committee on Procedure and Organization to attend and to participate in its proceedings. Due to the pressing business of the House, Mr. Speaker being delayed, the Chairman invited Mr. Thompson, the sponsor of Bill C-7, to introduce the Parliamentary Ombudsman of New Zealand.

Sir Guy Powles gave a brief outline of the work and responsibilities of the office of Ombudsman and answered questions thereon.

At 4.15, the Chairman having to leave due to a prior commitment, the Vice-Chairman took the Chair.

During the course of questioning, the Acting Chairman observed the presence of the Speaker of the House. On behalf of the Members and the Senators, the Hon. Alan Macnaughton expressed appreciation to Sir Guy Powles for appearing before the Committee.

The questioning was resumed, and Sir Guy Powles referred to an official report he presented to his Government for the year ended 31 March 1964.

On motion of Mr. Fisher, seconded by Mr. Francis,

Resolved,—That this Committee print the said report as an appendix to this day's proceedings, with the permission of the New Zealand Government.

(NOTE: *Said permission was graciously granted and the report appears as appendix "A"*).

On motion of Mr. Thompson,

Agreed,—That the Committee print 1200 copies in English and 600 copies in French of today's Proceedings.

The Acting Chairman expressed to His Excellency The High Commissioner for New Zealand and to Sir Guy Powles the Committee's appreciation for their presence at the meeting, and wished Sir Guy Powles a pleasant stay in Canada.

Sir Guy Powles expressed his thanks for the hospitality being extended to him in our country.

At 4.40 p.m., on motion of Mr. Francis, the meeting adjourned to the call of the Chair.

Gabrielle Savard,
Clerk of the Committee.

EVIDENCE

WEDNESDAY, September 2, 1964.

The CHAIRMAN: Gentlemen, as you know we are privileged today in having very distinguished visitors with us. I am a little disappointed at our turnout but I am sure our visitor will understand that we are experiencing some very dramatic moments in the house at this time and perhaps some of our members have not been able to tear themselves away.

Our order of reference from the house is the subject-matter of Bill C-7. The bill deals with the advisability of setting up the office of a Parliamentary Commissioner, and we are very privileged in having Sir Guy Powles with us here today. He is the Ombudsman of the New Zealand parliament. We are also privileged to have with us His Excellency John Stanhope Reid, the high commissioner from New Zealand.

Members of this committee have invited the members of the special committee on procedure and organization, and Mr. Speaker had indicated to me that he would have liked very much to be here but he felt he should stay in the house at the present time. We were going to ask Mr. Speaker to introduce our very distinguished guest today, but in view of his absence I would like to call on Mr. Thompson, who knows Sir Guy Powles personally and who I am would be very pleased to do so, to introduce our guest to us.
sure would be very pleased to do so, to introduce our guest to us.

Mr. THOMPSON: Sir Guy, Your Excellency, it is a double privilege for me to be able to welcome you here, first of all personally, and also to be able to see some of the hospitality returned to you which you have so generously extended to some of us who have been in your country, but particularly to give you the words of the Speaker of our house, the Hon. Alan Macnaughton. I will read to you his message of introduction at this time.

Ladies and gentlemen: Sir Guy Powles has had a distinguished career of some 35 years as a diplomat, lawyer, soldier and author. He served his country in the United States, Japan, Western Samoa and India. He was born in New Zealand—I dare not divulge the year without his permission.

He was educated at Wellington College and Victoria University; he is a former president and honorary secretary of the New Zealand Institute of International Affairs. He served the New Zealand army from 1940 to 1946, rising to the rank of colonel.

Sir Guy and Lady Powles have two sons who are continuing the legal career their father gave up when he joined the New Zealand army in the second world war. Sir Guy says that "his wife and himself are a team". May I, on your behalf, extend our regards to Lady Powles.

Sir Guy Powles is here this afternoon in his capacity as Ombudsman for New Zealand since 1962. I am sure that what he will say will be of special interest to you.

Sir Guy POWLES (*Parliamentary Ombudsman, New Zealand*): Mr. Chairman and hon. members of the committee, I would like to say what a very great pleasure it is for me to be in the position to be here with you and to accept the invitation that was extended to me to come and discuss with you the general operations of the office of an ombudsman. The ombudsman in New Zealand is created by statute as an officer of parliament, and consequently when I received this invitation I telegraphed my prime minister in New Zealand for his concurrence that I should come here and meet members of our sister

parliament and our oldest brother in the commonwealth. The prime minister replied that he was delighted to concur. I think it is a happy circumstance that I am here in some sense in a position, in a modest way and at a comparatively low level, to extend to the members of the House of Commons fraternal greetings from the members of the house of representatives in New Zealand.

I am not quite clear on the particular points of interest which you might wish to extract from me. I would believe that perhaps you might find it convenient to ask me questions and to raise any points that you feel I could comment on with some advantage to you. I am obviously not here for the purpose of attempting to advise you on what you should do in your country. I am not qualified to do it and it would be improper for me to do so. All that I am willing to do is to describe my own situation to you in the New Zealand scene, and I feel sure that you may be able to draw the necessary comparisons. However, there is not anything that I could say with reference to my office in New Zealand that you could necessarily assume could be transplanted into Canada. Of course, the conditions are similar in some respects, but in others they are quite different.

I have had the advantage of reading the bill which is before you for your consideration, and it seems to bear certain similarities to the statute under which I operate. My jurisdiction is expressed perhaps in slightly more precise terms than it is expressed in the jurisdiction in the bill before the committee. I am required to investigate a complaint against any decision, action or recommendation made by any government department or agency or any officer thereof relating to a matter of administration, and the government departments or agencies that are within my jurisdiction are specified by name in the schedule to the act. So that there is not very great room for argument on the extent of my jurisdiction relating to the scope of the public service. Those departments and agencies which are mentioned in the schedule to my act basically speaking are those which the public commonly regard as belonging or appertaining, to ordinary government administration. There are some strange things. For example, it was understood that the great state corporations would not be within my jurisdiction because they would not be regarded as general matters of administration. I do not, for example, have the National Broadcasting Corporation; nor do I have the National Airways Corporation. On the other hand, for some reason I have the State Insurance Corporation; I also have the State Advances Corporation. I am sure you will appreciate it is very difficult to draw the line. In a sense you have to do it on an ad hoc basis; you just have to make the decision that a certain organization or agency is either in or out, and say so. However, the advantage of having a particularized schedule, I think, is rather useful.

There is the question of my relationship to ministers of the crown. I am empowered to examine any recommendation made by the department, whether or not a minister has acted on it; but I have no authority to examine or criticize the actual decision of the minister himself. At the time when the bill was being passed, it was said in the house that under our parliamentary system the minister, of course, is responsible to the house for his actions, and that is where he should be called to account, if he is going to be called to account at all.

In effect and in practice we do have the situation where I have to inform a minister that I do not consider the recommendation upon which he had acted to be a sound or valid recommendation. Also, there is the contrary circumstance where a department has made a sound recommendation, but the minister has done the other thing deliberately and on his own decision. There, again, is a circumstance which is outside my jurisdiction.

I feel, in applying the office of parliamentary commissioner for investigations to a situation where we have, as you have, a system of ministerial responsibility in a parliamentary democracy, it is advisable to be very clear with regard to the relationship between the ombudsman and the minister.

In my Act it is further provided that I must consult the minister before forming a final opinion if I am dealing with a matter which has been the subject of a recommendation to him. It also is stated that I may consult the minister at any time. So, in effect, as our attorney general said when he was introducing the bill, there is no intention that the ministers should remain in an ivory tower with reference to the parliamentary commissioner.

In respect of the grounds upon which I can make recommendations, there is a marked similarity between the provisions of the present bill and the provisions of my statute in New Zealand. Therefore, I do not think I need comment on it any further, except to say I believe the grounds as set out roughly in those terms provide a substantial and important jurisdiction. If something like that is adopted, you would have a system which goes further than the well known system of the Scandinavian ombudsman. Normally speaking, the Scandinavian system operates as a sort of control in disciplinary measures and has not very much in the past, although perhaps increasingly now, turned itself to a consideration of actual administrative decisions, and of determining whether those administrative decisions are right or wrong. In other words, it has not actually operated as a review of authority, whereas the New Zealand office of ombudsman was established as a review of authority right from the very beginning.

Since I have taken office, I have had some 1,500 or 1,600 complaints, of which I have investigated about half. Of the half I have investigated I have found 20 per cent to be justified in some way or other; that is to say, cases where I have been able, actually, to rectify the grievance, or cases where I have been able to ensure that the department modifies its procedure so that an instance of that kind does not occur again; or, perhaps, I may make some other recommendation which is pertinent to the case, because, of course, you realize sometimes it is impossible to rectify grievances because of the simple fact of the lapse of time. The positions of persons may have changed; you cannot turn the clock back. If the mistake was made three or four years ago, you just cannot do anything about it now.

By and large, there are those 20 per cent of those investigated complaints, or 10 per cent of the whole. I think 20 per cent of the investigated cases is the better figure. One fifth of them resulted in some action or other which would not have been taken had there not been a parliamentary commissioner for investigations in existence. I feel, so far as we are concerned in New Zealand, that in the circumstances is a justification for the existence of the office.

Furthermore, it has been found that officials in the various departments tread more gently in dealing with the public, are anxious to give a lot more careful consideration, perhaps, to a matter, and are inclined to feel, perhaps, the ombudsman is looking over their shoulder. The general influence of the fact of the existence of the office has had a beneficial effect throughout the public service.

I would like to say that my relations with the public service are very good. I have received first class co-operation from almost all concerned right from the most senior members of departments right down to the lower officials. Again, it is one of the important facts of an office such as this that it cannot operate except on a basis of mutual confidence and understanding, because, as I am sure you are well aware, the office itself of ombudsman has no power to make any order of any kind. All he is is purely a recommendatory officer; he makes a recommendation. The ultimate sanction, the value, the influence behind his recommendation is the weight of parliamentary and public opinion. In New Zealand we have discovered—perhaps we knew it all along—that government departments peculiarly are susceptible to the influence of parliamentary and public opinion.

Now, I have given you a very brief outline of the office as a background. I feel possibly it might suit the wishes of yourself and the members of the committee if we might have a discussion or have questions asked, because I am not quite sure in my mind what points there are you would like to have brought out.

The CHAIRMAN: Thank you very much. I must confess that we have not given this bill very much consideration up to this time. We met under rather hurried circumstances when we learned of your coming, and we did not plot out a course which we might have followed. We felt on that basis, perhaps in view of the limitation of time and the way the meeting was arranged that you might take your own initiative in the first instance. I am sure there are many here who wish to ask questions and that we will have a full afternoon. I thank you very much for your remarks. Now, Mr. Fairweather.

Mr. FAIRWEATHER: I was very interested in the point which came at the end of your remarks, that you had in effect no power. This is one of the points which made me, with the greatest amount of respect, wonder just how effective is the office. I say that I have great respect for the office in its salutary effect, but how are your recommendations enforced? In other words, if you should find as a fact that there had been an error—to put it loosely—how do you go about seeing to it that the error is rectified?

Sir GUY POWLES: To answer the practical question first, if I find that there has been an error, the first thing I do is to bring it to the attention of the departmental head. Now, in a number of cases it will then be rectified; he will recognize that it is an error, and he will rectify it. But suppose he does not do this. Then I make a formal report, of which I send a copy to the minister, requiring him to rectify it within a certain named period of time which I state in my report. Hitherto this has proved all that I needed to do.

But suppose somebody did not do that. Then my only course of action would be to refer my report to the prime minister and lay it on the table of the house. After that action is open to the house.

The CHAIRMAN: Now, Mr. Macdonald.

Mr. MACDONALD: In your work do you scrutinize only the demeanour of the person who is making a certain decision to make sure that he has acted fairly on both sides, or do you go further and substitute an opinion of your own if you feel he was unfair, although he may have acted fairly in his opinion?

Sir GUY POWLES: In investigating a decision of administrative discretion, there are two steps: first of all determine whether the decision was made, taking into account all the various factors which fall into the matter, and see if there was in effect any incorrect procedure, and so on. It is surprising how many investigations of discretion do not need to go beyond that stage, because you find so many of them are illogical or based upon wrong evidence, or upon bad information. But suppose you get one that is not questionable on these grounds. Then you are faced with the issue which you have proposed. Do you attempt to substitute your own judgment for that of the officials?

That is very difficult. I am reluctant to do it. However I have done it on some occasions. One gets some assistance by then examining what has happened in other cases of a similar kind, and in determining whether this is a unique case, or whether there is any far reaching disagreement as to general policy on the one hand and government policy on the other and in looking at all the surrounding circumstances.

But if you find no guidance there, the situation may arise when I might have to substitute my own judgment for his.

Mr. MACDONALD: You said that you had dealt with about one half of the cases referred to you. Does this indicate that the other half lack a prima facie

requirement which you feel is absent and therefore they are rejected summarily?

Sir Guy POWLES: It means that there is a substantial body of cases which come to me which are outside my jurisdiction; I would not say that they were one half, but about one third. I just do not investigate them at all after ascertaining that they are outside my jurisdiction. There are always a few which fall by the wayside, because the complainants withdraw them. And there are a very few which are rejected on other grounds, such as being obscure, or something like that, and you cannot get them explained. And then there are those sitting in the backlog and waiting for investigation, that is to say, sitting in the pipeline; and there are too many of them.

The CHAIRMAN: No, Mr. Thompson.

Mr. THOMPSON: You mentioned that your presence, and the existence of your office had a salutary effect on government officials, who thought that you might be looking over their shoulders. Can you say that it has had a similar effect on the public in knowing that you may be there to help them, or in case they need you? Has it had an effect on the public in that way?

Sir Guy POWLES: Well of course it is always difficult for a man who holds an office to judge exactly the effect of it, but I think it does. I would judge by the letters I receive from my satisfied clients, you may say, or from other people who are not satisfied, but who recognize the justice of the situation, that they do feel a sense of perhaps greater security and satisfaction because there is such a thing in existence.

Mr. THOMPSON: The second point I have in mind relates to your statement that you handle approximately 20 per cent of the cases which come to you through to a satisfactory conclusion. Could you give us an idea of what category or what classification those cases fall into?

Sir Guy POWLES: Well, very roughly, I could. I made a sort of spot survey to see what class of cases we got. I find that about 40 per cent deal with complaints against administrative discretion. The next largest class is about 20 per cent and consists of what I call failure to communicate; that is to say, failure on the part of a department to get its policy across to the public, or failure in dealing with public relations; for example, misleading circulars, or pamphlets with wrong statements in them, or letters which do not mean what they say, or forms which are very difficult to understand, and where you cannot help but make a mistake when you fill them in. I refer to that area, which is a very large one, and I think of it as failure to communicate. That is the next largest group.

Then you get down to a group all of which are approximately the same, allegations of negligence, allegations of incorrect application of legislation, allegations of unreasonable delay, and cases concerning conflict between a public right and a private right. This is really a summary of the classification of cases.

The CHAIRMAN: Now, Mr. Francis.

Mr. FRANCIS: I was very much interested in the source of your complaints. Do you have any general breakdown? For example, do you get many complaints referred to you by members of parliament? How many complaints come from direct communication between the public and yourself, and how many do you initiate on the basis of a newspaper advertisement or some other communication which is brought to your attention? But can you give any indication of a general breakdown of sources of complaint?

Sir GUY POWLES: I am afraid I have not many figures or percentages to give you but I can give you a general idea. A great majority of the complaints comes directly from the public in the ordinary form of a letter,

but there is a substantial body that comes from members of parliament—sometimes because the member has advised his constituent to complain to me and sometimes because the member himself has taken it up with me on behalf of his constituent. That is a very important area of my activities. Then there are a very few on which I have worked on my own motion—only about two or three. One of the reasons for that is that I am so busy acting on other complaints that I have no time to take up any thing of my own. Another avenue which has been used in one or two cases when I have had a petition, has been a private person's petition to the house referred to me by the petitions' committee for report. I also get cases referred to me by employers, and that is quite an important feature.

Mr. FRANCIS: The second part of my question, sir, is this: What staff do you have to assist you?

Sir GUY POWLES: I have a staff of three investigating officers and two secretaries.

Mr. FRANCIS: What are the qualifications you seek in an investigating officer? What kind of persons do you need?

Mr. POWLES: I need a person with a basic legal background, I think, and a good inquiring mind. One of my officers is an experienced lawyer, a man who has had substantial experience in the public service. Another officer has no professional legal qualifications but he has a legal background.

Mr. FISHER: I have a number of questions which are quite disconnected. The first one relates to the citizens advisory bureaus that exist in England. It has been argued that, to a degree, in effect these obviate the need for an ombudsman. Do you know anything about the operation of these bureaus?

The other question I wish to put is related to your experience. Do you feel that there might be some need in New Zealand for an advisory bureau in relation to the government to which any citizen would know he could write to obtain information on the authority and jurisdiction and on his rights?

Mr. POWLES: I am not very familiar with the operation of these bureaus in England, but I think the important part about the powers and functions of a parliamentary commissioner in his power of investigation. The parliamentary commissioner can call for all files and papers; and he can summon the departmental officers to appear before him. Although these bureaus and other types of complaint-receiving authorities may perform a very useful purpose —and no doubt they do—they just cannot go quite as far as can the parliamentary commissioner.

Mr. FISHER: Before you were appointed and since, what has been the attitude of the members of parliament toward the proposition, for example, that has been put forward in Britain that this would interfere with one of the most important functions of a member of parliament?

Sir GUY POWLES: I do not think it is looked at in that light in New Zealand. I think we all recognize that the contact between a member of parliament and his constituents is a very important thing and that we should do nothing that would interfere with it in any way. I would regard my office as being an extension of the functions of, and of assistance to, members of parliament. In effect, I am a tool available to a member of parliament to be used if he wants to use it.

Mr. FISHER: In the preliminaries that led to the creation of your office, was there any strong expression of opinion that the office would impinge upon a member of parliament's proper function?

Sir GUY POWLES: I think it was mentioned in the debates in the house by one member, possibly by two. However, the counter arguments put up by other members in the house seemed to prevail, and since the establishment

of the Act, I personally do not sense any feeling that members think I am depriving them of any of their rightful privileges.

Mr. FISHER: What about the question upon which you touched before with regard to ministerial responsibility and its effects upon that? That is an argument that was put to me by federal lawyers here when I was in discussion with them about this. They felt there was a very substantial likelihood that such an office at work in Canada could very well interfere between the senior civil servant and his feeling that the minister is responsible for him and that he is responsible to the minister.

Sir GUY POWLES: I would not know whether that would be likely to happen in Canada, but I have not seen any evidence of its happening in New Zealand. I do not see that it works in that way; it does not interfere with those relationships.

Mr. FISHER: What about the tendency toward ministerial sensitivity any time anything is discovered—in this country anyway, I would say—to the effect that when the administration is looked upon unfairly or badly it tends to be a blot upon the reputation of the government itself?

What I would like to know in connection with this is what kind of publicity develops from the cases you handle and how the interventions you make are kept from assuming a derogatory character in so far as the government is concerned.

Sir GUY POWLES: I publish a report and I lay it on the table of the house every year. There are substantial case notes in that report referring to all cases. As a matter of fact, I have a few copies here and I would be delighted to let you have one. I do not think it has that particular effect on the minister's feeling with reference to his department.

Generally speaking, the minister's attitude is rather like that of the attitude of the departmental head, and he is quite glad to have something pointed out to him that has gone wrong in his department so that he can fix it up. He likes to know about these things. The worst thing that can happen to a departmental head, and I assume to a minister too, is to have maladministration in his department and not know about it.

Mr. MACDONALD: Would it be correct to say that rather than relieving the minister of any responsibility, this is really a further fact-finding arm that is more than ever bringing home to him that there has been this maladministration?

Sir GUY POWLES: I think so, yes, and ministers have asked me to assist them in certain respects in one or two cases, which I have done.

Mr. FISHER: Have you had any cases which have involved not an administrative but a real policy problem, cases in which your investigation and report calls something into question? It is hard to think of a general example of the type of thing of which I am thinking but I can think of a couple of examples in the Canadian context. I am wondering if you have had sufficient experience as yet to be able to say that some of the recommendations which you make might even fit a pattern that would lead to fairly substantial legislative changes or amendments.

Sir GUY POWLES: I think that could possibly happen. Of course, this difficult distinction between policy and administration is one which sometimes, I am inclined to feel, does not really exist. I am empowered to examine matters of administration; it does not say that I cannot examine matters of policy. There is an element of administration presently in a very large number of cases. It is very seldom that one gets a case which is completely pure policy, and of course if it was completely pure policy I could not do it. That is one of the most difficult areas of decision that I have to make.

Mr. FISHER: I am not a lawyer but I can say we find that what is said in a debate in the House of Commons when legislation is being passed has absolutely nothing to do with any judicial interpretation that may be made later in connection with it. Have you faced the situation in which, in order to obtain an interpretation after the proper kind of administrative producures, the intention of the politicians is drawn into it? That is to say, have you ever had to turn to the debates in connection with the establishment of an Act that set up regulations involved in the cases you bring up?

Sir GUY POWLES: Yes, I have done that on occasion. I would not regard myself as being bound by the strict legal rules of construction of the statutes. I know a great lawyer does not consider the debates in the house. However, I would not consider myself bound by these rules because I have authority to determine whether the law, enactment, provision or any rule there is or may be unjust, unfair or improperly discriminated, and I can look at the whole circumstance of the passage of the legislation to help me come to any decision.

Mr. DROUIN: Mr. Chairman, may I put a question in French?

(*Translation*)

The CHAIRMAN: Mr. Drouin, I have a list of names. Is it supplementary to a point raised by Mr. Fisher?

Mr. DROUIN: Yes, please.

What is the effect of your decision? Does your decision constitute a judgment or is it just a recommendation?

Sir GUY POWLES: It is just a recommendation.

The CHAIRMAN: Would you proceed, Mr. Dubé. Are you finished, Mr. Fisher?

Mr. FISHER: No, but I can come back to my questioning later.

Mr. DUBÉ: Mr. Chairman, my first question has been answered partially. However, I was wondering about the relations between your office and the members of the house. Do you feel that your local members of parliament pass on to you most of their problems or do they deal directly with their own departments?

Sir GUY POWLES: I do not think for one moment they pass on most of their problems. However, they do pass on some. I can see a situation developing, which I would welcome, where I think they would pass on more than they do. But, the office which I hold has not been in existence two years yet and I think one would need to establish a basis like this. Possibly it should be established through the life of several parliaments before one really would get a sound basis for a working arrangement. This is something you cannot put down in any statute or anything like that; it depends just how you work.

Mr. DUBÉ: What is the nature of your employment? Are you a permanent employee or do you hold office for a fixed time under your statute?

Sir GUY POWLES: I am appointed for the term of parliament, which is three years, and it is provided in the statute that at the first session of every parliament they may appoint another one. If they do not appoint another one the existing incumbent carries on.

Mr. DUBÉ: Do you expect this position to become more or less a political appointment? Suppose, for instance, there should be a change in administration; in that case would they appoint someone else, or is your position somewhat of a permanent nature?

Sir GUY POWLES: I would hope it would not become an office that was entangled in any way with party politics. I think it is essential that this office be kept quite independent of party politics, at the same time observing the office as that of a parliamentary officer. In this respect at the bar association

meeting in Montreal yesterday there were discussions. There were a number of prominent Canadian lawyers who expressed very strongly the viewpoint that the tenure of office should be more secure.

Mr. FISHER: Those are the lawyers for you.

The CHAIRMAN: Would you proceed, Mr. Olson.

Mr. OLSON: I am not sure how the New Zealand government deals with persons who are classified as national security risks and I was wondering if any of these problems are referred to you. An example may be someone who feels he has been classified by the security officers, the police force or whoever it is, unjustly as a security risk to the nation. Are these cases referred to your office for investigation and, if so, do you reinvestigate the claim or grievance to see whether or not it is valid?

Sir GUY POWLES: Yes, it could happen.

Mr. Chairman, could I make an answer off the record? Is that possible?

The CHAIRMAN: Yes, but I must inform you we have newspaper people present.

Sir GUY POWLES: Then I had better not.

Mr. OLSON: If it is difficult for you to answer could you say whether or not you do investigate these cases, without putting yourself in difficulty?

Sir GUY POWLES: I believe so. Although there are substantial differences I think the basic principles would be the same, and I do believe I could investigate a case like that.

The CHAIRMAN: Are those all your questions?

Mr. OLSON: No, I have a great deal more but I think I am getting into an area where the witness feels a little bit embarrassed or awkward about answering so I will not pursue this line of questioning.

The CHAIRMAN: Mr. Cameron.

Mr. CAMERON (*High Park*): Am I right in assuming that your inquiries are held in camera and that there is no publicity in connection with them until you make your recommendations?

Sir GUY POWLES: That is so.

Mr. CAMERON (*High Park*): I wonder if you have in mind one or two particular examples where a complaint has been made, how you dealt with it, and what recommendation was made. Would it be possible for you to do that?

Sir GUY POWLES: Yes, I could give you a case which involved pure discretion. It concerned an immigration matter.

Mr. CAMERON (*High Park*): I am very interested in these matters.

Sir Guy POWLES: We had a family apply to come as assisted immigrants from England. They qualified in every respect except one of the sons in the family was under-developed mentally, and that was sufficient in the eyes of the immigration department to wipe out the whole family, because they do have strict rules about health. Of course, I suppose this is natural and that this country has similar rules as well. But, in this particular case there were special circumstances because the brother of the father of this boy was already in New Zealand. He was a farmer and had a very good farm in the south island. This man offered to give his unfortunate nephew a home on the farm with guarantees of security and so on in order that the boy never would become a charge on the state. In this case the minister already had decided not to let them in. But I suggested to the secretary of immigration that in the special circumstances of this case he might put it up to the minister again, with a special recommendation. He did this and the minister let him in, with a strict note saying that it was not to be regarded as a precedent. However, it was

fair enough under the circumstances. Admittedly, I just put my judgment in the place of the judgment of the secretary of immigration. It seemed to me that the boy would be better off on a farm in New Zealand than, say, on a farm in England.

Mr. CAMERON (*High Park*): Are there any other cases which you would care to mention? I am very interested in illustrations.

Sir Guy POWLES: Well, I will leave with the committee a few copies of my report. I could give you any number of cases. I was thinking what avenues would be more interesting to you.

Mr. CAMERON (*High Park*): I was going to ask a question which is more or less along the same lines as that put by Mr. Olson. If some person thought his civil rights had been invaded by the secret authorities how would you deal with it? But that, I take it, may be forbidden grounds.

Sir Guy POWLES: Well, it is not a forbidden ground.

Mr. CAMERON (*High Park*): It is a problem we have here.

Sir Guy POWLES: I know it is a problem. However, I think it is better for me not to make any comment in public. But, I would be delighted to discuss it with you afterward.

Mr. CAMERON (*High Park*): I think that is all then.

Mr. THOMPSON: Sir Guy, one of the areas of opposition toward the establishment of a parliamentary commissioner or ombudsman in Canada comes from the judiciary. I believe that some, like Lord Denning, in their judiciary capacity have voiced rather strong objections to the establishment of such an office in the United Kingdom. Do you find that the judiciary in New Zealand value your presence? Do you find any opposition, or was there opposition prior to your appointment which may have disappeared following your appointment?

Sir GUY POWLES: No, I think I could say that there is completely no opposition as far as the judiciary is concerned, none at all. There was a feeling, and perhaps there still is, amongst some members of the legal profession, that I might possibly be cutting across some of their activities in a way, but that has changed I think over the course of the years, and some solicitors are amongst some of my most valued clients.

The CHAIRMAN: I wonder whether, as your Chairman, I might be permitted a little latitude. My question relates directly to what Mr. Thompson has said. This bill says something about the parliamentary commissioner being able to accept money, securities, gifts, and so on; in other words he works essentially on a sort of fee basis. I take it this is not your method of operation in New Zealand. I would think this would relate somewhat to some objections that members of the legal profession might have. Could you comment on that?

Mr. THOMPSON: Could I say, Mr. Chairman, for the guidance of Sir Guy, that the reason this is in the bill is that it has been introduced as a private member's bill. When it was first introduced the bill called for the appointment or seconding of a member of the supreme court because under a private member's bill in our parliament it is impossible to deal in the area of expenditure of public funds. We were disallowed in the first presentation of the bill, and therefore those words appear there only as a crutch to get this bill before the house and before the committee. It is not intended as a practical way of working out the problem.

The CHAIRMAN: I was not commenting unfavourably on the bill in that way, I just thought some discussion of this might be valuable to the committee.

Sir GUY POWLES: Of course, I do not operate on that basis; I am a salaried official. I am required by the act to charge a statutory fee of one pound per complaint which is intended as a deterrent. I do not think it is

of much value and it is a nuisance to collect it. But as far as the attitude of the legal profession is concerned, I found that there was some feeling at one stage, and someone made a press statement to that effect, that the ombudsman was a poor man's judge. That was widely reported in the papers. The president of the law society felt compelled to answer by stating that the ombudsman was not a judge at all, and there was a sort of conflict that appeared at that stage. However, I think that controversy has died down completely.

Mr. MACDONALD: In that connection would you undertake an inquiry for which there might be redress in the courts but of which an indigent applicant might not be able to take advantage, or would you substitute yourself essentially for a legal process against the crown, or else would you immediately, in your response to such an applicant, say that he has a right of recourse and you cannot take the case?

Sir GUY POWLES: There is nothing in my act to prevent me from doing it; I could do it. The attitude was that I was not intended to be set up as a cheap means of legal action against the crown, not for that purpose. The only cases when I have not done that are where it appears before me, when I get to the bottom of it, as a conflict of fact, and obviously the best tribunal for trying a conflict of fact is a court. For instance, I had a case where a man was a sheep farmer. We in New Zealand chase our sheep with dogs, as you know. Next door there was a forestry reserve and the forestry people had laid poison in the forest in order to kill the opossums. The dogs got into the forest, they ate the poison and they were killed. This man came to me and complained about the action of the forestry department. I thought there was such wide room for conflict of evidence on who laid down the poison, when, what kind of poison it was and whose responsibility it was, that I advised him I would not take the case; that if he thought he had a good claim he had better sue the Crown in court. We have a simple procedure for suing the Crown.

Mr. THOMPSON: I have one related question that refers to the fact that in New Zealand you are operating only in a civil area. In Finland they have found it essential and practical I think to have two ombudsmen, one to deal with matters relating to the military. In your opinion is there any need for an office similar to the military ombudsman in Finland?

Sir GUY POWLES: I do not think so. Our military activities are not extensive enough to warrant that. There is provision in my act which gives me a certain amount of jurisdiction over the armed forces. The matter under discussion is whether that clause is adequate; that is one of the things which will be discussed when the act comes up for amendment.

Mr. MACDONALD: As I understand it, your inquiry can be stopped by a certificate of the attorney general to the effect that in a limited number of areas there is a matter of a state secret involved, and therefore you cannot be involved. Has that certificate been used very frequently?

Sir GUY POWLES: It has not been used at all.

Mr. MACDONALD: I do not know whether or not you feel free to answer this, but to what extent have you found a certain amount of reluctance or contrary pressure on the part of the administration to make their files available to you?

Sir GUY POWLES: I do not think I really have come across any reluctance at all. In some cases I get very full co-operation; in other cases very willing co-operation. In one case they sent me a truck load of 49 files. I rather think they thought that would fix me. By and large I have not had any major difficulty at all.

Mr. MACDONALD: There was some question of whether or not you had been able to discern any salutary effect among the people in your office. Have you discerned any slowing down in the decision-giving process because you are sort of hanging over their shoulder?

Sir GUY POWLES: I did not really notice that.

The CHAIRMAN: I am going to have to express my regrets to our guest and to the committee because I have a prior commitment which I have to meet. Mr. Dubé, the Vice Chairman, I believe will be kind enough to take over for me. I am sure he will express to you the thanks of the committee, but I would like to express my own personal thanks.

Sir GUY POWLES: I am very glad to have met you and I am sorry you are going.

The ACTING CHAIRMAN: I have the names of Mr. Fairweather, Mr. Drouin, Mr. Fisher and myself.

Mr. FAIRWEATHER: I would like to carry on with a line of questioning developed by Mr. Macdonald about what I call the mistake of crown privilege; that is, in respect of documents which, I think, are held wrongly. You said you could call for papers. I presume secret papers would involve the security of the state itself?

Sir GUY POWLES: That is really what it is; that is the privilege that is available against me. It is quite limited. It is stated in the Act that the attorney general may certify that the giving of any information or the answering of any question might prejudice the security of defence or international relations of New Zealand.

Mr. FAIRWEATHER: This is just a simple question, and I have one other. Do people appear before you in person as well as by sending you petitions and letters?

Sir GUY POWLES: Yes, they do, but I prefer to get letters.

Mr. FAIRWEATHER: The letters start the process?

Sir GUY POWLES: Yes.

Mr. FAIRWEATHER: And last of all, I wonder if your attention has been drawn—and I assure you that I am just a devil's advocate when I ask you this—to an article which appeared a couple of weeks ago in the *Economist*, in which the writer suggests that the ombudsman is not enough, and that we need a system of public law such as the system they have in France, *Conseil d'État*, because you do not have the power to make a judgment. Would you care to comment?

Sir GUY POWLES: Yes, I read that article, and I thought he took a very gloomy view of the work of the ombudsman as a palliative—that is how he describes him. Over the past ten years in New Zealand there were only ten cases in court dealing with administrative law and seeking a remedy against a department of the crown. There were about 25 cases seeking remedies against tribunals, boards, and so on, but only ten cases seeking remedy against a department, in ten years.

I have done 660 cases in two years, and I think it is obvious that I am a palliative, and a pretty good one. So I do not think that the writer was correct in that respect; and as to the other question having to do with the *Conseil d'État*, I do not think that system is exportable. I think it is so much a part of the civil law and the French jurisdictional system that we would have to do something else, and that we would have to follow along the lines of what England has done in creating her administrative inquiries act. I think that is the direction in which we should move in New Zealand.

The Acting CHAIRMAN: Now, Mr. Olson.

Mr. OLSON: Do you investigate a grievance against any authority other than the national government, the crown? In other words, suppose someone

feels he has a grievance against a local authority, would you conduct an investigation in his case?

Sir GUY POWLES: No.

Mr. OLSON: None at all?

Sir GUY POWLES: No, not against a local authority.

The Acting CHAIRMAN: Now, Mr. Fisher.

Mr. FISHER: Are there any people or employees whose work is in a government department covering New Zealand where their authority is covered by trade union contracts?

Sir GUY POWLES: Yes, some of them are.

Mr. FISHER: Have you been involved in any grievance arising from what you might call an interunion process, or a relationship between union and management which in this case is the Crown?

Sir GUY POWLES: No, I have only been on the fringe of issues like that because most of those issues of any importance are governed by the general labour relations laws which are provided for by special statutes, relating to special services and which have their own tribunals to which their dispute must go. If a situation like that occurs, I would have no jurisdiction because there is a tribunal especially set up to fix it.

Mr. FISHER: Because I have received a number of complaints in this area I wonder if among the over-all total of complaints brought to you there has been any substantial number of that kind?

Sir GUY POWLES: I think there was a significant number but I do not recollect what the proportion would be. I have certainly dealt with various branches of the state services without a doubt.

Mr. FISHER: What about the civil servant who has a complaint against his superiors or the administration, and who finds, or is met with the argument that he cannot gain consideration or redress within the departmental framework or within the civil service framework. Have you had any cases like that?

Sir GUY POWLES: Yes, I have had.

Mr. FISHER: What has been the trend—if you can discern any?

Sir GUY POWLES: In some cases it has been necessary to draw the attention of the State Services Commission to the existence of this particular complaint, or to something in such and such a department.

Mr. FISHER: In other words, in your capacity you have served as an avenue for the civil servant who has a grievance?

Sir GUY POWLES: Oh, yes, I have; there is no doubt about that. It is quite interesting because probably the strongest opponent to the setting up of the office was the Public Servants' Association.

Mr. FISHER: I would like to ask another question in this general area of response. As an advocate for this office, I have argued that a considerable number of people will not bring a complaint through a politician, or will hesitate to bring a complaint through a politician, even though they have a grievance with regard to the way in which they have been treated by a civil servant. Have you any indication that the establishment of your office has led, in essence, to grievances that have existed for some time being raised, and yet people have hesitated to bring them to a politician's notice?

Sir GUY POWLES: I doubt whether I can think of an instance like that. In any event, if there has been one it would have been of a minor nature; it just is not present in my mind.

Mr. FISHER: In connection with a lot of grievances brought to us, there is a percentage element of cranks or crackpots, if you wish to use that slang term. Is there a fairly strong percentage of this kind of grievance raised with you by people who are pretty close to the line in terms of mental approach?

Sir GUY POWLES: I do get some of them, but I have not received nearly as many as I thought I would receive. Undoubtedly I do get them, but they are not really significant in number.

Mr. FISHER: You said in something that I have read that you have found one of the great satisfactions of the office is that even if you have not felt required to intervene in any way with the department, the very fact that you have investigated has been an assurance, if you wish, or has satisfied a lot of people with a grievance. I wonder if you could elaborate on that in any way.

Sir GUY POWLES: Well, I have found that to be a rather important and rewarding feature of the office. One of the reasons is that people like to be heard; they like to feel that their case has been understood even though it has been turned down. They say, "Here am I; I have these facts A, B, C and D, and I can't get anyone to listen to me." Once they are satisfied that they have really been listened to, and heard, it does not become quite so important for them actually to succeed. That is one aspect of it. Another aspect of it is that sometimes they are quite ignorant of the situation relating to other people, and how other people are getting on. One can write to them and say, "It's a hard case undoubtedly, but it just has to be so with a law like this, there isn't much else you can do. In any case, there are probably 200 or 300 people in New Zealand in situations like yours."

Mr. FISHER: There are two or three things about which we hear grievances, and one is in connection with taxation and another with pensions. Is it your experience that people bring grievances to you in those two fields?

Sir GUY POWLES: Yes, but my jurisdiction would be limited on those. It depends on what kind of pensions you are talking about. If they are war pensions, I have very little influence because there is a War Pensions Board and a War Pensions Appeal Board, and that is out of my jurisdiction. However, in the case of ordinary security pensions and old age pension benefits, yes, I get a large number of them.

Mr. FISHER: What about taxation?

Sir GUY POWLES: The actual quantum of tax itself is something with which I cannot interfere. We have the system which I think you have too, the system that one can object to one's assessment and it then goes to a commissioner or an appeal court. In other words, the taxpayer has a right of appeal, and I cannot come into it. However, I become involved on the fringes of the thing. For instance, a taxpayer came to me and said he had 12 assessments in the last two years and he thought it was ridiculous. Of course, in examining the situation it was ridiculous. They got his tax affairs cleaned up. That is the sort of thing one can do.

The ACTING CHAIRMAN: Perhaps I should point out at this time to the committee and our distinguished guest that the Speaker of the house is now with us and if he has any question I am sure the Chair will not find him out of order.

Hon. ALAN MACNAUGHTON (*Speaker of the House of Commons*): Thank you, Mr. Chairman. It is a great pleasure to be here. I came in a little late and I am trying to catch up with what is taking place. I know, speaking on behalf of all the members of the House of Commons and probably some senators who are here too, if I can extend my jurisdiction a little bit, we are very appreciative of your coming this afternoon and dragging yourself away

from the Canadian Bar Association meeting in that wonderful city. But, we do appreciate your coming and I hope that we may have further conversations with you.

Sir GUY POWLES: Thank you very much, Mr. Speaker; I am very glad to be here.

The ACTING CHAIRMAN: Would you proceed, Mr. Macdonald.

Mr. MACDONALD: Some of the critics of the office have commented that the office of ombudsman has been introduced in relatively small countries from a physical and population point of view, namely the three Scandinavian countries and New Zealand, and you referred earlier to the fact that the office of Conseil d'État does not travel well. Do you feel that the office of ombudsman would travel well to a country like Canada, with a larger population?

Sir GUY POWLES: I think there are definite problems there. However, I think the institution of ombudsman is flexible enough to be adapted to various types of government. But, I do think there needs to be a fairly close measure of personal control and influence on the part of the ombudsman himself and that necessarily limits the number of complaints with which he could effectively deal in one year. So, if you are going to establish it in a larger country you would have to construct some form of filter. The Wyatt report recommended complaints should come only through members of parliament; in other words, members of parliament would be the filter.

Mr. MACDONALD: What would you think of sub-dividing the public service into different functions and having a separate ombudsman for each one. Do. you think that would be a workable compromise?

Sir Guy POWLES: I do not see why it would not work. I understand this has been suggested recently by the Swedish ombudsman himself; he recently made a report in which he is reported to have said his work is too heavy and he cannot carry on, and that the government really ought to appoint another ombudsman.

Mr. THOMPSON: Sir Guy, apart from your annual report made to parliament, how much publicity do you seek to give to cases you may handle? In other words, what is your relationship with the working press in the routine carrying out of your responsibilities?

Sir Guy POWLES: My relationship with them is very good and I am very grateful for their assistance. I think that proper adequate publicity is a necessary part of the function of the office so far, but because of the fact that so many of the complaints I have taken up have been rectified or dealt with in a satisfactory way without the necessity for me to take them to their ultimate length, it has not been necessary for me to make very many special public statements or announcements, so that the major element of publication so far has been the annual report which I publish, together with a few speeches I make every now and then.

Mr. THOMPSON: Do you find that it is part of your over-all program to use the press in the successful carrying out of your duties; do you find it essential?

Sir Guy POWLES: I think it is essential but I would not actually call it "using the press". I would call it rather obtaining the assistance of the press.

The ACTING CHAIRMAN: I understand you have a report which you could leave with us.

Sir Guy POWLES: I would be glad to do that.

Mr. FISHER: I should like to move that it be printed as an appendix to our proceedings of today.

Mr. FRANCIS: I second that.

Mr. FISHER: I would also like to ask you to check into the number of copies that we have permission to print because I myself get enough inquiries

about this to lead me to the conclusion that it would be wise to have a few extra copies.

The ACTING CHAIRMAN: Eight hundred copies in English and 400 in French.

Mr. FISHER: I think we might have a few more printed.

The ACTING CHAIRMAN: Is it the wish of the committee to have this report printed as an appendix?

It is agreed.

Mr. THOMPSON: Mr. Chairman, I would like to suggest that you increase the number of English copies. I believe there will be a need in excess of 800, if that is agreeable.

The ACTING CHAIRMAN: Is that the wish of the committee, to increase the number of copies?

Mr. FRANCIS: You mean for this session?

Mr. THOMPSON: Yes, for this session. I would say we would need a minimum of 1,200 in English.

Agreed.

Sir Guy POWLES: Mr. Chairman, is there a little difficulty owing to the fact that this is an official document of the House of Representatives in New Zealand? Is there any difficulty with that?

The ACTING CHAIRMAN: There is no problem here that I know of.

Mr. THOMPSON: I do not think so.

The ACTING CHAIRMAN: Unless Mr. Speaker could enlighten us on that.

Hon A. MACNAUGHTON: It seems to me that you could state at the beginning, put in a little reservation, that this is a copy of an official report which is a document of the government of New Zealand, or words to that effect.

Mr. FISHER: It might be a courtesy to get approval from the New Zealand government.

The ACTING CHAIRMAN: Is it the wish of the committee to have 1,200 copies printed in English and 600 copies in French?

Mr. FRANCIS: Is this a lengthy report?

The ACTING CHAIRMAN: Yes, 96 pages. I understand it has been done before.

Agreed.

Mr. OLLIVIER: I think it would be a matter of courtesy to ask the New Zealand government for permission to reproduce this report.

Mr. FISHER: I think it would.

I would like to argue in support of the larger number of copies. I know that I myself have had at least 50 inquiries over the last five years on this subject. A lot of people write in about this. I think that other members who have been interested have had the same experience. I would certainly like to review all my mail and get copies to send to these people.

Mr. THOMPSON: I have ten requests waiting in anticipation of this meeting.

The ACTING CHAIRMAN: Is that agreed? I understand it is. Agreed.

I understand that Sir Guy has other commitments and has to leave now. On behalf of the committee and on my own behalf I wish to express to Sir Guy and to His Excellency the High Commissioner for New Zealand our deep appreciation for their presence with us today. I am sure that your wise comments, Sir Guy, will be of great use to the committee. I wish you a very pleasant stay in our country.

Sir GUY POWLES: Thank you very much, Mr. Chairman. I have had a most pleasant time in Canada. May I express my profound thanks for the hospitality in your wonderful country. I have had great regard for Canada ever since I came here as a student 30 years ago, and it is always nice to come back.

The ACTING CHAIRMAN: Thank you. The meeting is adjourned.

APPENDIX "A"

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REPORT OF

The Ombudsman

FOR THE YEAR ENDED

31 MARCH 1964

Presented to the House of Representatives Pursuant to Section 25 of the Parliamentary Commissioner (Ombudsman) Act 1962

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The Ombudsman

MR SPEAKER,

I have the honour to submit a report upon the work of my Office for the year ended 31 March 1964. This report includes references to the work of the previous six months from 1 October 1962 to 31 March 1963, in respect of which I reported in 1963.

CASES HANDLED

During the year ended 31 March 1964 I received 760 complaints. The following summary shows the monthly intake, the number dealt with, and the number still under action.

	Received	Dealt With	Still Under Action
During April 1963	85	84	1
During May 1963	69	67	2
During June 1963	49	49	
During July 1963	92	90	2
During August 1963	76	74	2
During September 1963	72	67	5
During October 1963	99	92	7
During November 1963	66	61	5
During December 1963	37	32	5
During January 1964	34	25	9
During February 1964	42	27	15
During March 1964	39	14	25
Totals:			
For year ended 31 March 1964	760	682	78
For six months ended 31 March 1963	340*	338	2†
For whole period since 1 October 1962	1,100	1,020	80

*Differences between these figures and the corresponding ones in the report for the six months ended 31 March 1963 are due to reclassifications.
†See cases No. 147 and 320.

Of the total complaints received during the year, 369 were not fully investigated, mainly because of lack of jurisdiction. In most cases lack of jurisdiction was apparent on the face of the complaint, but there were several in respect of which substantial investigation was carried out before I was able to determine that I had no jurisdiction to proceed further.

Two hundred and twenty-six of these 369 complaints did not relate to matters of governmental administration within the meaning of the main operative section of the Parliamentary Commissioner (Ombudsman) Act 1962, namely, section 11 (1).

*

Seventy-one were declined as being outside my jurisdiction under section 11 (5) and (6) of the Act – as concerning matters for which there were existing rights of appeal, decisions of trustees, or conditions of service as a member of the armed forces. These categories are referred to in greater detail later in this report.

Nine were declined under section 14 (2) upon the ground that the complainant had not a sufficient personal interest in the subject-matter of the complaint. The investigation of 27 was discontinued under section 14 (1) because for a variety of reasons further investigation was considered unnecessary. Thirty-six were withdrawn by the complainants.

Eighty cases were still under investigation at the end of the year.

CASES INVESTIGATED

Three hundred and eighty-nine complaints were fully investigated during the year, this total including uncompleted cases carried over from the previous period. Of these 389 complaints investigated, 308 were considered to be not justified and the complainants were informed accordingly. I continued to receive expressions of appreciation from many of those whose complaints I had found to be not justified, but who, on a full understanding of the situation as disclosed in my report to them, realised that they did, in fact, have no valid ground for complaining.

There were 81 cases in which I found the complaint to be justified.

COMPLAINTS JUSTIFIED

Appendix A to the report contains descriptive case notes in respect of nearly all the complaints which I found to be justified.

In 52 of these cases the Department or organisation itself rectified the matter before it was necessary to complete a full investigation.

In some of the remaining 29 cases the complaints were justified but I made no specific recommendation because, for various reasons, it was not possible to remedy the particular matter which formed the subject of the complaint. These cases revealed the existence of a departmental decision or practice which was legitimately subject to criticism, and I made recommendations with the object of ensuring that such matters would be more appropriately dealt with in the future. In the remaining cases, after a full investigation, I made specific recommendations aimed at remedying the complaint. All my recommendations, whether general or specific, have in due course been accepted by the Departments or organisations concerned and, consequently, no case has occurred where it has been necessary for me to report to the House that a recommendation had not been complied with.

GENERAL COMMENTS

The Office of Ombudsman has now been in operation for just 18 months and it is natural that in this early period there should be difficulty in assessing its precise role. The Office is new and unique among the political systems of the Commonwealth, and cannot be adequately described in the orthodox terms of British constitutional practice. The publication of this report will, I hope, result in a better understanding of what the Ombudsman really does, but it will be some time yet before the Office can be seen in true perspective in relation to New Zealand's constitutional development. No doubt its status, functions, and significance will change over the years, but on the basis of the brief experience to date, I believe that it has gone some distance towards achieving the purpose for which it was established, and this progress has been made the easier by the willing cooperation received from Ministers of the Crown, permanent heads of Government Departments, and their officers.

It would be incorrect to look upon my office as being "anti-administration". The Ombudsman is not concerned to try to find fault if no fault exists; and it has proved necessary to advise a few complainants, in quite forceful terms, that they should cease groundless attacks on Departments or officials. In so far as thorough and independent investigation of allegations of malpractice establishes that those allegations are unfounded, the Office acts as a valuable shield to the administration, while at the same time members of the public can be assured that any such allegations, if reasonably supported by evidence or inference, will be carefully investigated. In fact, up to the present time, no such allegations have been found to be justified.

A number of cases has established principles of general importance or of interest to particular Departments. A greater number has concerned matters which, while of no great public moment, were nevertheless of very real importance to the individuals concerned. In its concern for the latter, the Office of Ombudsman is fulfilling one of its important and basic functions.

In my report for the six months' period ended 31 March 1963 I expressed with due caution some tentative propositions suggested by cases dealt with during that period. I have not since seen any reason to alter those propositions – on the contrary, their significance has been reinforced by my experience over the past year. One of these propositions related to the difficulty of preserving the proper exercise of a discretionary power, whether such power is granted by legislation or called for by the exigencies of administration. The problem is simplified when the number of decisions is small and where all of them can be taken conveniently by a single official, board, or committee, on a national basis. The real difficulties arise when so many

decisions must be made that the power to make them has to be delegated, and the more widely the power is delegated, the greater the difficulties become. If the discretion is wide, there is clearly the danger that varying decisions might be given by different delegates even where the facts are similar, and this would cause justifiable dissatisfaction on the part of the public. On the other hand, if the authority that delegates the power lays down too many rules of practice or defines too closely the standards of judgment to be used by the delegates in making decisions, these decisions may in effect cease to be truly discretionary. In other words, the exercise of the discretion is unduly restricted, and decisions are made "according to the book" instead of "according to conscience". This problem arises continually, and it is clear that so much depends on the particular circumstances that any attempt by me to suggest rules that delegating authorities ought to follow would be impracticable as well as undesirable. It seems that the most that can be done at present is for me to highlight the problem, so that both delegating authorities and delegates may realise the dangers and weigh them before the former lay down rules, and the latter make, in accordance with rules, decisions in cases having special features distinguishing them from the general run of cases that the rules were laid down to cover. I have conducted a useful correspondence on this subject with the Chairman of the Social Security Commission, and the last two letters which in effect summarise the exchanges are given in full as Appendix B to this report.

Of the complaints that have called for substantial investigation, I have found that most are against discretionary decisions that the citizen has considered to be unreasonable, unjust, oppressive, or improperly discriminatory. A number of these complainants alleged undue delay in the giving of decisions, or the taking of action; many reflected some failure in the giving of information affecting the citizen or in the publicising of matters of departmental practice or procedure; others have been based upon allegations of the incorrect application of statutory provisions or of regulations, of unfair or unreasonable provisions of law, or of negligence. However, although relatively few in number, some of the most important complaints have undoubtedly been those involving the conflict between public interest and private right, or improper or unauthorised activity on the part of Departments. Some complaints in each of these categories have been found on investigation to have been justified, and remedial action has been taken.

In dealing with the large number of complaints against discretionary administrative action, it has become clear that careful and often repeated review of a decision within a Department is no guarantee of the wisdom and fairness of the ultimate decision. The first decision,

even if made by delegation or in the ordinary course of administration at a relatively low level, tends to generate its own defences within a Department – a process of rationalisation can generally bring out arguments in favour of the original decision that may not have been known to the person who made it. The official bias is towards the maintenance of the original decision, and accordingly an objector must generally bear the onus of demonstrating manifest error if he is to secure the reversal of a decision within the Department that made it. In some of the cases that have been rectified by Departments before I have completed a full investigation, the matter had been before the Department (or other Government administrative agency) several times previously without result. There seems little doubt, however, that representation of a good case by a responsible and independent person generally ensures a genuine review, and this factor in my opinion goes a long way towards explaining the large number of cases classified in my records as "rectified". These comments should not be construed as a general criticism of either the administrators or of the administrative system. I think the tendencies I have mentioned are the inevitable concomitants of any extensive administrative system with its accompanying hierarchies and rules. The conclusion is therefore that some form of responsible and independent representation in proper cases is not only desirable but necessary if the private citizen is to receive proper consideration at the highest levels within Departments.

Thus the Office performs a useful function in securing rectification of grievances by Departments before investigation has been completed, but by far the greater volume of the work is, of course, taken up by the full investigations. In my first report, for the period to 5 November 1962, I stated that it must be a cardinal principle of my Office that all work be carefully and thoroughly done. In pursuit of this principle, it has sometimes been necessary to spend a good deal of time on a single case of alleged error or injustice which might not involve matters of principle or of importance other than to the complainant himself. I have, however, found that a surprisingly large proportion of the cases investigated yields some result of value sometimes not directly bearing on the particular point of complaint, but arising from a study of the papers or from statements made in the course of investigation. These matters are taken up with the Department, either by way of formal recommendation, or by way of suggestion if further study of the matter is called for. Recommendations or suggestions have been made in many cases where the complaint itself did not prove to be well founded.

An important impact of the Ombudsman's efforts on Government administration is seen in those cases where investigation leads to a finding and recommendation in accordance with section 19 of the

Act. It is, however, significant to note that in the numerous cases of justified complaints, it has not been necessary to invoke the formal protective provisions of the Act in so far as individual officers of the Government Service are concerned. Although a few complaints have alleged malpractice, investigation has cleared the officers or Departments concerned, and recommendations have been confined to matters of administration.

CASES OF PUBLIC INTEREST OR CONCERN

The case notes in Appendix A to this report summarise most of those complaints which have led to some action, and some of the other complaints which were of public interest. It will be useful, however, to mention a few of the cases investigated during the year which dealt with matters of particular public interest or concern.

The Fluoridation Cases

The question whether it is proper for a Government Department to take part in a local issue on a partisan basis in an attempt to influence the voting in a local poll was raised by two complaints (case No. 10 and 334). It was alleged that departmental activity in local fluoridation polls was improper. My investigation was not concerned with the question of the desirability of fluoridation. The basic premise was a Government decision that fluoridation was as a matter of policy to be left to the decision of local authorities. In such circumstances, I concluded that partisan activities by a Department intended to influence the local voting on a contentious issue was wrong, no matter how well intentioned such activity might be. This is an important principle, but one that can be all too easily overlooked when departmental views on an issue have already crystallised. Departmental influencing of public opinion "for the public good" on contentious issues must be firmly backed by clear policy directives from the responsible Minister if it is to escape criticism under the principle enunciated as a result of these two cases.

Civil Defence

The administration of the Civil Defence Act 1962 was entrusted to the Department of Internal Affairs, and the Director and Assistant Director of Civil Defence appointed under the Act were both senior officers of the Department with many other important duties. I was concerned that, although the Act had been in force since December 1962, little progress appeared to have been made in the effective administration of those sections relating to the central control and advisory organisations. Some responsible citizens had expressed growing concern at the apparent lack of leadership and guidance from

the centre in the preparation of local civil defence plans (case No. 719).

The Director of Civil Defence told me of his overall scheme for administration involving a postponement until 1964 of the implementation of sections 10 to 13 of the Act prescribing formation of the National Civil Defence Council and its committees, and mentioned the many difficulties in the way of successful administration of the Act. I understood his point of view, but felt bound to press for the early and full implementation of the Act.

In my view, if Parliament passes an Act requiring something to be done in the public interest, and administration of the Act is entrusted to a particular Department, it is the duty of that Department to take whatever steps are necessary to put the Act into active administration and execution, and to this end to make any necessary submissions to Government.

The Manapouri Case

A businessman of Manapouri complained to me (case No. 732) that the efforts of the local people to secure guarantees regarding the future level of Lake Manapouri were being frustrated, with the result that tourist and township development was being delayed and loss sustained. This complaint led to an investigation of considerable scope, concerning the hydro-electric developments and the measures taken to preserve the scenic beauty and tourist attraction of Lake Manapouri. My complainant was enabled to attend conferences with representatives of the Departments and organisations concerned, and my main efforts in the course of the investigation have been directed towards obtaining a firm decision on lake level that can be a prelude to long-term development of this national tourist asset. In the meantime some compromise solutions are being worked out which will assist in the orderly growth of the township of Manapouri. This case is not yet closed.

The Right to an Impartial Hearing

Two coastal farmers complained to me independently (cases No. 365 and 641), that the local catchment board had, despite their objections, approved a drainage scheme which they believed would cause flooding on their farms with consequent damage and loss. The farmers had lodged objections to the scheme and, in accordance with statutory procedure, the Soil Conservation and Rivers Control Council was required to set up a tribunal to hear the objections and transmit its decision to the Council. The Council, without consulting the objectors, appointed a well known and respected local body chairman from a neighbouring district as the tribunal. The

two farmers then complained to me, stating that, without impugning the honesty of the person appointed, the mode of appointment did not give sufficient consideration to the rights of the objectors, and that the appointee might not be able to give an unbiassed decision because of his position and associations.

Upon investigation I came to the conclusion that the suggestion of possible, although perhaps unconscious, bias on the part of the proposed one-man tribunal was not ill founded, and that the objectors were entitled to have their objection heard by a tribunal which was openly impartial, and yet sufficiently conversant with local conditions. I suggested to the Council that the tribunal should consist of three persons, one to be nominated by the objectors, one by those interested in the progress of the scheme, these two to nominate the third, who would be chairman. This suggestion was adopted, reluctantly, by the Council. The objectors were also worried about the legal and other costs that would be incurred in properly supporting their objections, but it appeared that there was power for the tribunal to award costs.

Another case in which the complainant claimed that there should be a right of appeal to an impartial and unbiassed authority, concerned a secondary-school girl who, with the full support of her parents, wished to take the "academic" course at the State secondary school she attended (case No. 427). However, the school's principal refused to permit the girl to take this course on the ground that the course was full and the girl's academic record did not show a suitability for such a course. The principal required that she take the commercial course, and the parents objected very strongly indeed, complaining of dictatorial invasion of parental rights.

Under the relevant legislation the principal's decision is final. I studied with the Education Department and teacher organisations the question of whether there should be some right of appeal from the principal's decision, and I found that injustices arising from the provision were very rare indeed, that the provision generally worked satisfactorily, and that there would be serious difficulties in the way of a final decision being made by some authority not having responsibility for the arrangement of courses to suit staffing and accommodation at the school concerned. It seemed that practically all principals were capable of resolving disputes of this kind in a reasonable and common-sense manner. Accordingly, I did not support the establishment of an independent appeal authority, not because it would be otherwise undesirable, but because it would be impracticable at present.

From studying a complaint of grossly unfair treatment which was itself outside my jurisdiction (case No. 318), I found that the legislation governing the disciplinary dismissal of the permanent staff

of education boards (other than teachers) did not provide a procedure that would adequately ensure an impartial investigation or decision. Accordingly, I recommended to the Director of Education that consideration should be given to a suitable amendment to the regulations; this recommendation has met with a favourable response and the matter is under action.

Publicity and Notification

A significant number of complaints would never have arisen except for defective or inadequate publicity or lack of notification by Departments relating to the rights or obligations of citizens. This is a matter that calls for unremitting attention and care by Departments, and particularly by those Departments dealing direct with members of the public generally who cannot be expected to have a detailed knowledge of their rights and duties or to employ experts to advise them.

There are really two major types of weaknesses revealed by the investigations. Most Departments are reasonably "publicity conscious" and attempt to disseminate widely useful information about their requirements from the public, and what they can offer the public. However, I have found that there is a tendency to allow pamphlets to become obsolete and not to withdraw, replace, or amend them – to the discomfiture of members of the public. I have also found too many cases where ambiguous or misleading statements have been incorporated in pamphlets designed to guide members of the public. These can lead to misconceptions having serious financial or other consequences for individuals affected.

The other class of case concerns ambiguous or misleading correspondence. It is all too easy for departmental officers who are thoroughly familiar with the legislation, policy, and administration of their Department to assume a greater knowledge on the part of the public than the public has. In both publications and correspondence, simplicity and clarity are essential. The notes on cases numbered 98, 137, 279, 408, 567, 690, and 879 in Appendix A indicate the trouble that is caused by ambiguity or carelessness in official publications or correspondence.

Inmates of Mental Institutions

Section 13 (2) of the Parliamentary Commissioner (Ombudsman) Act 1962 makes special provision for a confidential approach by inmates of mental institutions to the Ombudsman. Up to the present, I have received nine complaints relating to confinement in such institutions. Some of these were lodged by persons who had been inmates but had been released. One was declined under section 11 (1) as being outside my jurisdiction. I declined another because there

was a more appropriate remedy available, and a third because it did not warrant further investigation. In all the other six cases I found the complaints to be not justified. In connection with these investigations I studied the checks and procedures currently in force to ensure that there is a full, proper, and effective scrutiny of all legal requirements in matters relating to the admission and detention of patients held pursuant to reception orders under the Mental Health Act 1911. The procedures appear to be adequate and carefully observed, and the checks faithfully carried out, although one special aspect concerning patients confined under Part IV of the Act is still under study.

Superannuation and National Provident Fund Cases

In my last report I pointed out that in Superannuation and National Provident Fund matters, Government is in a powerful position in relation to individual contributors, and accordingly particular care should be taken regarding contributors' rights. Further cases dealt with during the past year underlined the remarks I then made. For example, in case No. 241, an application by a contributor to the Government Superannuation Fund was, in my view, wrongly declined not only initially but also on more than one occasion on review by the Board. The case failed to receive support from the Superannuation Division after independent representations had been made. It was not until I had made a firm recommendation, following a detailed study of the case in all its aspects, that the application was granted by the Board.

I also made recommendations regarding the need to keep annuitants informed of their rights and decisions affecting their interests (cases No. 98 and 443).

RESULTS IN DETAIL

Appendix C of this report contains a statistical summary covering the period of 18 months since the establishment of the Office. Appendix D is a schedule of all complaints received during that period.

The cases declined for want of jurisdiction fall into three main classes; those against what I call "Unscheduled Organisations" and referred to later in this report, those against Departments and organisations specified in the Schedule to the Act, but not specifically relating to "a matter of administration" as required by section 11 (1), and those falling within the restrictions imposed by sections 11 (5) and 11 (6) of the Act. For ease of reference the particular subsections concerned are reprinted in Appendix C.

Under section 11 (5) (a) there is a restriction on investigating any matter in respect of which there is a right of appeal on the merits of the case to a Court or statutory tribunal. This restriction has operated to prevent investigation into 27 Inland Revenue cases concerning matters in respect of which there were the normal statutory rights of objection and appeal under the Income Tax Statutes, and has also covered those 12 cases so listed against the Social Security Department because these are in fact war pension cases in respect of which there are normal rights of appeal to the War Pensions Board and the War Pensions Appeal Board. Under section 11 (5) (b) there is a restriction upon investigating any act of a person in his capacity as a trustee, which has operated to prevent investigation into 12 complaints lodged against the Public Trust Office. The Public Trustee, however, expressed an interest in these cases because he wished to follow up matters of complaint of his own accord, and with the consent of the complainants, most of these cases have been handed on to the Public Trustee for his investigation. The restriction under section 11 (5) (c), namely, that with respect to any decision of any person acting as a legal adviser to the Crown, has not in the period under review operated so as to restrict any investigation. The restriction under section 11 (6) preventing investigation of any matter relating to the terms and conditions of service of a member of the armed forces has operated to prevent the investigation of some 19 complaints as will be seen from the Schedule. An example of such a case is given in case No. 798.

Section 14 (1), which permits a discontinuance of an investigation at the discretion of the Ombudsman if there is an adequate remedy under existing law or administrative practice, or if, having regard to all the circumstances of the case further investigation is unnecessary, has been used in a variety of cases where it became apparent that normal departmental investigatory procedures had been properly and effectively used and no fault could be found with the procedures involved.

The discretion given by section 14 (2) not to investigate a complaint upon the ground that the complainant has had knowledge of his complaint for more than 12 months, or that the complaint was frivolous or vexatious or not made in good faith, or trivial, has not been exercised as yet, but under the other ground in this section, namely, that the complainant has not a sufficient personal interest in the subject-matter of the complaint, some 19 complaints were declined over the period.

The proportion of 107 complaints deemed to be justified out of the total of 505 investigated (approximately 21 per cent) has remained fairly constant throughout the period. Of the 107 justified complaints, 65 were rectified by the Department or organisation

concerned without the necessity of undertaking a full investigation. In the case of the balance of 42, recommendations were made after investigation. As mentioned previously, in not all of the cases where recommendations were made was it possible to recommend the rectification of the particular complaints concerned, the recommendations being directed to other matters which had arisen during the course of the investigation.

The Department with the largest number of complaints is the Social Security Department with a total of 142. Of these, 102 were investigated and 18 were found to be justified. Of the 18 found to be justified, seven were rectified before full investigation, and in the case of 11, recommendations were made (and acted upon). That the greatest number of complaints have been against this Department is only to be expected as its operations touch the personal lives of the majority of our citizens. Furthermore, there is no appeal authority provided for in the Social Security Act to consider appeals against decisions of the Social Security Commission, with the result that in some respects the Ombudsman tends to fulfil this function. It is therefore greatly to the credit of this administration that its proportion of justified complaints to those investigated is substantially lower than the general average. It is my impression that our social security system is administered with efficiency and sympathy.

The Department having the next largest number of complaints is, as might be expected, Inland Revenue, which is also a Department concerning the majority of citizens. Here there has been a total of 102 complaints but, because of the limitations on jurisdiction to which I have already referred, only 49 were taken up for investigation. However, of these 49, 16 were found to be justified which is a proportion substantially higher than the general average. On the other hand it should be noted that of these 16 found to be justified, no less than 13 were rectified by the Commissioner of Inland Revenue soon after the investigation commenced and only three required recommendations to be made. As will be seen from some of the relevant case notes, the Commissioner is being most active in modifying many of the procedures which have caused complaints in the past, and there is every possibility that the proportion of complaints in respect of this Department will show a substantial fall in the future.

The State Advances Corporation produced five justified complaints out of the 33 investigated and of these all five were rectified, which is a good record.

In the case of the Ministry of Works there were three justified complaints out of a total of 15 investigated, and all of these were

rectified. Here again this is very satisfactory. From the short experience of this Office, I suspect that most complaints of injustices in connection with the taking of land lie against the activities of local authorities and not of the Ministry of Works.

The Customs Department had 31 complaints investigated, the Education Department had 33, and the Health Department 27, showing a similar pattern in that each of them produced seven justified cases, of which Customs and Education Departments rectified four, and the Health Department rectified three.

The Department of Labour had six justified complaints out of a total of 27 investigated and of these four were rectified. The Department of Justice had six justified complaints out of a total of 17 investigated and of these all six were rectified. The various Boards could not perhaps be expected to rectify, consequently the Government Superannuation Board, the National Provident Fund Board, the National Roads Board, and the Soil Conservation and Rivers Control Council each had two justified complaints and in each case it was necessary to make recommendations after investigation. In the case of the Soil Conservation and Rivers Control Council, however, the two recorded recommendations are, in fact, in respect of the one set of circumstances (see case No. 365).

Appendix C shows that 225 complaints – nearly one-fifth of the total number of complaints received – were against organisations and bodies which are not listed in the Schedule to the Act. Under the heading "Unscheduled Organisations" in Appendix D to the report there is a summary of the various organisations against which these complaints have been made, from which it will be seen that most of them were against local authorities of various kinds. In this connection it is interesting to note that the jurisdiction of the Danish Ombudsman has recently been extended to local authorities under certain conditions. It is there prescribed that persons acting in the service of the local governments will fall within the jurisdiction of the Ombudsman "in matters for which recourse may be had to a central government authority", but the activities of local government councils acting as a body are excluded from his jurisdiction, and he is required to take into account the special conditions under which local governments operate. His reports on local government matters are delivered to the local government concerned.

The list of unscheduled organisations includes a number of miscellaneous boards and councils which are not subject to the jurisdiction of the Ombudsman, but there are others of a similar nature which are so subject. Some State corporations are within the jurisdiction and some are not. There are some anomalies here, which could, in due time, be removed.

VISITS

I have made several visits outside Wellington to interview complainants and to inspect scenes of complaint, but the substantial work of the Office remains to be carried out in Wellington which is the seat of executive power and the repository of the files. Taking advantage of the permission given to me by the Ombudsman Rules 1962 I have given several addresses on the work of the Office, principally in Wellington, Napier, Rotorua, Auckland, Christchurch, and Dunedin, and also to conferences and courses organised by the State Services Commission and by Victoria University of Wellington. Proper publicity assists in the achievement of the objectives of the Office by reminding all concerned of the existence of an active and responsible critic.

Continuing interest in the Office has been shown by official and academic circles overseas. Apart from correspondence with my counterparts in the Scandinavian countries, I have answered numerous inquiries from Australia, Canada, Eire, Mauritius, South Africa, the United Kingdom, and the United States of America. Interest has been particularly strong in Australia and Canada. The governments of the provinces of Saskatchewan and Nova Scotia have already announced their intention to establish Ombudsmen in their provinces.

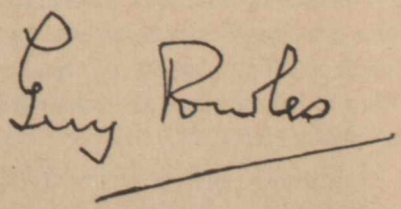
In November 1963, at the invitation of the Royal Australian Institute of Public Administration, I attended their Canberra conference at their expense, and addressed them upon "The Citizen's Rights Against the Modern State and Its Responsibilities to Him". I also conducted seminars at the Australian National University, and at the University of Sydney.

WORK OF THE OFFICE

During the year, with the approval of the Prime Minister, an investigating officer was appointed and appropriate increases made to the secretarial staff. This has enabled the backlog of cases under investigation to be kept within manageable proportions. When the year began there were 74 cases under or awaiting investigation and by the end of the year there were 80. During the year, however, this backlog rose to nearly 140 and gave some cause for concern. However, with the present intake of cases and the existing staff the work can be done reasonably effectively and expeditiously. The annual all-inclusive cost of running the office on the present basis is approximately £11,500.

ACKNOWLEDGMENTS

I have received, almost without exception, willing cooperation from all departmental heads and their officers. My inquiries have taken the time of busy officers, but this has been readily accepted in the interests of better administration. The Danish Ombudsman has observed: "A one-man show like the Ombudsman must have the confidence of Parliament, and the population, and of the administration as well." This, I hope to achieve.



Ombudsman

1 May 1964.

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APPENDIX A

CASE NOTES

AIR DEPARTMENT

Case No. 7

The complaint concerned a decision of the Transport Coordinating Board taken in 1935 in relation to applications under the Transport Licensing (Commercial Aircraft Services) Act 1934 for licences to operate scheduled air services on main trunk and subsidiary routes within New Zealand.

The complainant, who at this time was managing director and the principal shareholder of a New Zealand company which was engaged in the provision of air taxi and joy-ride services and the training of pilots, applied to the Board on behalf of the company for licences to operate scheduled services on the proposed trunk routes between Auckland and Invercargill. The company on behalf of which the complainant applied for a licence was the only one amongst the applicants which was already engaged in commercial aviation in New Zealand. His application was, however, declined and licences were awarded to two companies which were in the process of formation. The complainant alleged that, in declining his application, the Board had been influenced by a report submitted to it by the then Controller of Civil Aviation which was unreasonable and prejudiced against the company. The company went into liquidation as a consequence of the losses it sustained on equipping itself to provide the trunk services in respect of which it failed to obtain a licence. The complainant considered that the losses sustained by the company, and by himself as principal shareholder, were directly attributable to the alleged ill-founded decision of a statutory board, and therefore he was entitled to adequate compensation from public funds.

As the Transport Licensing (Commercial Aircraft Services) Act 1934 did not provide for a right of appeal from a decision of the Board, the only course of action open to the complainant in the pursuit of his claim was to petition Parliament. This he did on three occasions – in 1936, 1954, and finally in 1960. On each occasion the Petitions Committee recommended that the petition be referred to Government for "most favourable consideration", and on each occasion Parliament endorsed the Committee's recommendation. However, Government took no action on either of the first two petitions, but in the case of the third petition Government agreed to make the complainant a grant of £2,000 in recognition of the persistence with which he had pursued his claim over the years. Whilst the grant was accepted by the complainant "without prejudice" he stated that it was quite inadequate, and requested a further review of his claim by Government. This request was declined in November 1960, and in due course a complaint was made to me.

I was satisfied that an examination of the decision of the Transport Coordinating Board taken in 1935 was no longer practicable due to the absence of records of the Board's proceedings and the inevitable unreliability, due to the lapse of nearly 30 years since the events took place, of such oral evidence as might now be available. The limitations placed on my jurisdiction by my Act precluded an examination of the Government's decision to take no action on the most favourable recommendations made to it on the 1936 and 1954 petitions.

I decided, therefore, to confine myself to examining closely the events of 1960 to determine whether or not there had been any recommendations adverse to the complainant which had been made by the Departments of Government concerned subsequent to the Committee making its "most favourable" report. Careful examination convinced me, despite a press report to the contrary, that there had in fact been no such recommendations, adverse or otherwise, and that the Government decision to pay £2,000 had been made without specific departmental recommendation, Ministers being well acquainted with the case. The decision itself was, of course, outside my jurisdiction.

Case No. 474

This complaint concerned the proposal of an engineering firm to convert a particular type of aircraft to an agricultural machine for the purposes of aerial topdressing.

The complainant company stated that it had begun this conversion relying upon an understanding with the Civil Aviation Administration that if all technical requirements had been satisfied a Certificate of Airworthiness would be issued. This did not eventuate, and the directors of the company alleged, in the light of subsequent events, that the Civil Aviation Administration had adopted a deliberate policy to terminate this conversion after it had begun and had thus caused loss to the company amounting to several thousands of pounds.

I studied the history of the negotiations and had the opportunity of personal interviews with the persons concerned, both in the complainant company and in the Civil Aviation Administration. It became quite clear that there was no real meeting of minds at the outset, and that the company was not justified in embarking on this conversion as it did without obtaining firm assurances of the future from the Civil Aviation Administration. It also seemed that the company proceeded in its course after it should have been abundantly apparent to them that the required Certificate of Airworthiness would be most unlikely to be obtained. Consequently my opinion was that the complaint was not justified.

However, I did find that the handling of the matter by the Civil Aviation Administration was not quite as clear, definite, and speedy as it should have been.

There were certain delayed and inadequate expressions of the departmental view, and there was the confusing introduction on to the scene of N.Z.C.A.R. Leaflet B. 12. This B. 12 indicated the requirements for the certification of ex-military aircraft which were going to be used privately, but it was referred to by the C.A.A. in correspondence with the complainant company and a draft of it was sent to them. There was some ground for the complainant company to believe that this B. 12 was issued by the Civil Aviation Department in order to prevent the issue of a Certificate of Airworthiness in the very circumstances in which the complainant company had applied for one. The directors of the company felt that the Civil Aviation Administration was using this big stick in order to defeat their application. I found, however, that there was no justification for this suggestion at all, because B. 12 had no application to the complainant's case. The Certificate of Airworthiness which they required was for an aircraft to be used commercially and in such case another leaflet, B. 6, would be applicable, and it was strange that the Civil Aviation Administration had in correspondence with the complainant company made such important reference to the impending issue, and the eventual issue, of this inapplicable B. 12. However, in all the circumstances, I concluded that this had no real effect on the merits of the company's complaint, which failed because the company must be held responsible for its own errors of judgment.

CUSTOMS DEPARTMENT

Case No. 179

The complainant was a company which was the New Zealand agent of a major overseas manufacturer of chemical products. The company was refused licences to import two industrial chemicals of rapidly increasing usage in industry. The company wished to import small quantities of each so that they could be held for the purposes of tiding customers over temporary shortages and of selling small quantities for experimental production runs. Although the company held licences for numerous other lines which had been imported for many years, it was classed as a "new importer" in relation to these two lines.

After investigation, I concluded that the company was correctly classified as a "new importer" in relation to these lines, and that the question of provision of licences for new importers was at this stage a matter of policy which had

received, and continued to receive, attention by Government, and was not a matter of administration which would be within my jurisdiction. The facts and arguments put before me by the complainant were placed before Government for its consideration in connection with the policy.

Case No. 254

The complainant was the principal of a company which had for many years imported soft goods valued at between £23,000 and £45,000 per year until 1953, when the principal's interest and time became increasingly absorbed by a farm in which he had invested. Difficulties with this property multiplied, and the importing business suffered substantial reduction until, over the years on which import licences were based on the tightening up of control, the import figures were only a small fraction of what they had previously been. The complainant made efforts to restore the company's imports, but claimed that he was frustrated by import control, and that the company could not continue to operate on the level of import licences granted. A thorough investigation showed that, while this conclusion was probably right, the company could have achieved a higher level of licences if it had taken full advantage of all the opportunities open to it over the years since the tightening up. In the circumstances, I considered that the import licensing authorities were not at fault, and that I would not be justified in making a recommendation in the complainant's favour.

Case No. 275

The complainant left New Zealand on 13 November 1961, three days after the Customs Act Amendment Act 1961 received the Royal Assent. This Act brought to an end, in respect of cars imported after 31 December 1962, the long-standing concession regarding duty-free entry into New Zealand of cars purchased overseas and used for a year before importation. The Act substituted very much more restrictive conditions. In July 1962 the Customs Tariff Amendment Order (No. 4) 1962 was issued. This was intended to extend the former concession for persons who had bought vehicles prior to the enactment of the new provisions but who, for one reason or another, could not land their cars in New Zealand by 31 December 1962.

The complainant, in ignorance of the new conditions, purchased a vehicle immediately on arrival in England during December and was unable to land it in New Zealand by 31 December 1962. She was accordingly required to pay duty and sales tax, and complained that, as she had acted in good faith and in reliance on a long-standing concession, she had been unfairly treated.

On investigation, it was found that it would not be possible to amend the law retrospectively to cover cases such as this without introducing more anomalies than would be solved. However, in my opinion the limiting period fixed by the amendment was too short to avoid hardship in bona fide cases such as that of the complainant.

I accordingly recommended that in the future when legislation withdrawing a long-standing concession is under consideration and a period of grace or other transitional measures to avoid hardship are being considered, close attention be given to the fixing of dates and conditions on the basis of logically relevant factors and to the avoidance of superficially attractive or convenient dates which, for lack of real relevance, may fall short of achieving their purpose.

Case No. 283

The complainant was an importer and wholesaler of radio and electronic equipment. He lodged a complaint under a number of general heads, each supported by numerous instances. In substance, he complained of departmental inflexibility and other failings, resulting in unfair discrimination and improperly based decisions.

In studying each of the instances the complainant had quoted, it became clear that, while the complainant had reasonable cause for dissatisfaction with some of the decisions, he had in general failed to take full advantage of his right to apply for a review of such decisions. When these matters were brought to the Department's notice through my investigation, the Department found, on review of the case, that it was able to approve increased allocations in some instances, while in others the previous decision was confirmed, with explanations.

As a result of the investigation, the complainant and the Department were brought closer together, and numerous difficulties were resolved. There still remained areas of disagreement between the complainant and the Department, but I concluded that there was no need to investigate the general allegations.

Case No. 305

The complainant had been informed that an import licence for certain goods would be issued "at the time of importation". The importer applied for this and other licences when the goods were landed in New Zealand. It was over a month before departmental investigations were completed and licences issued; in the meantime the goods incurred heavy storage charges (including penal charges) in the wharf store. The complainant sought reimbursement of storage charges because of the delay in the issuing of the licences, and also suggested that the Customs Department should permit removal of uncleared goods from wharf to bond storage pending Customs investigation and decision in such cases. I was satisfied after investigation that the complainant had contributed to the delay by his own actions, and accordingly I declined to recommend reimbursement of storage charges.

I found that the Comptroller of Customs already had a limited power to permit removal of uncleared goods from wharves, but this existing provision was difficult to operate without creating enforcement problems, and so was sparingly used. As legislation would be needed to remove the enforcement problems, no further action would be warranted unless there was a real and reasonably widespread demand for it. As I had no evidence of this, I made no recommendation.

Case No. 337

The complaint related to the decision of a local Collector of Customs to refuse the grant of an import licence for a motor vehicle purchased overseas.

The circumstances were that the complainant, accompanied by his wife, intended making a visit to Europe, which would result in his being absent from New Zealand for a period of up to 18 months. He proposed to travel overland from Singapore, and for this purpose the complainant purchased a suitable vehicle on arrival there. Whilst motoring through Kashmir, the complainant's wife, who suffered from a malignant disease, had a serious relapse which necessitated returning to New Zealand by the first available ship which sailed from Colombo. The car was of necessity left in bond at Colombo. By virtue of the fact that the car had been temporarily imported into Ceylon on a triptyque it was not possible for it to be disposed of there. The complainant therefore applied for a licence to import the car into New Zealand, and his application was refused.

On the facts being brought to the attention of the Comptroller of Customs he undertook to review the earlier decision, with the result that, in view of the special circumstances, the necessary import licence was granted.

Case No. 459

The complaint by a local authority related to a decision of the Comptroller of Customs to decline its application for a refund of sales tax paid on bitumen used in the mastic grouting of a breakwater for which the authority was responsible.

My investigation showed that the company carrying out the contract manufactured on the site a mix consisting of bitumen, sand, and cement. This constituted the manufacture of goods which were subject to sales tax and, as such, the company would normally have required a licence under the Sales Tax Act to carry out this operation and would have been called upon to pay tax on this grouting mix, against which would have been set off the tax already paid on the bitumen. Under powers vested in him by the legislation, the Minister had directed that, where persons were engaged in manufacturing operations consisting solely of the preparation of tarred metal, tarred screenings, and hotmix preparations of bitumen and metal for roadmaking, they need not be licensed under the Act. As a consequence of this direction, sales tax is not payable on these preparations.

An examination of the work being undertaken which, as well as the grouting operations, included the sealing of an area on top of the breakwater as a road, satisfied the Department that the whole work could properly come within the spirit of the Minister's direction. As a consequence, the contractor had not been called upon to pay the substantial amount of additional tax which would otherwise have been payable in respect of the grouting mix, but normal sales tax on the bitumen itself had been levied.

I was satisfied that, under the terms of the legislation, the Comptroller of Customs had no power to refund the sales tax paid on the bitumen. I was also satisfied that the creation of a special exemption in respect of the bitumen used in the grouting of the breakwater was not practicable and would be likely to create an unfortunate precedent.

Case No. 654

The complainant who operated a garage in a country town specialising in the repair of jeep-type vehicles had purchased substantial supplies of spare parts within New Zealand from Government disposals and from importers. There remained shortages in various lines and for three years the complainant had endeavoured to obtain import licences which he considered necessary to preserve his garage's specialisation. Licences were declined as a matter of policy on the ground that the complainant was a "new importer".

The complainant alleged discrimination in that a named "backyard engineer" without any previous import history had been granted a licence to import three knocked-down vehicles and a "truckload" of spare parts.

Investigation showed that the engineer concerned had purchased a fairly substantial quantity of spare parts (including two or three chassis and engines separately crated) while visiting Germany, out of money earned in Europe. He applied for an import licence under the private no-remittance scheme and this was at first refused. However, after renewed application supported by independent assurances as to their need, a reduced no-remittance licence was issued subject to the express condition that the parts were to be used only for the repair of the several existing private vehicles which the engineer and his family operated in connection with their farming operations and not for the purpose of a garage business or for resale. An inspection at the time of my investigation showed that the consignment had been retained by the engineer in substantially the same condition as when imported some considerable time previously. No evidence of sales that would justify action for breach of the import licence condition was found.

The refusal of an import licence to the complainant was in accordance with Government policy regarding "new importers" and, as such, was outside my jurisdiction. The allegation of discrimination was shown to be groundless, the imports concerned having been in order in terms of the private no-remittance scheme, and accordingly the complaint was found to be not justified.

Case No. 778

The Department had requested all bicycle importers to furnish a schedule showing details not only of the number and value of bicycles sold during the preceding year (and up to the date of application if a supplementary import licence was sought) but also the names of the purchasers and the quality, type, and value of bicycles supplied in each case. The complainant contended that this went beyond the Department's reasonable requirements and amounted to an unwarrantable intrusion by the Department into the affairs of importers.

The Department reported very fully to me, and at my request a senior officer attended at my office to give further explanations. The investigation showed that the requirement arose because the Department, in the changed and rather uncertain situation created by the commencement of the manufacture of bicycles in New Zealand and the distribution problems that had arisen, recognised that there was a danger that some traders would try to secure heavier than normal imports against an anticipated future reduction in imports. The detailed information was considered necessary by the Department to enable proper consideration to be given to applications for licences to the value of more than 75 per cent of the previous year's imports. The information would ensure that the reasonable requirements of retailers could be ascertained and would enable the Department to determine whether there was need for a check on any individual retailer's stock level.

In the course of the investigation I concluded that there was justification for some rather more stringent check than usual, but I found it difficult to accept that such a check had to go as far as that actually imposed. In fact, it transpired that the Department required the information only from importers who applied for additional licences, and so it was clear that the terms of the circular asking for the information to be supplied by all licence holders were wider than necessary. I also retained some doubt as to whether the real value of the information to the Department justified the substantial amount of work entailed on the part of both importers and the Department in preparing, collating, and using the information. However, as I finally accepted the Department's assurance that the requirement effectively achieved its purpose, and as no adequate alternative had been suggested, I felt that I would not be justified in finding that the requirement was unreasonable or unwarranted in the particular circumstances. I was the more ready to adopt this view because I was informed that the requirement was unique and the Department did not contemplate its extension.

Nonetheless, I expressed the view that, as a matter of principle, it is undesirable than any class of traders generally should be required to disclose to the Customs Department as a matter of course details of transactions with particular named customers – which was the feature objected to in this instance. Such detailed information could quite properly be required of traders in respect of whom there was a reasonable suspicion of malpractice in relation to import control, but my view was that such a requirement was to be avoided if at all possible where it was designed to serve as a general check.

Case No. 838 *(The Department of Industries and Commerce is also involved in this case.)*

The complainant was of the opinion that there had been substantial delegation of import licensing matters to the Department of Industries and Commerce, and that such delegation was improper and unlawful, as the Customs Act, under which the Import Control Regulations were issued, provides only for the delegation of powers to officers of Customs. The complainant also alleged that the GATT agreement was not being observed in so far as New Zealand had not set up tribunals or machinery as prescribed by Article X, paragraphs 3 (a) and (b) of the Agreement for the prompt review and correction of administrative action relating to Customs matters.

On looking into the first of these complaints, I found that the Minister of Customs had not "delegated" any of his powers under the Customs Act to

officers of the Department of Industries and Commerce. The functions of the latter Department in relation to import control, though clearly far-reaching and important, were advisory, and the power of decision continued to reside in substance as well as in theory with the Minister and officers of Customs. The Industries and Commerce Department made investigations and recommendations in respect of a wide range of import licensing applications, but it did not make the decisions. Machinery for the consideration of differences between the Departments resulting from recommendations had been evolved at various levels, and was in regular use. The Department of Industries and Commerce was more extensively concerned than other Departments, but its functions in relation to import control are similar to those of other Departments such as Agriculture, Health, or Scientific and Industrial Research, whose assistance is sought in appropriate cases. The actual decision whether or not to grant a licence is made by an officer of Customs. Accordingly, I found this part of the complaint was not justified.

The complainant stated in his second complaint that GATT was adopted as an Act of Parliament by New Zealand. I pointed out, however, that this was not the effect of the General Agreement on Tariffs and Trade Act 1948. The Act authorised the signature, on behalf of the Government of New Zealand, of the Protocol set out in the Third Schedule to the Act, and also authorised the acceptance, on behalf of the Government of New Zealand, of the General Agreement. The Act did not make the Agreement itself an Act of Parliament in force in New Zealand. In any event, the Protocol provided that Part II of the Agreement which embodied the provisions concerned was to be applied only to the fullest extent consistent with already existing legislation. Another point of interest was that, as the parties to the General Agreement are States, only States have the right to challenge formally the implementation of the Agreement. In fact, New Zealand has never been challenged by another contracting party on the application of Article X.

I concluded that the complaint regarding the way the Treaty and the Act concerning it were being observed and administered in New Zealand was not justified.

Case No. 952

In the 1961 Import Licensing Schedule, linoleum was for the first time included in the "R" category, and "new" importers (i.e., traders who had not previously had licences to import this type of goods) were able to apply for licences of up to £5,000 subject to certain conditions. The complainant, who operated a floor-covering company which had substantial premises and undertook floor-covering contracts, stated that he applied to the Customs Department for a new importer's licence on 15 November 1960 but received no reply. When he wrote again on 14 February 1961 he was informed that his previous letter had been mislaid, but as the provision for new entrants in the linoleum field had been withdrawn on 31 December 1960 he no longer qualified for a licence. He made personal representations to the Department several months later, and over the next three years made other efforts to secure a review of the refusal, but was unsuccessful.

I found on investigation that the position was not simple, and had been complicated by the withdrawal of licences granted prior to 31 December 1960 and their reissue on the basis of goods actually imported during 1960, and where firm orders in excess of that level had actually been placed special licences not qualifying for future entitlement were issued. On re-examining the case, after receiving my inquiry, the Comptroller of Customs concluded that, if the Department had actioned the complainant's original application promptly, he would have been able to place some firm orders before the licences were recalled, and accordingly he should now be permitted to obtain a current licence and be credited with future basic entitlement for a reasonable amount (considerably less than that asked for) to put him in no worse a position than others who had

originally been granted special licences of the type he had applied for in 1960. This decision was accepted by the complainant and by myself as doing substantial justice in the special circumstances of the case.

DEPARTMENT OF AGRICULTURE

Case No. 677

The complainant, a high-country station owner, considered that the danger of nassella tussock infestation on certain types of grazing country is much overrated, and that the policy, whereby farmers are required to meet half the cost of certain eradication operations, put in hand by the Nassella Tussock Boards, is unreasonable. The complainant maintained that nassella tussock was palatable to stock and forwarded some samples of this grass which appeared to have been partially grazed by some type of animal.

I informed the complainant that Nassella Tussock Boards did not come within my jurisdiction and consequentially I had no power which would enable me to investigate administrative actions of these Boards, but that I was arranging for the tussock samples to be viewed by officers of the Department of Agriculture.

The Department showed considerable interest in the samples and offered to send an officer to the complainant's property with a view to discussing the problem and inspecting the grazing area from which the samples had been taken, if the complainant so wished.

I informed the complainant of this offer and suggested that if he desired to take advantage of it he should communicate direct with the Department. I was subsequently advised that an officer from the Department had visited the complainant's property and explained the reasons governing the present policy of nassella tussock eradication.

DEPARTMENT OF EDUCATION

Case No. 134

The complainant and her husband were New Zealand citizens who had resided in Fiji for about 30 years. Their son, who had been born in New Zealand, attended school in New Zealand from the age of 10. At the time he passed the University Entrance Examination he was advised by the school careers master to spend a second year in the sixth form in order to qualify for the Higher School Certificate full-time bursary and also for the Higher School Certificate boarding bursary. This advice induced the parents (at some financial sacrifice and to the detriment of the education of a younger child), to agree to their son's having an extra year in the sixth form. However, when the boy applied for the boarding bursary, it was refused by the Director of Education on the ground that, as he did not have a home in New Zealand away from the university centre, he did not qualify in terms of the governing regulation. As her son was a New Zealander and intended living and working in New Zealand, and as he had been boarding in New Zealand ever since the age of 10, the complainant considered this decision unfair.

The student and his family were entitled to sympathetic consideration because the decisions relating to his higher education had been made on the basis of faulty advice given by a school teacher, for which the Department could not be held responsible. I came to the conclusion that he did not qualify for the boarding bursary under the relevant regulation, which I did not think was unreasonable, unjust, oppressive, or improperly discriminatory.

Case No. 300

The complainant, who owned and worked on a small farm, had two intellectually handicapped sons whose future he considered could best be provided for by their taking up farming as an occupation. The complainant's farm, however, was too small a unit to provide a farming occupation for both

his sons and himself, and therefore when suitable adjoining land came on the market, the complainant sought and obtained from the owner a contract to purchase conditional on the complainant obtaining the necessary finance within a specified period of time.

The complainant made strenuous efforts to raise the necessary finance, and had all but done so when the owner of the land sold it for cash to the Child Welfare Division of the Department of Education to form part of an afforestation project to be attached to the nearby Boys' Training Centre. The complainant alleged that the Department had acted with undue haste and secrecy in order to conclude the deal before the end of the financial year. The complainant had then proposed to the Department that, if it were unwilling to agree to his acquiring the whole of this block of land, it might be agreeable to his purchasing the area of flat land, comprising some 130 acres, which adjoined and formed a natural unit with his farm. The Department declined this request on the ground that the total area of the block of land was itself insufficient to establish a successful afforestation scheme, and the Department was already seeking to acquire further land in the vicinity.

My investigation showed that the Department's conduct of the negotiations for the purchase had been quite proper, and that if the complainant had been misled in any way it might have been by another party to the transaction, but not by the Department. It then appeared that, in the vicinity of the complainant's farm and close to the block of land purchased by the Department, was an area of approximately 100 acres which was unoccupied and unsuitable for development except by afforestation. I suggested to the Department that it appeared that its requirements for land could be satisfied and the legitimate interests of the complainant met if it were to take the 100 acres of unoccupied land in exchange for the 130 acres of flat land adjoining the complainant's farm. The Department agreed to investigate the possibilities of such an exchange, and in due course informed me that it was prepared to agree to it provided that its proposals for the acquisition of further land for the afforestation scheme received Government approval.

The proposals to acquire additional land did not eventually receive Government approval, but the Department did nevertheless finally agree to sell to the complainant the 130 acres of land adjoining his farm.

Case No. 331

The complainant, a teacher, alleged that on joining the Education Service he had been informed that he would be required to serve for only about six months in an approved country school instead of the usual two or three years. Later he secured a country appointment and, after two years' country service secured an appointment in a city school. He applied for payment of his removal expenses, but this was declined by the Department on the ground that, as he had not completed the full three years' country service applicable to the school concerned, he did not qualify for payment of removal expenses.

My investigation showed that the reduced period of country service had application only to qualification for higher salaried positions. The notification which he received to this effect made no reference to the question of removal expenses either on appointment or subsequently. There is no necessary relationship between appointment on promotion and entitlement to removal expenses. The whole subject of entitlement to removal expenses is treated in the regulations and handbooks as being distinct from other matters and as having its own set of rules prescribing the qualifications for entitlement to removal expenses in various circumstances.

I considered the equity of the position whereby reduced country service for salary scale purposes is not deemed sufficient to qualify for payment of removal expenses and I am satisfied that there are good grounds for making the distinction. As the complainant had made inquiry and been informed of

the position while there was still time to decline to take up the position on promotion, I found that there were insufficient grounds for making a favourable recommendation.

However, I suggested to the Department that the form letter which gave rise to the misunderstanding on the complainant's part should be amended to make it quite clear that a reduction in the period of country service required to qualify for higher salary does not have the effect of shortening the period of service in a particular locality required to qualify for payment of removal expenses.

The Department adopted the suggestion, and also took other steps to keep teachers fully informed of their rights regarding removal expenses.

Case No. 427

I was approached by a parent of a girl student attending one of our large but comparatively new secondary schools for girls in an important district town. The approach was made with the advice and support of the parent's solicitors. It appeared that the principal of the secondary school had firmly refused to admit the girl to a certain course of study, and had maintained this refusal in the face of strenuous objections by the parents, which objections had been moved into the local political arena and had formed the subject of representations to the Minister of Education. The merits of the particular case became submerged in the principles involved, because the parent and his solicitors contended that the provisions of "The Standard Scheme of Control for Secondary Schools 1961", which clothed the principal with authority to determine the course of study for every pupil, were unreasonable and unjust, that the particular decision in this case was also unreasonable and unjust, and that the Department of Education had some responsibility in the matter.

I formed the conclusion that the principal was quite clearly responsible only to the local board and that any suggestion that the Minister and the Department had authority in the matter was quite untenable. The issue appeared to be an entirely local one, to be dealt with by the duly constituted local authorities, such as the board of governors of the school, the Parents' Association, and other interested organisations. Having formed this conclusion it was clear that I had no jurisdiction to consider the particular circumstances complained of but because of certain attitudes which had been taken by the parent and his solicitors I felt it proper to inform the solicitors that I could find no justification whatever for any suggestion that either the Minister or the Department had acted otherwise than with eminently proper discretion, consideration and, indeed, sympathy for this particular case.

The suggestion that it was unjust and unfair that a principal of a secondary school should have in law an absolute right to determine the course of a student, even directly contrary to the parent's wishes, did involve a consideration of whether this particular provision of the law could be subject to criticism under the provisions of section 19 (1) (b) of my Act. I invited the Director of Education to consider whether it might be advisable to have some "last resort" system of reference to an authority, such as the senior inspector of secondary schools for the district, to whom the parents might be able to turn in such a case. After careful consideration the Director decided that in view of the extreme rarity of cases such as the one in question he doubted whether it would be advisable to have any legal means whereby the authority of the principal in such a matter could be questioned. I invited the views of the New Zealand Education Institute and of the New Zealand Post-primary Teachers Association. The former felt that some reference such as I suggested was worthy of consideration. On the other hand, the latter in a very careful and detailed presentation of the case, which was approved by their national executive, advanced views which I found impressive, and which convinced me that for the time being the provisions of the standard scheme in this respect could be left as they are. I also felt that the jurisdictional aspects of the matter were by no means clear and that in any case a rule of law could hardly be described as

oppressive or unjust because a case had occurred in one school after many years of operation over the whole of New Zealand, and I decided to cease my investigation at this point.

When my inquiries regarding this case were well advanced, the girl concerned was, in fact, admitted to the course which her parents had always desired her to take.

Case No. 469

The complainant alleged that the Child Welfare Division of the Department of Education had wrongfully withheld its approval for her husband and herself to adopt a baby girl, and that by making known to the natural mother its disapproval of the complainant and her husband as adoptive parents the Division had deprived them of the opportunity of having their application for adoption heard by the Courts.

The investigation of this complaint became quite prolonged, involving correspondence and interviews with the Child Welfare authorities and also with the complainant and her husband. The main objections which the Child Welfare authorities appeared to have to the complainant and her husband as parents seemed to be first that of age – they were both over 50 years – and second a suggestion of matrimonial disagreement within the home, and of an apparent refusal by the husband to agree to an adoption by his wife or by them both jointly. After discussion with all the parties it became clear to me that the objection on the ground of age was unreasonable in that the complainant and her husband were in excellent financial circumstances, had a good home, and already had one adopted child (a boy) who was not seven years old and being given a good education at one of the best schools in the city. The complainant's wish was to "provide Johnny with a sister", and she would hope to give to her adopted girl the same advantages that she had provided for her adopted boy. The complainant and her husband were both professional people and generally speaking went their separate ways, but it was hardly true to suggest matrimonial disagreement, although it was clear that the husband was markedly reluctant regarding the proposed second adoption. He would not, however, go so far as to attempt to block it altogether.

There was also considerable substance in the second ground of the complaint in that no natural mother could be expected to go willingly to the Court when she had already been informed that the child welfare officer disapproved of the proposed adoptive parents. In these circumstances, therefore, and in spite of the clarification of the attitudes of the parties which I had brought about, it was by no means easy for the complainant to find a child in respect of whom she could make application to the Court. I recommended, however, that when the complainant next made an application for an adoption, the child welfare officer should facilitate its going before the Court, where the Magistrate would determine the issue after hearing all parties.

After several months a suitable infant girl of three years of age was found in a nearby town and the proper adoption papers including consent by the natural parents, and supporting affidavit by the complainant's husband, were duly lodged in the Magistrate's Court early in December of 1963. It then seems that, partly owing to the onset of the Christmas holidays and partly owing to leave difficulties and other delays in the local office of the Child Welfare Department, the adoption application did not come on for hearing until early in March 1964, by which time the complainant had taken the law into her own hands and the child into her own home. This procedure incensed the local Child Welfare authorities who proposed to prosecute her for an offence under the Act. My counsels, however, prevailed and they eventually allowed the matter to come to a hearing and made only a statement in opposition thereto. An interim adoption order was made by the Magistrate.

There were certain doctrinaire aspects to the attitude of the local Child Welfare authorities in this matter, who, I thought, while acting with perfect good faith, failed to give adequate weight to the rather special circumstances.

The Superintendent of Child Welfare agreed that the basic situation, in which a proposed adoptive parent could be deprived of his right of having the substantive issue determined by the Magistrate because of a lack of consent or a failure to be cooperative on the part of the Child Welfare authorities, was one which needed careful consideration and perhaps corrective treatment when amendments to the legislation were next being considered.

Case No. 501

The complaint, which was from a headmaster of a State school, concerned the provision of a regulation made under the authority of the Education Act 1941 prohibiting the publication of any part of the Inspection Report on a primary school which is made by an inspector of schools to the Education Board. The complainant alleged that this regulation placed a serious restriction on the liberty of the professional teacher who might wish to be publicly critical of approved educational methods in such schools.

My investigation showed that, whilst these inspection reports were concerned primarily with the operation of a school as a whole, they did contain comments on the professional work of the teachers. Experience had shown that the publication of these reports in the local press had had an adverse effect on the morale of the teachers. It was a reaction against this type of publication which led in 1929 to the prohibition of publication, which has remained and which has had the support of the New Zealand Educational Institute.

Although I was unable to find the complaint justified, I drew the attention of the complainant to the existence of recognised channels for the ventilation of legitimate criticism of educational methods.

Case No. 752

The complainants, two post-primary teachers who had been engaged in Britain to come out to New Zealand, alleged that one of the conditions under which they had accepted appointment when in Britain had been adversely changed without their consent and that the New Zealand Government had, in this respect, committed a breach of the undertaking given to them on appointment. The particular condition which had been changed was that relating to the scale of rentals of State houses. Before appointment the complainants had been advised that Public Service "pool" houses would be available for a number of married appointees with dependent children, and that rents of these houses would be on a scale ranging from £2 4s. to £3 5s. 6d. per week, depending on the size of the house and the salary of the occupant. Some six and 12 months respectively after arriving in New Zealand and occupying Public Service "pool" housing, the complainants were notified of an increase in rents above the maximum of this scale.

The original decision to raise the rents of Public Service pool houses was taken by Government and was thus not within my jurisdiction to investigate – nor were the subsequent decisions of Government on this matter. I was, however, bound to investigate the recommendations made by the Department of Education which formed the basis of the Minister of Education's submissions to Cabinet.

My investigation showed that the decision to change the formula on which rents of pool houses had hitherto been calculated was made known to the Department of Education too late to enable it to inform some 23 teachers appointed in Britain prior to their departure for New Zealand. As the application of this new rental formula resulted in higher rents being charged, the Department was rightly concerned that the rental charges previously applicable to these 23 teachers should be maintained for the three-year period during which they were under bond to Government. With this object in view, the Department consulted with the Post-primary Teachers' Association in an endeavour to reach agreement as to the particular form this dispensation from the application of the new rental formula should take. It was agreed that it should be recommended to Government that all 23 teachers, amongst whom were the two

complainants, should be exempt from the application of the new rental formula for a period of three years or until there was either a change in the tenancy of a pool house or the teacher was appointed to a higher salary scale, whichever occurred first.

I had no doubt that, in framing its recommendations in this manner, the Department had every reason to believe, from its discussions with the Association, that they would be acceptable to the teachers concerned and that they were therefore put forward in good faith. Nevertheless, as the proposal was one which could adversely affect certain of the conditions under which the teachers had been appointed, and as I was unable to find any evidence that the Association had been given a specific mandate by the teachers to negotiate on their behalf the proposal which was recommended, I did not consider that the general consent to the proposal which the Association gave could properly be considered as an adequate substitute for the individual consent of the teachers concerned. (See my comments in case No. 28 in my report of 31 March 1963.)

Both the complainants had secured promotion during their first 12 months of service, which significantly exceeded the reasonable expectations they could have entertained at the time of first appointment. I was satisfied that they had suffered no hardship as a consequence of the decision to raise the rental charges. Although the relatively favourable positions in which the complainants now found themselves could not properly be advanced as a justification for the adverse change in one of their conditions of service, I nevertheless considered that, in the circumstances which had occurred, further investigation was unnecessary.

Case No. 754

The complainant's son applied for and was refused the award of a Higher School Certificate bursary to enable him to undertake a course of study leading to a Bachelor of Architecture degree and, as a consequence, he had to embark on his studies at his parents' expense.

In support of the decision to refuse to grant the bursary, the Department stated that during the previous year the complainant's son had held a Public Service Commission Study Award to enable him to study for a Bachelor of Engineering degree and, as he had failed to complete the first year of his degree, he was precluded under the provisions of the legislation then in force from the grant of any further bursary financed from public funds.

My investigation was concerned principally with a study of the relevant legislation, and I concluded that its terms did not support the Department's decision. The Department considered my views and agreed that there had existed no adequate statutory authority for its decision.

I recommended, therefore, that the complainant's son be considered as having held a bursary from the commencement of his architectural studies and that the period of the tenure of the bursary be reduced by one year in recognition of the fact that he had previously held the Public Service Commission Study Award for a similar period.

In so far as my recommendation related to past years, effect was to be given to it by way of a financial settlement.

My recommendation was accepted by the Department, and there is every reason to believe that the complainant's son will be able to complete his studies successfully.

Case No. 829

A complaint was made to me that a permanent staff employee of an education board had been dismissed for misconduct, and had not been afforded an adequate opportunity to be heard in his defence. As my jurisdiction does not extend to cover the acts of education boards, I could not take up the particular case, but after reading the regulations I came to the conclusion that the staff of education boards (other than teachers) had insufficient avenues of redress against possible

unjustified disciplinary action. I recommended to the Director of Education that the regulations governing the employment of such staff should be amended to provide, in the event of a serious breach of discipline, for a written charge to be delivered to the alleged offender and for a right to a hearing before a responsible and impartial investigator.

I have been informed by the Director of Education that the proposal has been welcomed, and that action is being taken with a view to drafting amendments that will meet with the approval of the employing authorities and the employee organisations.

Case No. 847

The complaint concerned the arrangements at present in force, whereby New Zealand teachers participating in exchange arrangements, sponsored jointly by the Department of Education in New Zealand and the education authorities in Australia, are required to pay New Zealand income and social security tax on their earnings during their period of residence in Australia but receive no medical or hospital benefits comparable to those for which they would be eligible had they been resident in New Zealand.

The complainant contended that, in these circumstances, the New Zealand teacher should either not be required to pay New Zealand social security tax or, alternatively, the New Zealand Government should meet the cost of medical and hospital expenses incurred in Australia to the extent that similar expenses would be met from public funds in New Zealand.

My investigation showed that there existed no statutory authority which would enable a measure of relief to be afforded, either through a reduction in or a waiver of the social security tax. The arrangement whereby teachers are encouraged by the Department of Education to take out insurance cover against loss of earnings and medical and hospital expenses occasioned by sickness whilst in Australia did not appear to me to meet the situation fully. Further investigation showed that, whilst no standing arrangements existed to enable such expenses to be met automatically from public funds, both the Department of Education and Treasury would treat, both equitably and expeditiously, any individual claims which teachers might submit for a refund of medical or hospital expenses. It seemed to me that, whilst the existence of this procedure was not in all respects an entirely satisfactory solution, it did nevertheless offer a means of relief in cases of genuine hardship, and I decided, therefore, not to pursue the matter further.

Case No. 997

The complainant was a first-year student at Otago University. His parents were moving their home from Dunedin to Wellington during 1964 for a period of up to two years and, as a consequence, the complainant had applied for a boarding allowance in addition to his fees and allowances bursary to enable him to attend the second year of his B.A. course at Otago University. His application was declined on the ground that, as his parents were moving to another university town, he would be able to pursue his studies at the Victoria University of Wellington, and that therefore he was not obliged to live away from home. The complainant felt that this position did not take sufficient account of the real advantages to be obtained from completing his studies at one university and the difficulties he could expect to experience if he was required to pursue his studies at the university in the town in which his parents happened to be living. It was open to the complainant to continue his studies at Otago University and forgo the boarding allowance, but this he stated he was unable to do.

I was satisfied that the decision to decline the application was in accordance with the provisions of the regulations governing the award of university bursaries and related allowances. It appeared to me, however, that there might be a problem concerning the correlation and continuity of courses as between

several universities, and that there might be no adequate provision to cater for a case such as this, where a student's home had left him, rather than the student had left home.

The Director of Education informed me that, when an application for a boarding allowance is considered, full regard is had to the universities involved, the course the student is pursuing, and the stage in his course the student has reached. As the complainant had not progressed beyond his first year, he would not experience any real difficulty following upon a change of university at this stage. However, if he transferred to Victoria this year, to coincide with his parents' removal of the home to Wellington, and if during the academic year his parents should move away from Wellington, he would receive a boarding allowance for the balance of the year, and this eligibility for such an allowance in the following year would then be considered afresh in the light of the location of his new home and the stage in his course he had reached.

This interpretation of the regulations seemed to me to be eminently fair and reasonable.

DEPARTMENT OF HEALTH

Cases No. 10 and 334

My investigation arose from two complaints made to me concerning the activities of the Department of Health in a campaign associated with a local referendum on the fluoridation of a public water supply. The allegations of the complaints were that, in connection with the referendum, the Department of Health entered the local campaign, inserted large and expensive advertisements in the local newspaper, distributed material through the post and otherwise, and promoted some screen advertising, these activities being directed to influencing voters with a view to securing a majority of votes in favour of fluoridation. It was alleged that it was improper for a Government Department to take part in a local issue as a partisan and to spend general Government funds provided by all taxpayers in an attempt to influence the voting of a small section of taxpayers.

The issue fell to be determined upon general principles, and did not involve any consideration of the question of the desirability or otherwise of the fluoridation of public water supplies. The matter I had to decide was not whether the Department acted in good faith – a point on which I was satisfied – but whether it acted properly. A principle was involved wider than the particular issue arising from the fluoridation poll, and raised a question of whether the resources of Government should be used to influence voting on a contentious local issue.

There is nothing in law to prevent Government, directly or through its agencies, from intervening actively in support of one side or the other in either a national or a local referendum. Investigation disclosed, however, that in this case Government had deliberately and as a matter of policy left the issue to be determined within each relevant local area by the local authority concerned, and the decision to hold a local referendum had been that of the local authority concerned. In such a case I considered that, taking into account the fundamental principles of our democracy, direct active campaigning by a Government Department in the local referendum was wrong. If the primary purpose of the direct activity of the Department of Health was to inform the public of important and established facts, it was legitimate unless the circumstances were such as to render the activity clearly propagandist in effect. If its primary purpose was to influence a local vote on a local contentious issue, then the activity was objectionable on principle.

Study of official records satisfied me that the actions of the Department of Health in this matter related to "a matter of administration" within the terms of the Act, and that I therefore had jurisdiction to make a finding.

I came to the conclusion that the actions of the Department of Health in the campaign preceding the fluoridation poll in question exceeded the proper

functions of furnishing information or of pursuing normal health education activities, and amounted to direct and active participation in the campaign, and that such participation was wrong.

I was satisfied, however, that the basic principle of non-interference by the central Government in a local decision had not been considered by the Department or present in the minds of those responsible. For these reasons neither the Department nor any of its officers merited censure, and I was satisfied that they had acted at all times in good faith.

I recommended, therefore, that, unless and until otherwise directed by the Minister, the Department should refrain from direct and active participation in local polls on the fluoridation issue without, however, prejudicing the duty of the Department to make known generally to the citizens the facts relating to fluoridation by way of normal health educational activities. The Department accepted my recommendation.

Case No. 742

The complainant was concerned that his daughter had been refused a certain type of university bursary when other candidates who had received lower examination marks were granted the bursary.

My investigation showed that all candidates, including the complainant's daughter, had received careful consideration. A great deal of relevant factual information was available to the Department about each applicant and all of them were interviewed by a competent and experienced expert in the field concerned. Much weight was placed on the interviewer's assessment of suitability. The interviews were conducted fairly and the interviewer used a comprehensive standard form to assist in making fair comparisons between applicants. Examination marks and prior academic record were important factors considered, but were not by any means the determining factors. I was satisfied that there had been no injustice or unfairness in the selection of bursars. The results of the first year's university work by the complainant's daughter tended to confirm the selectors' judgment.

Case No. 756

The complainant's two children who were enrolled at the dental clinic attached to their school failed to attend the clinic when requested to do so. It was established that the complainant did not wish his children to continue to attend the clinic as they were receiving treatment from a private dentist. As a consequence the complainant was considered as having withdrawn his consent to further treatment under the School Dental Service.

On the complainant subsequently seeking to enrol his children at the dental clinic attached to the school in the locality in which he had recently taken up residence, he was informed that as he had previously withdrawn his consent to further treatment under the School Dental Service, re-enrolment could only be accepted if he first ensured that the children were dentally fit. An examination of the children's teeth by a private dentist showed that a considerable amount of work would have to be done before they could be considered as dentally fit. The complainant alleged that he was unable to meet the cost which this work would involve. Prior to submitting his complaint to me, the complainant had made unsuccessful representations to a local officer of the Department for a reversal of its decision.

As a result of my investigation, the Department re-examined the case in the light of the facts as I had presented them. The Department agreed that as there was evidence that the complainant had endeavoured to ensure that his children's teeth had been cared for after their withdrawal from the School Dental Service, it was prepared to take a more liberal view than that which was adopted by its local officer, and to agree to receive the children again for treatment in the School Dental Clinic.

Inset 2

Case No. 776 *(This case also involved the Treasury)*

The complainant, who had been employed at an institution by the Department of Health for several years, resigned and asked for salary and tax deduction particulars to enable him to complete his income tax return which was then due. However, the I.R. 12 form, containing the necessary information, was not furnished until some three months after he had left. This was almost immediately followed by a small adjustment to the figures. A month later still, he was advised by the Department of Health that he had been overpaid on leaving and he was asked to refund the excess. An amended I.R. 12 form was supplied. Just over a year after he left the employ of the Department of Health, he was informed that the figures previously supplied were wrong and was given further corrected figures. Fifteen months after leaving the Department he received still another I.R. 12 form showing some payments that had been previously omitted.

I had already taken up with the Treasury the matter of late notification of taxable earnings to employees. The Treasury had described the difficulties involved in handling the compulsory income tax deductions of employees paid through the Treasury-operated computer-based Central Pay Service. The Treasury recognised the need for, and was working towards, an improvement in the Service. The State Services Commission also informed me that it was aware of the need for efficiency in salaries work, and a thorough overhaul of staff and salary procedures to be undertaken in conjunction with the Treasury had been planned to commence soon. It was clear that, as the Central Pay Service was a servicing unit, the figures supplied by it were dependent on the accuracy and completeness of the data furnished by Departments. In this respect the particular departmental institution in which the complainant had been employed had suffered more changes than usual in the staff engaged in salaries work and had failed to master the new salaries system despite special staff training courses. When the Head Office of the Department realised this, an officer was sent to the institution for the special purpose of putting the salaries work on a proper basis. As a result the standard of this work at the institution was now satisfactory. As remedial action had been taken, or was to be taken, by both the Department and the Treasury, no recommendation was necessary.

DEPARTMENT OF INTERNAL AFFAIRS

Case No. 105

The complainant, prior to the 1939–45 War, had evolved a scheme of off-course betting and applied for a patent, without success. He then applied for a licence to operate a totalisator company. This could not be granted as it was then illegal.

When the Government appointed a Royal Commission on Gaming and Racing in 1946 for the purpose of inquiring into the then existing laws relating to gaming and racing and making any proposals thought fit for amending those laws, the complainant, amongst others, gave evidence before the Commission and outlined his scheme.

The Commission's findings were completed in 1948 and included a recommendation that off-course betting be legalised.

The Commission's report also dealt with the various schemes which had been placed before it during the hearing and recommended the adoption, with any required modifications, of the scheme which had been submitted by the Racing and Trotting Conferences. The Commission did not recommend the adoption of the complainant's scheme.

Legislation, passed in 1949, provided for the establishment of a Totalisator Agency Board, and for the submission to the Minister by the New Zealand Racing and Trotting Conferences, of a scheme for the establishment and operation, by the Totalisator Agency Board, of totalisator agencies in respect of race meetings.

The approved scheme was put into operation in 1951.

In 1950 the complainant had again applied to Minister of Internal Affairs renewing his previous application for authority to operate his off-course betting scheme, but was informed that there was no statutory power under which such an application could be granted, and suggesting to him that he submit his scheme to the New Zealand Racing and Trotting Conferences, who were at that time working on the scheme which was to be eventually submitted to the Minister.

Several years later the complainant approached the Department, claiming that, as the originator of the off-course betting scheme now in operation, and bringing in large sums in taxation, he was entitled to monetary reward. The Department declined to recognise his claim and he came to me.

I could find nothing to substantiate a claim that any action, decision, or recommendation of any Government Department had been unfair, unjust, unreasonable, or wrong, and informed the complainant accordingly.

Case No. 327 *(This case also involved the Government Printing Office)*

The complainant alleged that inadequate steps had been taken to bring to the notice of the public and interested bodies, both in New Zealand and overseas, the publication of an important historical work – *The Richmond-Atkinson Papers*. He had edited the work, at the request of the Department of Internal Affairs, and publication had been undertaken by the Government Printing Office. The complainant, who was an eminent New Zealand historian, contended that the decision to restrict the number of review copies of the work to only two was a failure to recognise its importance and its contribution to the historical literature of New Zealand, and would adversely affect sales.

My investigation showed that the task of editing and publishing the work was a considerable one, and had extended over a period of some 10 years and involved the expenditure of a substantial sum of public money – over £10,000. Of this expenditure, £3,000 represented a Government subsidy, but it was the intention that the balance be recovered from the sale of copies of the work, this being undertaken by the Government Printer as publisher.

I concluded that, having regard to the nature of the work, the time, money, and labour which had been expended on this publication, and the likely appeal of the work to the serious general reader, as well as the historian, the decision to restrict the number of review copies to two, only one of which was made available within New Zealand, was unreasonable.

During the course of my investigation, the complainant's health began to fail, and he died before I could inform him of my conclusion. In view of the fact that it was two years since the work had been published, I recognised that it might now be difficult to persuade suitable journals to undertake the considered reviews which the nature of the work would require. I accepted, therefore, the offer of the Government Printing Office and the Department to promote more energetically than hitherto the sales of the work in an endeavour to reduce the number of unsold copies below the figure of approximately 700, which then remained from the original printing of 1,000 copies.

Case No. 719

During the year several citizens expressed misgivings to me about the administration of the Civil Defence Act, and I noticed various press criticisms which had been appearing from time to time.

On 9 September 1963 I wrote to the Director of Civil Defence advising him of complaints that the administration was being less active than it should be in pressing for the preparation and approval of national civil defence plans and of local civil defence plans; and that there was too much secrecy surrounding civil defence so that the public as a whole were unaware of what their immediate responsibilities were. The Director and Deputy Director of Civil Defence were both officers who had other important responsibilities, and were not by any

means able to devote substantial time to the question of organising civil defence on a national level. Moreover, departmental duties in organising the visits of important guests from overseas were an additional inhibiting factor.

I was eventually able to arrange an interview with the Director some six weeks after the date of my first letter to him. At this interview the Director expressed some doubt about the jurisdiction of the Ombudsman in this matter, but conceded the validity of my view that a "matter of administration" must include a "failure to administer". I asked for specific explanation of why the National Civil Defence Committee had not yet been summoned nor the planning committees appointed and advance plans prepared as contemplated by sections 10–13 of the Act. I inquired about directions to Government Departments, and I covered the suggestion of inadequate publicity and information. The Director explained that in his judgment it was desirable that the local civil defence schemes should first be advanced to a stage where there was an organisation in existence before the National Civil Defence Committee should be summoned. He also mentioned that there had been in existence certain major committees already and that these should be allowed to bring their work to a definite stage so that the National Committee could consider them. As to directions or guidance to Government Departments upon the scope and nature of their participation in local defence plans the Director said that he had personally written to every permanent head requesting fullest assistance to regional commissioners in regional and local schemes. He felt that every possible opportunity was being taken to use press and radio facilities and regarded the training courses as of particular importance. Any special national publicity campaign would have to be measured in terms of the finance available and there was not much more that could be done in that field. He said that civil defence could proceed only as far and as fast as the availability of staff and finance permitted, and in the ultimate must depend wholly on the interest which the public itself takes in it at the local level. He proposed to call a meeting of the National Defence Committee some time early in 1964.

In January 1964 I wrote to the Director again referring to some further press criticism, and stating that it appeared to me to have validity. I felt that the answers previously given to my questions had become progressively less valid as time went on and that by now sections 10–13 of the Civil Defence Act should be put into active administration and execution. I realised the difficulty of a reluctant public, and yet Government and Parliament had been sufficiently aware of the needs of the situation to pass the comprehensive Act, and I felt that it was indeed the duty of the responsible Department to administer the Act effectively. If adequate staff and funds were not available then it was the duty of the Director to make the appropriate representation to his Minister. I proposed, therefore, to recommend formally that effective steps be taken forthwith to administer sections 10–13 of the Act. In reply the Director said that arrangements were now well in hand for a meeting of the National Defence Committee to be held on 17 February.

This meeting was duly held, the various planning committees were established, and a firm start was made in administering the relevant sections of the Act. News of the meetings and its results was given to the press, but unfortunately received little publicity. Further progress has since been reported to me.

I informed the Director that I did not at this stage propose to take the matter any further, but I inquired as to when he expected the plans contemplated by these sections to be completed and operative.

Case No. 897

A prominent boating federation complained to me that one of their member clubs had been unsuccessfully negotiating with the Department of Internal Affairs for many years with the object of securing, on a reserve controlled by the Department, a site upon which to erect a suitable club house. The complainant alleged that the refusal of permission and the long delay in reaching finality were unreasonable.

My investigation showed that the Department had a development plan for this reserve area in question, and the full development was expected to be completed within approximately two years. When the work was completed control would be handed over to the local borough council, although final agreement had not been reached because of the conflicting interests of other local bodies. Furthermore, it appeared that the Department required the complainant's member club to join with an aquatic sports club and pool their resources and build one club house, which they could share. This the boating club was finally unwilling to do. The Department stated that it refused the final request by the boating club because it knew that control of the reserve would eventually be handed over to the borough council.

This seemed to me to be a situation in which the parties had, unfortunately, been at arms length whereas they would probably agree if they were brought together. I recommended that the Department arrange in the locality concerned a conference of all interested parties, including representatives of the local authorities, and I thought that at the conference the Department should be represented by an official with sufficient authority to be able to make an "on the spot" decision.

The Department readily accepted this recommendation and duly organised the conference which I had suggested, arranging also for a representative of the Department of Lands and Survey to participate. The conference was a success, and all parties agreed that permission could be readily granted for the erection of the proposed club house, provided certain reasonable conditions were observed, and the complainant was completely satisfied with the outcome.

DEPARTMENT OF JUSTICE

Case No. 407

The complaint related to the alleged failure of a maintenance officer to seek an attachment order against the employer of the complainant's former husband, and to advise the complainant of the outcome of the hearing of an information for arrears of maintenance payable under a maintenance order.

Whilst I found that neither complaint was justified, my investigation disclosed that the maintenance officer had failed to keep the complainant, who was residing in Canada, fully informed of certain events concerning her former husband which had a material effect on the future payment of her maintenance allowance. The Department took remedial action.

Case No. 507

The complainant, who was employed on the staff of a public hospital, was served at short notice with a subpoena to appear in the Supreme Court as a witness for the defence in a criminal case. He attended Court on two consecutive days, but was not called. As a result the complainant lost two days' wages which, in his circumstances, constituted hardship.

Being a witness for the defence, it was for the complainant to recover his reasonable expenses from the accused, but this he was unable to do as the accused was serving a term of imprisonment and had not been granted legal aid, which would have enabled the complainant's expenses to have been met from public funds.

The Secretary of Justice agreed that it was unreasonable that the complainant should be called upon to suffer hardship and decided to pay the complainant, subject to proof of loss of wages, his expenses at the rate applicable when legal aid is granted, namely, £2 a day.

Case No. 607

The complainant is a land agent and a farmer in a small way of business. He stated that he had been assessed by the Commissioner of Inland Revenue in the sum of £2,914 income tax in respect of two particular income years – the

assessment being made upon the grounds that profits derived from the sale of farm lands were income, and not capital gain as the taxpayer contended. He had objected to the assessment and appealed to the Magistrate's Court but the Magistrate had decided against him. He then appealed to the Supreme Court where he won his appeal. The Commissioner of Inland Revenue appealed to the Court of Appeal where by a majority decision the appeal was disallowed. There were in fact two hearings in the Court of Appeal owing to the death of one of the Judges when the case had been part-heard.

The gist of the complaint was that while the complainant had been successful in the Courts and had been able to have the Commissioner's assessment of £2,914 reduced to £505, in accordance with the complainant's original return, thus effecting a gain to him of £2,409, his legal costs and disbursements had amounted to £2,229, less party-and-party costs £378, making a net total of £1,851 costs. Thus he said it had cost him £1,851 to fend off an unjustified tax demand of £2,409. He claimed that these costs were altogether too excessive and unjust.

The complainant did not allege that the fees which had been charged to him by his own lawyers were too high, but he felt that he should have been able to recover more of his costs from the other party, namely, the Crown. It was also apparent that the unfortunate death of the Judge concerned had, in fact, resulted in further expense to the complainant.

Upon consideration I came to the conclusion that this was not at this stage a matter for my investigation under the provisions of my Act and I so informed the complainant. I brought the complainant's case to the notice of the Attorney-General and the New Zealand Law Society.

Case No. 656

The complainant had been the lessee of a licensed hotel. The lease expired early in the licensing year and the lessor resumed possession. The lessee was unable to obtain a refund of the licence fee for the unexpired balance of the licensing year.

The position under section 282 (7) of the Sale of Liquor Act 1962 is that where a hotelkeeper's licence is granted to take effect after 1 September in any year, the fee for that licence is reduced by one-twelfth for every complete month between 30 June and the date of issue of the licence. In other words, the principle is that if a licence is used for more than 10 months in any licensing year the full fee should be payable, but that if it is used for less than 10 months the fee payable should be based on the number of months during which it actually has effect. The licensing year runs from 1 July to 30 June. Unfortunately, the converse situation, where a licence expires in the course of a year, was overlooked, and no provision was made for reduction of the fee in that case. When this was brought to the attention of the Department, an amendment to the Sale of Liquor Act was sponsored providing that if a hotelkeeper's or tourist-house keeper's licence expires before 1 May in any licensing year, a refund is payable of one-twelfth of the fee for every complete month between the end of the month in which the licence expires and the following 30 June. The licensee thus pays for the licence for the period during which he holds it.

Cases No. 883 and 910

It was alleged that the Prisons Administration, which had begun the manufacture in prisons of tubular steel furniture, had unfairly used furniture manufactured by a complainant to his own registered design as patterns for lines to be made in the prisons with such minimal alterations as would prevent legal action for infringement of the registered designs.

I ascertained that the Prisons Administration had been asked by another Department to produce a chair with a base like that of a model supplied by the Department from a private manufacturer, but with some alterations suggested by the Department. The Auckland Prison produced a chair incorporating the changes requested by the Department, care being taken not to infringe

the registered design of the chair supplied as a model. I was assured that the chair used as a model had not been supplied to the ordering Department as a sample, but was one of a number of chairs purchased by the Department from the complainant some time previously. In the circumstances, I was not prepared to make any recommendation.

The complainants also alleged that, although it had been announced that supplies would go only to Government Departments or agencies financed by the Government, the Prisons Administration had sold tubular steel furniture to other organisations and persons. I accordingly called for a schedule of all such sales made over the previous six months. These confirmed that sales had been made to a number of educational institutions and in a small way to a couple of local authorities, a church, two reputable clubs, and a very small number of private individuals. I was assured that none of these sales had been in any way solicited and all had resulted from approaches by the purchasers. However, the Department reviewed the sales policy in the light of the information gathered in connection with the investigation and, with the approval of the Minister of Justice, it was determined that sales should in future be restricted to:

(a) Government Departments and public corporations;
(b) Organisations financed wholly or partly out of Government funds, e.g., hospitals (public and private), schools (public and private), education boards, and universities;
(c) Bona fide sales to members of the the staff of the Penal Division.

As this policy appeared to me to be fair and reasonable and would mean an end to the sales most objected to by the complainants, I made no formal recommendation.

In the course of the investigation, the Department of Justice informed me that Government Departments were required by a Government Stores Board instruction to obtain their tubular steel furniture from the Department of Justice. I questioned the correctness of such a requirement, and obtained a copy of the Stores Board instruction concerned, together with a report from the Board's secretary. From these it was clear that the Stores Board instruction required Government Departments to approach the Department of Justice in the first instance and required that the order be placed with the Department of Justice only if the Department could supply the particular type of furniture required. I saw no real objection to this so long as the prices charged were reasonable.

DEPARTMENT OF LABOUR

Case No. 79

The complainant was a resident of England and was the head of a family whose close relatives were already in New Zealand. The complainant, his wife, and two children were anxious to emigrate to New Zealand, and they qualified as fit and suitable in all respects. However, the New Zealand authorities had refused a permit for the complainant's stepson, who was mentally retarded. Assurances had been given regarding the care and maintenance of the stepson in New Zealand.

It is normal policy to refuse entry to persons who fail to reach a certain standard of health, and there was no doubt that under that policy the stepson could not qualify for entry. However, after my requesting a further serious review in the light of the special circumstances of this particular case, approval of entry as a special case was given by the Minister, on condition that the case should not be treated as a precedent.

Case No. 439

The complainants were solicitors who were dissatisfied with the departmental ruling that, under a longstanding statutory provision, their client, a Fijian resident of Indian descent, could not enter or remain in New Zealand without

special authority. Some months later the Government amended the relevant legislation in such a manner as to make it quite certain that special authority to enter New Zealand would be required in all such cases in the future. The solicitors requested that any rights their client may have had under the former legislation should be preserved, but this was declined. Some time thereafter an action was taken by another person in the Supreme Court, which involved the legislation in question as it stood prior to its amendment. The judgment in the case left little doubt that the Department's former ruling had been wrong in law, although that ruling had stood unchallenged for many years. The complainants thereupon sought a permit for entry and permanent residence on behalf of their client on the ground that the decision given them prior to the amendment had been wrong. This application was refused as being contrary to policy, and the complainants submitted to me that such an attitude was unfair.

I found that the reply which the Secretary of Labour had given to the complainants before the amending legislation merely set out an interpretation of the law that had formed the basis for the administration of the relevant statute for more than 40 years. In the light of this fact, it could not be contended that the interpretation concerned was unreasonable having regard to the nature, history, and purpose of the legislation. As the solicitors had disagreed with the Department's interpretation, they could have advised, and their client could have instructed, that legal action be taken to test the departmental interpretation, but in fact no such action had been launched when the Government announced its intention to amend the law. As the policy and the then officially accepted interpretation of the law both operated against the complainants' client and as the new law was consistent with that policy and interpretation, there was not, in my view, any obligation, legal or moral, for the Government to provide special protection for persons who had been refused permission to enter New Zealand in the course of the previous administration of the statute that was being amended.

I found that the complainants' client was not in the same legal position as the litigant who later established that the Department's interpretation had been wrong. The two cases were clearly distinct in that the litigant had entered New Zealand lawfully before the law was changed and was still in New Zealand when his case was brought. Accordingly, once he had established by process of law his right to remain in New Zealand, the Government had no option but to let him remain. The complainants' client had not at any time been in New Zealand, and accordingly could not be expected to be treated as if he were in New Zealand. I considered that there had been a proper avenue for redress which the complainants' client had not taken, and that there had been no injustice or unfairness in the administrative acts on which the complaint was based.

Case No. 648

This complaint was made on behalf of an invalid resident of Samoa who had to visit New Zealand on medical grounds quite frequently and sometimes at very short notice. There were questions involving the formalities for the issue of these frequent permits and also the policy requirement relating to the length of time this lady could be permitted to stay in New Zealand.

A study of the papers showed that the true circumstances relating to this lady's medical condition were not made clearly known to the Department, but that when they were presented the Department readily agreed that she be permitted to visit New Zealand frequently and at short notice for periods of up to 12 months at a time, provided that she left New Zealand for at least two or three months at the end of each period. The New Zealand High Commissioner in Apia was given instructions to facilitate the visits.

I considered the Department's concessions gave fair and reasonable recognition to the humanitarian requirements of the case.

Case No. 695 *(This case also involved the Department of External Affairs)*

(a) A foreigner, who had been refused permission to enter New Zealand, complained that the refusal was unjustified and may have been based on incorrect information. My investigation showed that the decision to refuse entry to New Zealand was justified, and had been made on the evidence supplied by the applicant himself.

(b) A further complaint was that a New Zealand representative overseas had lent the complainant's passport to an Australian Consulate, which had then cancelled a visa approving entry into Australia. It is clearly of mutual advantage for overseas representatives, particularly of countries as closely associated as New Zealand and Australia, to cooperate in immigration matters, including the transfer of passports to expedite the insertion of visas, etc., in the interests of the passport owner. However, I suggested that, where such a transfer was contrary to the owner's interests, different considerations ought to apply and, without impairment of other aspects of collaboration, the transfer should not normally be made without the consent of the owner. The Secretary of External Affairs concurred, and New Zealand overseas posts were informed accordingly.

Case No. 725

The complainant, who was a registered plumber by trade, came to New Zealand with his wife and family under the assisted immigration scheme. One of the conditions of accepting an immigrant under this scheme is that he is required to take up approved employment in the locality to which he is directed by the Department, and to remain in approved employment for a period of two years. The complainant, on arrival, was directed to take up employment at Tauranga, a place for which he had expressed a preference. Within four months of taking up employment he was paid off by his employer due to lack of work, which was general in the local trade, with the result that he was unable to find other approved employment in Tauranga. The complainant moved to Auckland, where he obtained employment as a vacuum pump assembler. As this did not constitute approved employment, the Department advised him that he was in breach of his agreement and that he should remedy the position without delay. The complainant declined to do so and sought a release from his agreement on the ground that he was returning to the United Kingdom at the first opportunity. This release was granted on his refunding the cost of his and his family's outward passages, which amounted to £630.

The complaint was that, in directing him to take up employment at Tauranga, the Department had an obligation, which it had failed to discharge, to satisfy itself that approved employment was available and would continue to be available at that centre. In the course of my investigation the Department agreed that, in view of the difficulties the complainant had experienced at Tauranga, he could be permitted to continue in his present employment without exacting any penalty under the agreement. At my suggestion this offer was made to the complainant who, however, declined it on the ground that the preparations for his return to the United Kingdom had advanced too far to be cancelled.

I was satisfied that the Department had acted properly and that in the circumstances the offer made to the complainant was a reasonable one.

Case No. 879

In the course of a complaint made to me by a young man who claimed to be a conscientious objector, I had occasion to study the Notice of Appointment of Time and Place for the hearing of an application for registration on the Register of Conscientious Objectors. The complainant alleged that he had been misled by the wording of this form, but on investigation I was satisfied that this was not the case and I also found the other grounds of his complaint to be not justified.

However, it did appear that one sentence in the form could perhaps lead to confusion and I suggested to the Secretary of Labour the way in which the ambiguity could be removed. He agreed to adopt my suggested wording when a reprint of the form was being made.

DEPARTMENT OF LANDS AND SURVEY

Case No. 9

In or about the year 1876 a European immigrant applied for land by way of a Crown grant. The grant of a section in Palmerston North was made in 1881, but the grantee was absent from New Zealand at the time and, after returning to New Zealand, left the country permanently in 1886, and it was not until after his death that his widow in 1896 became aware of the grant and established her ownership as successor to the grantee. The widow believed that the road bordering the section had, at the time of the grant, been a highway but that prior to 1896 one end of the road had been illegally closed, thereby substantially diminishing the section's value. The organisation which occupied the part of the road that had been allegedly closed and had incorporated that part in surrounding property which it owned, endeavoured to purchase the widow's section, offering a price based on valuation of the section as fronting a blind street, but the widow refused to sell on the ground that she was entitled to what the land would be worth if the road were a highway. Although the widow made some efforts to prove that the road had been illegally closed she did not press her claim as far as the law would allow.

In 1920 special legislation was enacted to enable the Crown to take this particular section as for a public work and then to sell it to the organisation which had been trying to acquire it, and the section was dealt with accordingly. Compensation was awarded on the basis of valuation of the section as fronting a blind street. An investigation made in 1963 could uncover no adequate explanation for this cavalier method of dealing with private property in 1920, but it was fairly clear that the procedure was unique and had not been used before or since. Neither the widow nor, after her death, her successors would accept the compensation awarded on this basis although one of the successors finally uplifted his share when financially hard pressed. The other successors maintained their stand and a petition was presented to Parliament claiming additional compensation. The petition did not receive a favourable recommendation and no action resulted. Late in 1962, when one of the successors complained to me, the balance of the compensation moneys still remained unclaimed.

It was clear that if the organisation which had acquired the land under the special legislation had illegally closed the road, as the complainant alleged, then an injustice had been done. However, because of the obscurity concerning the matter after the lapse of well over 60 years, and the failure of the widow to take action to test her allegation when such action could have been effective, it was now impossible to establish that there had in fact been injustice of such a nature that corrective action should be taken at this late stage. Accordingly I had to inform the complainant that no recommendation favourable to her case could now be made. It would be interesting to speculate what would have happened had there been an Ombudsman in 1920, but the case also showed the practical difficulties of endeavouring to inquire into matters more than a few years old.

Case No. 85

The complainant, a backcountry farmer, who had settled on a block of Crown land in 1920, alleged that about 1925 an additional area of Crown land was subdivided and allocated to existing local settlers (including the complainant), and that contrary to promises made to him by the then Commissioner of Crown Lands the final allocation resulted in his total acreage proving an uneconomic farming proposition.

Investigation proved that because of the long lapse of time it was impossible to substantiate that any promises had been made.

The Department went to considerable trouble to prepare detailed plans showing land holdings in the area, including Crown land now vacant, and also to provide information in respect of privately owned land in the area which was available for sale.

I conveyed this information to the complainant in the hope that it would assist him to acquire the additional acreage which he considered necessary to enable him to continue successful farming operations, and did not proceed further with the investigation.

Case No. 192 *(This case also involved the Tourist and Publicity Department)*

The complainant had for 40 years leased a small residential section in a public reserve which was popular as a tourist and fishing resort. The greater part of the reserve was farm land, and there was also an accommodation house and restaurant for the convenience of the public. The lessee of the farm and accommodation house lived in a cottage on the property and, on renewal, the Crown at his request split the lease into three leases comprising the farm, the accommodation house, and the cottage respectively, and a right of one renewal was included in each case. The complainant, who had accepted an offer of a new and longer term lease without any right of renewal, had subsequently been informed that his lease would be concurrent with the main lease. On discovering that the latter had included the right of one renewal the complainant refused the new lease, saying he also should have the right of one renewal, and after persistent appeals to the Departments and Ministers concerned, complained to me about the alleged discrimination. The Tourist Department defended the different treatment largely on the ground that the principal lessee had substantial responsibilities towards the running of the reserve; however, it had not imposed terms on the principal lessee forbidding the sale or transfer of the dwelling lease only. One other residential site lease had existed for the same period as, and on similar terms to, the complainant's, and the lessee had accepted the terms offered by the Department.

I found that the Department handling the leases had not taken sufficient care to master the intricacies of the lease position as the circumstances affecting negotiations changed from time to time, so that the principal lessee had finally been granted terms more favourable than were warranted by the conditions existing at the time the leases were finally renewed. I also found that no commitment had been made to the complainant regarding the right of renewal in his case. The substance of my finding was, therefore, that the complaint was not justified. In the circumstances, however, I recommended that the original offer to grant a new and longer term lease on precisely the same terms as before and running from the date of the earlier offer should be reopened, and this recommendation was adopted.

Case No. 479

The vestry of a parochial district reported that the land held on temporary lease from the Crown by the local Diocesan Trust Board for the last seven years pending the construction of a church, when the freehold would be purchased, had now been made subject to revaluation at two-yearly intervals. It was stated that it was not the intention to build a church until 1966, by which time it could be justified on both pastoral and financial grounds. The vestry complained that, by the decision of the Land Settlement Board, it was now faced either with commencing building now, which could not be justified, or accepting the substantially increased purchase price in 1966 which would be caused by revaluation at two-yearly intervals, and which a relatively poor parish could not afford.

My investigations showed that the vestry had misunderstood the position, which was that, although the land had been revalued in 1961 in accordance with normal practice, it would not be revalued for a further five years, by

which time, on present plans, the construction of the church would have begun and the freehold would have been purchased. On learning the true position, the vestry expressed its appreciation.

DEPARTMENT OF MAORI AFFAIRS

Case No. 794

The complaint concerned the position of a Maori who wished to cut out of a block of land owned by a number of Maori owners in common, a portion equal to his interest in the block, for disposal by sale.

A subdivision of Maori lands can be effected by means of a Partition Order from the Maori Land Court, and in recent years the Court has declined to make such an order unless the land to be partitioned has first been surveyed and a copy of the plan deposited with the Chief Surveyor. This had not always been the policy of the Court, with the result that the larger block from which the complainant wished an area to be partitioned was itself unsurveyed and, in order that the complainant could obtain a registered title to his land, it was necessary for him first to pay for the survey of the parent block. The complainant maintained that such a survey of land belonging to others would be highly expensive for him and was an unreasonable prior requirement to obtaining the title of his own land.

My examination of the legal position showed that statutory provision existed under the Maori Affairs Act to meet such a situation. The Act provides that an applicant can apply to the Court for the grant of a charge over the land affected, and that such a charge if granted is enforceable under the Act. In the event that the Court did not exercise its discretion in favour of the applicant, a right of appeal lay to the Maori Appellate Court.

In all the circumstances, I concluded that adequate statutory safeguards existed.

INLAND REVENUE DEPARTMENT

Case No. 27

The complainant agreed to purchase a property, took possession, and paid stamp duty of £77 in respect of the agreement. The transfer had not at this stage been registered. The dwellinghouse on the property was completely destroyed by fire shortly after possession was taken, and it was found that the subdivision was in any event out of order and the agreement invalid. The property reverted to the vendor.

The complainant had been unable to apply for a refund of duty within the 12 months period prescribed in the proviso to section 98 of the Stamp Duties Act 1954 because of uncertainty regarding pending legal proceedings. When the position regarding such proceedings was clarified the complainant applied for a refund of the stamp duty, but on being asked to furnish further information complained to me.

After discussion with the Department, I informed the complainant that he ought to make a full and properly supported application to the Inland Revenue Department for a grant (see case No. 338, p. 46) in lieu of refund. I was later advised that the application was made, and was granted by the Department.

Case No. 157

The complainant, a farmer, alleged that a heavy upward reassessment of his income over a number of years for tax purposes made in the course of an intensive departmental inspection drive was false to a degree showing either malice or gross carelessness on the part of the inspecting officer. He claimed reimbursement for the considerable expense incurred in rebutting the assessment. Over an eight-year period the complainant had returned a total income of £10,726, but on an assets accretion basis he was reassessed as having received a total income of £18,066 over the period.

After lengthy negotiations between the Department and accounting and legal representatives of the taxpayer, the Department reduced the total income deficiency to £2,176, and this went before the Magistrate's Court. New evidence at the hearing induced the Department to accept the taxpayer's figures on all save living expenses, and on this item the Department had insufficient evidence to prove the taxpayer's figures faulty. Accordingly, the Department conceded that only four agreed items totalling £186 had been omitted from the returns, and this amount was partially offset by £86 dependant's exemption which had not been claimed by the taxpayer.

I was not concerned, of course, with the question of the amount of the assessment as other legal procedures are available, and were used in this case, for determining this matter. However, the taxpayer's complaint went beyond objection on this score and raised questions relating to departmental administration. I carefully investigated the allegation of malice made by the complainant, and was satisfied that it was unfounded. I also concluded that the officers concerned had carried out their duties in accordance with their instructions. Accordingly, if there were fault, it would be found in the instructions or procedures governing this sort of taxation investigation. The inspection was part of an intensive check carried out by a team of inspectors in a particular area – a technique at the time referred to as a "blitz"; the use of this term has since been officially discouraged and, in commending the Department for ending its use, I emphasised that the Department's impartiality and thoroughness should not be called into question by an approach to inspection work bearing the hallmark of "blitz" tactics, however labelled. Nonetheless, there were clear benefits to be derived from intensive periodical checks in particular areas, and I had no adverse comment to make on these when conducted with impartiality and thoroughness. Similarly, the assets accretion mode of computing income is, in certain cases, a valuable (and perhaps indispensable) procedure, and I was satisfied that there had been sufficient justification for the adoption of that procedure in this case. It was the complainant's misfortune that his records were not of a sufficiently good standard to enable the assets accretion calculations to confirm the figures he had supplied in his income tax returns, and that misunderstanding arose in important matters out of his early interviews with the inspector. However, I concluded that a more cautious approach to the assets accretion computation was really called for in this case.

After careful consideration, I decided that I should not make a formal recommendation regarding the intensive periodical regional checks or the practices and procedures adopted in this case. I recognised their value and the need to have alternative income assessment procedures. I recognised, too, that it was necessary for the Department to have zealous and thorough inspectors who could carry out investigations with tact, judgment, and courage. The need to stress caution as well as zeal in the course of training was a matter I was prepared to leave to the Commissioner.

I recommended that inspectors and other officers of the Department dealing direct with taxpayers should be instructed to the effect that, where information supplied on interview was likely to be used in such a manner as might adversely affect the taxpayer's interests, he should be warned of this, the information should be carefully and legibly recorded and, after any significant features of it had been drawn to the taxpayer's attention, the taxpayer should be asked if the record was correct. His reply should be recorded and, while no pressure at all should be used, the taxpayer could be invited to initial the record if he wished to do so. I have been informed that this suggestion has been adopted.

Case No. 278

The complainant alleged that he had been unjustly treated as a tax defaulter owing to incorrect crediting by the Department of tax payments made by him. My investigation required a detailed study of the complainant's tax records and all correspondence that had passed between him and the Department.

The investigation showed that errors and misunderstanding occurred on both sides. Minor discrepancies in amounts were introduced on occasion by both the Department and the taxpayer, and, although these had led to considerable confusion at times, they would have been readily corrected on inquiry.

My conclusions were that the complainant was not aware of his legal obligations regarding self-assessment and payment of provisional tax after he changed his status from that of a salaried employee to that of a self-employed professional man. The responsibility of informing himself on these matters was his own, and the taxation forms that he completed should have put him upon inquiry. Had the complainant either inquired at the Department's local office or had he sought the advice of an accountant or solicitor, his obligations would have been made clear to him and his difficulties would have been avoided. The failure to obtain advice lay at the root of his troubles.

Nonetheless, the Department's assessment, on which the complainant was later served with a default summons, was a complex document which was, in the circumstances, obscure. However, I concluded that the onus was on the complainant to seek clarification or to lodge an objection in the manner provided by law.

I found nothing in the circumstances of the case that merited a formal recommendation, but I did suggest that the Commissioner of Inland Revenue might consider impressing upon his staff that when, in processing a taxpayer's return, it became clear that the taxpayer was not fully aware of his obligations, some short note should be sent to him, if only to advise that he should seek professional advice or inquire at the Department so that difficulties could be explained. The Commissioner informed me that the Notice of Assessment was being redesigned, and it was believed that the new form would reduce the possibilities of confusion. The Commissioner also stated that the Department was taking positive steps to improve the standard of public relations by directing attention to weak points, including those on which I had made suggestions.

Case No. 281

The complaint related to the delay, amounting to 12 months, before the Inland Revenue Department released the accounts of the estate of the complainant's late father.

The complainant, who was the executor of the estate, alleged that, as the estate was not a complex one, the delay in granting release was inordinate and unreasonable and in other circumstances could have seriously embarrassed and distressed the widow.

On investigation, the Commissioner of Inland Revenue conceded that the estate had not been dealt with as expeditiously as it should have been, and extended to those concerned his sincere regret for any inconvenience the avoidable delay may have caused.

Case No. 338

This was another case (see case No. 27, p. 44) on section 98 of the Stamp Duties Act 1954, which provided that stamp duty paid on an agreement for the sale of land will be refunded only if an application is made within 12 months of the signing of the agreement.

The complainant had entered into an agreement for the purchase of land which was a conditional one in that, before it could be made fully operative, certain requirements of the city council had first to be complied with which necessitated prolonged negotiations with third parties. Finally, in view of the time which the negotiations were taking and the additional expense to which their successful conclusion would give rise, the complainant decided to cancel the agreement and obtained the other party's consent to this course. An application for a refund of the stamp duty paid was then made, but declined on the grounds that it had been made outside the statutory period. The complainant brought the matter to me, saying that, with the increasing participation by local and regional authorities in the planning of land usage and the con-

sequential necessity to meet statutory requirements before development could commence, the present period of one year during which stamp duty may be refunded is no longer realistic.

My investigation showed that, where a refund could not be made under the Act, and provided special circumstances existed, there was an administrative arrangement whereby a grant equal in amount to the stamp duty paid could be made. It appeared that the District Commissioner of Stamp Duties concerned had not been fully aware of the appropriate procedure in these circumstances. The attention of the complainant was drawn to the existence of this arrangement.

In the course of the investigation the Commissioner of Inland Revenue formed the opinion that the various time limits for refunds under the Stamp Duties Act 1954 called for a re-examination in the light of present-day conditions, and recommended legislation thereon. This was passed as the Stamp Duties Amendment Act 1963, providing for stamp duty refunds to be allowed when application is made within six years of the date of stamping in the case of erroneously-assessed documents, and within six years of the date of execution of the instrument when instruments have become inoperative, or void, or have not been carried substantially into effect.

Case No. 382

The complainant had incurred expenses amounting to £116 in contesting an income tax assessment before an appeal authority. The appeal succeeded and, as the Department was thereby shown to have been wrong, the complainant considered that he should be reimbursed for his expenses.

However, the legislation provided that costs were not to be awarded against any party in connection with this class of appeal, and it seemed clear that the reason for this was the belief that taxpayers would be deterred from bringing appeals if they ran the risk of having to meet the Department's costs as well as their own.

The complainant's request amounted to an application for his costs, and could not be allowed as the legislation stands at present. I was not prepared to hold that the legislation concerned was unjust or otherwise at fault.

Cases No. 401, 508, 528, 625, 843, 875, 953, 1008

These complaints were all lodged by retired State employees. At the time they retired one of the options available was to choose between a period of retiring leave on full salary with superannuation commencing at the end of the leave, or payment of an allowance in lieu of retiring leave, such allowance being equivalent to full salary for half the period of retiring leave that could have been taken. Under the latter alternative superannuation payments began forthwith. The option taken would normally be decided by the retiring employee after a calculation of likely maximum financial benefit, and taxation would be a factor in that calculation. Although the salary for retiring leave theoretically became due only at fortnightly intervals throughout the period of leave, it was convenient for the Government to pay and for the retiring employee to receive the total amount due for the whole period in one lump sum at the beginning of the leave, and the practice of paying in this manner had become generally established.

For 30 years or more it was accepted that such payments were taxable as ordinary salary for the period of leave. However, this ruling was upset in Irvine *v.* Commissioner of Inland Revenue (1963) N.Z.L.R. 65 on the basis of section 88 (b) of the Land and Income Tax Act 1954, under which lump-sum retiring gratuities are taxable as to 5 per cent only of the amount.

When this decision became known, the Commissioner of Inland Revenue received over 200 applications from retired State employees seeking an adjustment of tax which had been paid on the previously accepted basis, but the Commissioner, after taking legal advice, refused to reopen any closed case where the application to do so was based solely on the altered interpretation of the

law. A number of these applicants complained to me about the Commissioner's refusal and, while the details of the various cases differed, the main ground was common to all, and this note is confined to my finding on this common ground.

Section 223 of the Land and Income Tax Act 1954 provides for the refund of tax if the Commissioner is satisfied that tax had been paid "in excess of the amount properly payable". The "amount properly payable" is the amount payable in terms of the Act, and this limits that amount to the sum assessed under other sections of the Act. In other words, "the amount properly payable" is the amount of the last effective assessment as finally determined after disposal of any objection or correction of any error of fact. Section 17 requires the Commissioner from time to time to make assessments in the prescribed form in respect of every taxpayer, setting out the amount on which tax is payable and the amount of the tax. Section 26 provides that, except in proceedings on objection, such assessments are deemed correct and "the liability of the person so assessed shall be determined accordingly". There is no room for discretionary variation of the taxpayer's liability by the Commissioner in those two provisions.

Section 22 empowers the Commissioner to alter assessments to ensure their correctness whether or not tax already assessed has been paid. This is the reviewing power on which the Commissioner would have to rely in cases such as these, and in determining whether to review the Commissioner would have regard to the provisions of law already dealt with. Thus, an assessment that is incorrect on the facts would be reviewable, while for the reasons set out below, an assessment which might have been wrong because of an interpretation of the law that has since been altered would not be reviewed except in very special circumstances. Thus, except where tax in excess of an assessment has been paid, a refund can become available under section 223 only after an assessment has been reduced following objection or under section 22.

It was accordingly necessary to see whether in law, in fairness, or on principle, a closed issue of this nature should be reopened when a legal judgment indicates that the law may not have been correctly applied when liability was assessed and payment made.

The Irvine case did not in itself establish a legal right to relief in cases such as these. Moreover, it was clear that the granting of relief to others similarly situated would create other anomalies. It would, for example, give those persons financial advantage over retired State servants who elected (on the then general understanding that retiring leave payments were fully taxable) to receive a cash grant of half the value of the leave due.

The Commissioner's view of the law which was upset by the Irvine case, was not in any way irresponsible or unreasonable, but was a genuine misapprehension, made in good faith, of the effect of the relevant statutory provision.

Where a legal situation is authoritatively interpreted to be different from that which it had previously been understood to be, there are quite clear general principles applicable, and these principles are of long standing. The general rule is that where money is paid at a time when the law is in favour of the payee it cannot be recovered by reason of a subsequent judicial decision reversing the former understanding of the law. This rule, which has long been acted upon in the Courts of law, found recent support in the Legislature in the passage of section 2 of the Judicature Amendment Act as recently as 1958. This long-established rule is also justified by the general principles of equity and common sense. Accordingly, the Commissioner would not be justified in reopening closed cases solely on the basis of the new interpretation of the law established by the Irvine case judgment. If, however, a taxpayer's case was still open because of the objection right or otherwise, or if a reassessment could properly be made on some other ground at a time subsequent to the issue of the judgment, the Commissioner could reassess on the basis of the law as the judgment interpreted it. Where the relevant assessment, although not challenged at the time it was made, was faulty owing to a mistake of fact, a reassessment could properly be made under section 22.

I then considered whether there were any special circumstances relating to the complainants' cases that would warrant a recommendation despite the general principles set out above. I was unable to find such special circumstances and indeed, on the question of equity, it was clear that the complainants had elected to take the retiring leave payment in preference to the smaller cash payment in the belief that the former payment was taxable in full as income, but that the latter was taxable as to part only. In other words, they received precisely the treatment as to tax which they had expected when making their election. Accordingly, a reduction of the assessment in accordance with the Irvine case judgment would have given them a bonus in the nature of a windfall which they had not expected. In the circumstances, I did not feel that there would be any equitable justification for going outside the established principles in dealing with the complaints.

The Irvine case had given rise to over 200 applications for reassessment. I found that in one or two cases the Commissioner had been obliged to follow the Irvine judgment because the taxpayers concerned had lodged formal objections which still remained to be dealt with. In about 20 other cases reassessments had been made after the judgment because errors of fact had been discovered in the assessments. In all remaining cases the Commissioner had declined to alter assessments or to make refunds on account of the Irvine judgment, but one of my complainants was later able to obtain a reassessment when a mistake in his assessment was confirmed on review by the Department.

My conclusion was that in refusing to reopen the cases concerned solely on account of the judgment in the Irvine case, the Commissioner had acted lawfully and in accordance with the correct principles. The facts of one case are still being studied, and some more general aspects, including that of alleged discrimination, are still being investigated.

Case No. 426

The complainant (aged 23) had been a contributor to a staff superannuation scheme for three years when the decision was taken to replace the scheme with one offering more favourable terms and operated by another insurance company.

When the complainant sought to realise in cash the surrender value of his policy under the original scheme, he was informed by the Commissioner of Inland Revenue that he could only do so when he left the service of the company. This, in the normal course of events, would not be until he retired in another 42 years. The complaint was that, in the circumstances, this decision was unreasonable.

Investigation showed that, when employers seek taxation relief on their contributions to staff superannuation schemes, those schemes are required to receive the prior approval of the Commissioner of Inland Revenue. While approval had been granted in respect of the original scheme, one of the provisions of the trust deed was that, so long as a contributor remained in the service of the company, he had no claim to any payment or benefit under the scheme.

The Commissioner's decision, therefore, was soundly based. In view, however, of the special circumstances of the application, namely, the small amount of the surrender value and the long period which normally would be required before it could be uplifted, the Commissioner reviewed his earlier decision and agreed to permit the surrender value to be uplifted in cash subject to the employer first seeking an appropriate amendment to the trust deed.

Case No. 451

Following his removal from one tax district to another, the complainant's tax records were not properly transferred, and he was issued with a default assessment by the tax office in his former district, although he had furnished a return in his new district. Because of the failure to associate the taxpayer's reply to the default assessment with his file within a reasonable time, a further

warning was issued to him. As a result, he paid additional tax to avoid the possibility of prosecution, and it was not for some considerable time that the matter was properly sorted out and appropriate refunds made to the taxpayer. The complainant suggested that the only way a taxpayer could be protected against unjustified prosecution for failure to furnish a return would be by requiring the Department to issue a receipt for every return submitted. It did seem to me, on the face of it, that even in the special field of taxation it is not desirable that the tax authorities should be able to prosecute a taxpayer in such circumstances that the taxpayer is entirely dependent on the efficiency as well as on the integrity of the prosecutor to establish his defence, when this is based (as it commonly would be) on the assertion that the return had in fact been furnished.

However, the Commissioner of Inland Revenue, after careful consideration, concluded that, with the current intake of returns running at a rate of well over three-quarters of a million annually, the institution of a general system of receipts would be impracticable, and in any event was not warranted by the few cases of error. The Commissioner satisfied me that the Department's safeguards against an unjustified prosecution for failure to furnish a return were reasonable. I drew the Commissioner's attention to what appeared to be defects in routine handling of files and correspondence which had led to trouble in this particular case.

Case No. 569

The complainant, who was legally separated from his wife, had custody of three young children, and employed a housekeeper. His claim for housekeeper's exemption in his tax returns was refused by the Inland Revenue Department on the ground that section 83 of the Land and Income Tax Act 1954 provides such exemption in the cases only of a widower, a divorced, or an unmarried, person. When I referred the case to the Commissioner of Inland Revenue, the Commissioner confirmed that the complainant was not entitled to the "housekeeper's exemption", but he advised that he had decided, after studying the circumstances of the particular case, to grant the taxpayer equivalent relief from tax on hardship grounds.

Case No. 577

Solicitors in Rotorua had been asked several years ago to send documents requiring stamping, and also estate accounts, to the Inland Revenue Department's Tauranga office instead of to Auckland as previously. Rotorua is in the Hamilton Judicial District and Rotorua lawyers' Supreme Court business is transacted in Hamilton necessitating frequent visits there by practitioners who could then conveniently attend to Court business, stamping, and Land Registration matters in the one centre. However, the Department had refused to centralise the Rotorua work in Hamilton and a firm of solicitors complained to me.

On investigation I found that the Commissioner of Inland Revenue had had good grounds for having Rotorua's stamping and estate work referred to the Tauranga office after he had determined that a separate office in Rotorua would not be justified. With the Rotorua work sufficient business was available in Tauranga to warrant the establishment of a branch office there and to keep an experienced staff fully occupied. This also relieved the main centres where staff problems were acute.

No complaints were made by the Rotorua solicitors about this arrangement for seven and a half years but the recent opening of a Land Transfer Office in Hamilton changed the situation and, as the Commissioner recognised, called for reappraisal of the problem. A significant difficulty from the administrative point of view was the very serious shortage of suitable staff and accommodation in Hamilton. Any overburdening of the Hamilton office would, of course, have repercussions and would create difficulties for the solicitors throughout the district. However, the Commissioner undertook to have a thorough survey made of the whole position with a view to seeing whether or not some reorganisation

could be effected as between the Hamilton and Tauranga branches in the direction requested by the Rotorua solicitors. In the course of this survey he would have an experienced officer visit Rotorua to discuss the matter with practitioners. In the meantime the District Commissioner at Hamilton had agreed to stamp any Land Transfer documents presented there and to try to have stamping of documents presented by distant solicitors completed in time to enable registration the same day.

I was later advised that arrangements were in train to have the stamping of documents and processing of estates for the Rotorua area carried out in Hamilton.

Case No. 581

The complainant's wife had deserted him and he employed a housekeeper to look after his family of five children. As the taxpayer was neither a widower nor divorced, he was not entitled to a housekeeper's exemption under the statutory provisions concerned. The Commissioner of Inland Revenue informed me that an application for relief lodged by the taxpayer had been declined when his daughter was looking after the family, and he had not reapplied since engaging a housekeeper. If he did so, some relief would be likely to be granted. The complainant was advised to reapply for relief on hardship grounds, and was to write to me again if his application was not successful.

Case No. 683

An income tax investigation of the affairs of a company and its principal shareholder had been made and completed by an officer who, on complaint by another major shareholder, was charged with accepting a bribe and tried before the Supreme Court. The officer was acquitted but resigned from the Department. Amended income assessments for both the principal shareholder and the company had been made on the basis of this officer's inspection and his reports for each of the four preceding years, and tax shown as due in the reassessments had been paid by the complainant and the company.

Some months later the Department initiated a new investigation covering much the same period and again demanded full production of the complainant's books. The complainant, through his solicitor, considered that such early reinvestigation amounted to victimisation, duplication, a waste of time and caused unnecessary expense, and asked that the Commissioner should in any case state his reasons for his proposed action.

I made an immediate investigation and the Commissioner told me fully and confidentially of the reasons for this second investigation. These reasons appeared to me to be unquestionably sound, and furthermore they were of such a nature that they could not in the public interest be disclosed to the complainant. I informed the complainant's solicitor accordingly.

Case No. 760

The complainant, a widow, had applied to the Commissioner, on the grounds of hardship, for the remission of an amount due to her for tax in respect of the income received from the estate of her late husband.

The only will that could be found after the husband's death had been made in 1929, when the husband had been relatively much better off than he was at the time of his death in 1960. That will provided an annuity for the widow of £300 which could be increased at the discretion of the trustee to £500. The value of the estate for probate purposes was only £1,800 and on the trustee deciding to increase the annuity to £500, the whole of that amount was paid out to the widow as income in less than four years.

Deceased had many times said that he intended to make another will leaving the whole of his estate to his wife in a lump sum. Had he done so, no income tax would have been payable, nor would the estate have been liable for death duty. As it was, however, the £560 per annum received by the widow as income was properly taxable as such on receipt. Her only other income was a social security benefit.

On the matter being represented to the Commissioner for reconsideration, he agreed that the case was one of genuine and serious hardship. He accordingly changed the earlier unfavourable recommendation made by the Department to the Minister of Finance, and a full remission of the tax assessed was granted to the widow under section 226 of the Land and Income Tax Act 1954.

One of the points made in supporting a remission was the fact that the widow could probably have successfully taken proceedings under the then Family Protection Act to have the legacy converted from an annuity under the will to a lump sum gift, but was in such straitened circumstances that she could not afford the necessary costs.

Case No. 770

The complainant, in partnership with others, purchased land in 1950–51 for use as a motor camp, motel, and amusement park, but the project fell through and the partnership was dissolved. The complainant alleged that the Inland Revenue Department was consulted and informed him that the assets of the partnership were not taxable but were capital gain, but some years later the Department claimed tax on the sale of the land. The complainant's professional advisers failed to lodge a formal objection in the time allowed, and when the complainant sought to do so he was informed that his objection was out of time. It was against the Commissioner's refusal to accept a late objection that the complaint was made to me.

During my investigation it became clear that the full story had not been known either to the complainant or to the Commissioner. When the full facts were taken into account the Commissioner, on receipt of a further formal submission supported by new evidence, decided to accept a late objection to the extent that it related to the merits of the assessment of tax on the profits arising from the sale of the land concerned. The complainant was satisfied with this decision.

Case No. 1000

The complainant alleged that the qualification imposed by subsection (3) (a) of the new section 84B of the Land and Income Tax Act 1954 which limits the allowable deduction for school fees to those paid to a school "not carried on for the private pecuniary profit of any individual" is unreasonable, unjust, and improperly discriminatory within the meaning of the Parliamentary Commissioner (Ombudsman) Act.

In conveying this complaint to the Commissioner I commented that on the face of it, it would seem that this type of restriction introduced a line of thought foreign to the main purpose of this particular legislation, which I assumed to be, in the main, to relieve taxpayers who, because of the educational circumstances existing in this country, sent their children to private schools. It did not at first sight seem to be relevant whether the school was run for private profit or not.

In his reply the Commissioner stated that representations along the lines suggested had already been made to Government, and that the Minister of Finance had undertaken to examine the matter again to decide whether the exemption should be further extended to apply in respect of all private schools, but that the original exemption had been introduced primarily to assist people who wished to send their children to schools run by religious organisations because they felt that they had an obligation to do so.

I concluded that no further action on my part was warranted.

Case No. 1009

The complainant who, prior to leaving New Zealand for Australia in February 1963, had furnished a return of income to the tax authorities, had not received the refund of tax due to him some 12 months later, and had failed to obtain a reply to his letter in which he inquired as to the reasons for this delay.

My investigation showed that the return of income furnished by the complainant was incomplete in that it was not adequately supported by tax deduction certificates from his various employers. Verification of tax deducted which, as a consequence, had to be undertaken by the Department, was unnecessarily prolonged by the fact that the complainant had taken up employment under different names – a matter to which, however, the complainant had drawn attention in his return but which appeared to have been overlooked by the Department. Further delay was occasioned by the Department, contrary to standing instructions, accepting from the complainant a post office address in Australia, with the result that letters to him were returned unclaimed and contact could not be re-established for some five months. The complainant's inquiry, to which he had received no reply at the time he made his complaint to me, had been received by the Department but was overlooked for a month before an acknowledgment was sent.

I concluded that these errors in the processing of the complainant's return of income had contributed substantially to the delays he had experienced. In view of the strenuous efforts which I knew the Department of Inland Revenue was making to improve its procedures in order to minimise errors and delays of the sort which had occurred in this case, I decided it would be sufficient to draw the attention of the Department to the conclusion which I had reached and not to make a formal report and recommendation.

MINES DEPARTMENT

Case No. 147

The Coal Mines Amendment Act 1953 established a Coal Mining Districts Welfare and Research Fund financed by a levy on the owners at a rate standing at present at 9d. per ton on all marketable coal other than lignite produced, or at 7½d. per ton on all marketable lignite, both such amounts being reduced by up to 1d. per ton where a mine is not situated in an area served by any statutory rescue station.

An association of lignite mine owners covering numerous relatively small opencast mines in a particular area complained to me that the levy was unreasonable and unjust in respect of its application to opencast lignite quarries; that such owners derived little or no benefit from the fund, and the levy was unjust and oppressive to such owners; and that the practices of the Minister of Mines through the Mines Department in regard to competition with the owners of private mines and lignite quarries are oppressive to and improperly discriminatory against such owners.

The complaint was lodged on 20 February 1963. After preliminary investigation, I expressed to the complainant doubts as to my jurisdiction in respect of each part of the complaint. The complainant association in due course replied at length, and with some cogency, both on the question of jurisdiction and on the merits of the case. It had become clear that complex issues were involved, and I proposed a formal hearing of the interested parties, who could be represented by counsel. The association engaged senior counsel, but proceedings were delayed by the illness and later by the death of counsel. It was well into the current year before the complainant's new counsel was ready to proceed. A formal statement of complaint was lodged and was transmitted to the Mines Department for reply. The Department referred the matter to the Crown Law Office, and also agreed with me that another organisation would have an interest in the case. This organisation, after being invited to be represented, replied that it would do so, but wished to contest my jurisdiction in the matter. In the meantime the Mines Department had submitted a reply to the complaint and had also expressed some doubt on the question of jurisdiction, although indicating that it was prepared to waive objection on this ground.

However, it was now clear that other parties might have claims to be presented, and that there was disagreement on the question of jurisdiction. At this point,

I issued to the complainant, the Department, and the other interested organisation, a formal "Ombudsman's Note", appending copies of the basic documents necessary to apprise those parties of the state of the case at that time, and requesting them to make submissions within a specified period on the question of jurisdiction in respect of each of the matters of the complaint, and to make further submissions, with grounds, as to what other parties, if any, should be added. Each party was requested to send a copy of the submissions to the other parties. On receipt of these submissions, I will be in a position to determine future procedure in the case.

Case No. 510

The complainant wrote to me about some difficulties he appeared to be experiencing in qualifying for and being selected as a mine official. He was a member of the Maori race and it appeared that possibly his promotion was being hindered by an inadequate knowledge of English, although he had good qualifications in other directions.

The Under-Secretary of Mines took a personal interest in this case and on one of his regular visits took the opportunity to meet the complainant personally and discuss the whole situation as a result of which it was made clear that my complainant would be given every reasonable assistance. I was happy to note the statement in a report from the manager of the mine concerned that "a colour bar is not known in coal-mining".

MINISTRY OF WORKS

Case No. 240

The complainant alleged that motorway construction work had adversely affected a spring from which he had obtained a water supply for several years.

Following discussion with the Ministry, I visited the site concerned, and after inspection was satisfied that reasonable efforts had been made to assure continuity of water supply, that the source was on property other than the complainant's, and that the flow had resumed.

On being made aware of the full facts the complainant was satisfied, but subsequently raised a further complaint that poor maintenance of road drains had resulted in some flood damage on his property. On taking this complaint up with the Ministry of Works I found that it was under consideration, and I was subsequently advised that remedial measures had been put in hand, including a compensatory payment for some minor damage to an electric motor.

The complainant later expressed satisfaction.

Case No. 802

The complainant submitted the lowest tender for penstock liners for a hydro-electricity construction job. On asking the Tenders Board the reason for non-acceptance of his tender, the complainant alleged that he was told that the Board did not think he understood the type of work concerned.

The complainant considered this answer to be false and wanted to know whether any improper influence had been brought to bear. He also claimed that he was entitled to the estimated profit he would have made had he been awarded the contract.

My investigation showed that there was no evidence whatsoever of any dishonesty or bad faith on the part of anyone concerned in the matter. The Tenders Board had given full and proper consideration to the tenders, including that of the complainant, and had awarded the contract to a large and reliable firm which had had experience of precisely the kind of work involved, which was prepared to meet all specifications, and which was capable of doing so. The complainant wanted to vary some terms in a manner that narrowed the gap between his tender price and that of the successful tenderer. Moreover, the complainant had not made penstock liners before, although he had had

a lot of experience on other steel construction which he claimed was similar. The Board made prudent inquiries regarding the various tenderers before deciding which tender to accept.

The Tenders Board official concerned denied making the observation attributed to him by the complainant, and it was impossible to determine the truth of this particular allegation.

I found that the Tenders Board and the officers of the Ministry of Works had acted prudently and correctly in all respects, and I concluded that the complaint was not justified.

NEW ZEALAND FOREST SERVICE

Cases No. 224 and 274 *(The Government Stores Board is also involved in these cases)*

As these complaints are concerned with related matters it is convenient to deal with them in a single note.

In the first case, the complainant tendered unsuccessfully for a contract to remove and deliver standing timber in a State forest. He approached the local conservator of forests with a request that he be informed of the name of the successful tenderer and the tendered price. His complaint was that, although he was advised of the name of the successful tenderer, the tendered price was not disclosed to him on the grounds that it was departmental policy to consider this information confidential as between the Department and the successful tenderer. The complainant went on to infer that there had been collusion between the New Zealand Forest Service and the successful tenderer over the awarding of the contract.

After investigating the complaint I reached the conclusion that, in the circumstances to which the complaint related, the New Zealand Forest Service was involved in a trading activity in direct competition with private interests. In the special circumstances of the case it would not have been in the public interest for the Forest Service to be made subject to requirements to which the competitive private interests were not likewise subject.

I was satisfied that there was no impropriety in the award of the contract by the Forest Service. However, the New Zealand Forest Service decided that, to avoid any further imputation over the manner in which such contracts were awarded, they would in future be dealt with by Local Tenders Committees.

In the second case, the complaint concerned the practice of the Government Stores Board of advising only the successful tenderer of the Board's decision upon tenders for surplus Government stores. The complainant drew attention to the inconvenience this practice caused unsuccessful tenderers, who were frequently unaware whether their tender had even been received by the Board.

The Government Stores Board agreed that in future unsuccessful tenderers would be advised that their tender had not been accepted.

Case No. 320 *(The Department of Agriculture is also involved in this case)*

I took up the question of what were said to be the dangers of the widespread use of sodium fluoroacetate (1080 poison), and the concern expressed over its use for the control of deer in the Southern Alps.

My investigation showed that this 1080 poison had been widely and effectively used for many years in New Zealand by rabbit boards and more recently it had been used experimentally on opossum and deer in selected areas. There has been widespread publicity and discussion on this issue, a public meeting presided over by a Cabinet Minister, and an exhaustive inquiry resulting from a petition to Parliament. A considerable body of reliable evidence was adduced showing that subject to adequate safeguards the use of 1080 poison for the destruction of deer was neither more dangerous nor harmful than were other poisons more widely used for pest destruction. It also seemed that with the

Agricultural Chemicals Act 1959, the Poisons Act 1960, and the Deadly Poisons Regulations 1960 a strenuous effort was being made to control the use of all poisonous chemicals.

In the course of my investigation into the control of agricultural chemicals generally, I received some confidential representations from persons actually engaged in this activity and my inquiries brought me into touch with, in addition to the Forest Service and the Department of Agriculture, some other Departments and organisations interested in the subject. It became apparent that there was some dissatisfaction over the composition and functioning of the Agricultural Chemicals Board. I also received a specific complaint from an acclimatisation society on the question of the composition of the Board, alleging that the constitution of the Board tended to make it less effective than it should be. My inquiry, which is concerned primarily with the relevant departmental decisions and recommendations, is still in progress.

NEW ZEALAND GOVERNMENT RAILWAYS DEPARTMENT

Case No. 797

The complaint arose from the action of the Ministry of Works in closing a road which had provided, by way of a level railway crossing, the most convenient vehicular access to a business and commercial area serving a new housing development of some considerable size. Two fatal accidents had occurred at this level crossing a few years ago; the Ministry had then, with local approval, closed the access road; and it had remained closed ever since. The complainants stated that, whilst the newly formed borough council was agreeable to the immediate reopening of the road provided that the Railways Department first installed barrier arms at the level crossing, that Department had declined to accord this work a priority which would enable it to be undertaken in the near future.

My investigation showed that there was some doubt as to whether the necessary statutory requirements had been satisfied prior to the closing of the road. I decided, however, to determine the complaint on the basis of the situation as it was. I found that there was convenient pedestrian access over the railway line, and that vehicular access from the housing area to the station and business centre was available by an overbridge involving a detour of less than a mile. The construction of a direct access overbridge for motor traffic had been commenced and was scheduled for completion within two years.

In deciding the relative priorities to be accorded to the installation of warning devices at level crossings, the Railways Department was guided by the application of a long-established formula. This formula took into account and expressed in mathematical terms certain relevant factors, including the view of approaching trains from each quarter of the crossing, the frequency of trains, and the volume of road traffic. On the basis of this formula there were at least six unprotected crossings elsewhere which merited a higher priority than the crossing in question and on the normal work programme it would be perhaps two years before these six crossings had been adequately equipped with warning and protective devices. The Railway Department's approach to the whole question – a difficult one involving the safety of human life at many places throughout the country – seemed to me to be sound and reasonable and I found no ground for criticism of their decision in this case.

THE POST OFFICE

Case No. 306

The complainant, who resided in a relatively isolated rural area, stated that the Post Office proposals to improve the telephone service in the area were unfair to him.

Investigation showed that the complainant was receiving a telephone service on a privately owned and maintained section of line which was connected with the Post Office circuit some 4¾ miles from the local exchange. Whilst the current policy was aimed at the progressive absorption of private lines into the Post Office network resources were limited, and the Post Office used the broad yardstick of trying to provide 1 mile of departmental line for each subscriber on the line. On the basis of eight subscribers on the complainant's line, the Post Office had decided as a first step to provide 4 miles of departmental line, which would stop 1¾ miles short of the complainant's residence.

However, further inquiry showed that the information given to me by the Post Office had been based on incomplete facts, the complainant pointing out, correctly, that there were in fact 10 subscribers on this line.

On realising their error the Post Office made generous amends by agreeing to extend the departmental line almost to the complainant's residence.

Case No. 397

The complainant, who had been absent from his home during a house-to-house licensing check by a radio inspector, received a printed card requiring him to state whether the television set he operated was licensed and, if so, to give various particulars concerning the licence. The burden of the complaint was that the Post Office should have a sufficiently flexible system of recording licences issued to enable inspectors to have a list of licence holders in the area concerned.

While appreciating the difficulties faced by the Post Office and the need to detect persons operating unlicensed sets, I referred the matter to the Post Office to see whether the system could be improved. The Post Office replied that it had rearranged its recording system for radio licences to enable inspectors to have lists of licence holders in localities visited, and intended to do the same for television licences when these were incorporated in the recently installed mechanised record system. It would be about a year before this could be done, but in the meantime the practice of leaving notices was to be stopped, as it was realised that these would be more likely to be found offensive than a courteous face-to-face approach.

Case No. 916

The complainant, a rural mail contractor, had applied to the Post Office for an *ex gratia* payment to cover unforeseen losses which he had suffered because of protracted road construction work on roads over which his mail delivery was made.

The application was declined and the complainant came to me. He claimed that his delivery vehicle had suffered abnormal damage amounting to some £40.

I took the matter up with the Post Office and the matter was reconsidered, resulting in an *ex gratia* payment of £40 being made to the complainant.

Case No. 1027

The complainant stated that, on resigning from the Post Office, he did not receive any salary in respect of the period of annual leave to which he considered he was entitled at the date of his resignation. Representations which the complainant had made to the local Post Office welfare officer and the personnel officer in Wellington had been unsuccessful.

A re-examination of the matter, resulting from my investigation, showed that a clerical error had been made and the complainant did, in fact, have an entitlement to nine days' annual leave at the date of his resignation. The Department expressed regret for the error and arranged for payment for the leave period to be made to the complainant.

SOCIAL SECURITY DEPARTMENT

Case No. 137

The complaint related to the non-payment of benefits by the Social Security Department in respect of a period of absence from New Zealand in excess of 12 months.

On investigation, I was satisfied that the payments had been properly suspended.

In the course of my investigation, however, it appeared that the complainant may have been misled through the ambiguity of a statement contained in a cyclostyled letter issued by the Department to persons in receipt of benefits who were proceeding overseas. After taking account of this factor, I nonetheless found against the complainant on other grounds.

On having its attention drawn to the differing interpretations which could reasonably be put on the statement contained in this letter, the Department readily conceded that it required to be rephrased in more precise terms, and undertook to do so.

Case No. 143

This case was the subject of a note in the report for the six months ended 31 March 1963.

After receiving an opinion from the Crown Law Office, the Secretary agreed to resubmit the matter to the War Pensions Board with a view to securing a Board decision as a formality, in order to enable that decision to be brought on appeal to the Appeal Board, by the complainant, if she so wished, and the complainant's solicitor was advised accordingly.

The complainant subsequently lodged an appeal, and her appeal was upheld by the Appeal Board.

Case No. 279

The complaint related to the manner in which the Social Security Commission had exercised a discretionary power permitting it to reduce the rate of benefit payable by an amount not exceeding the rate of any other analogous pension which a beneficiary may receive from overseas (Social Security Act, section 65).

The complainant was in receipt of the universal superannuation benefit and also a pension payable under United Kingdom legislation. The complainant had been able to qualify for the grant of the universal superannuation benefit by virtue of the terms of the Reciprocal Agreement concluded between the Governments of the United Kingdom and New Zealand which enabled residents of either country to count previous residence in the other country for the purpose of establishing an entitlement to a social security benefit. The agreement provided that, for the purpose of assessing the rate of any benefit to be paid to a person under New Zealand legislation, the amount of any pension which that person may already receive under United Kingdom legislation would be deducted from the New Zealand benefit.

Until August 1960 this provision of the agreement had been applied in determining the total amount of the benefits to be paid to the complainant. On 11 August 1960 the complainant had completed 20 years' continuous residence in New Zealand, and as a consequence he qualified under the Social Security Act for the grant of the universal superannuation benefit without the need to have recourse to the provisions of the Reciprocal Agreement, as had hitherto been necessary. It was the policy of the Commission at this time, when a person was able to qualify for the grant of a benefit under the New Zealand legislation, to permit that person to receive in full his New Zealand benefit in addition to such other analogous benefit as he might receive from overseas. In September 1960, therefore, the Commission decided that the complainant should henceforth receive both his New Zealand and his United Kingdom pension in full.

The Commission's decision, however, was not recorded or conveyed in clear and unequivocal terms, with the result that administrative effect was not given to it, and the complainant's United Kingdom pension continued to be deducted from his New Zealand benefit.

In October 1962 attention was drawn in a departmental inspection report to this failure to give effect to the Commission's decision of September 1960. The matter was eventually considered by the Commission in December 1962, by which date the Commission had modified the policy upon which the decision of September 1960 had been based, and now exercised its discretion so as to ensure that a person in receipt of a pension from overseas in addition to a New Zealand benefit was not thereby placed in a more favourable position than someone whose total benefits were derived from New Zealand. The Commission decided that, whilst effect should now be given to its earlier decision, this was only to be done from the commencement of the first available instalment of the benefit, with the result that payment in full of both benefits commenced on 7 November 1962.

The complainant then inquired why the Commission had decided to make the payment only from 7 November 1962, stating that it should have been made from the date on which he satisfied the 20-year New Zealand residential qualification required under the Social Security Act – namely, 11 August 1960. Receiving no satisfaction from the Commission, the complainant brought the matter to me, alleging that the Commission's discretion had, in the circumstances, been improperly exercised.

My investigation entailed a careful study of the departmental records and a consideration of the various factors which had led the Commission to modify the policy which had been in force in 1960 relating to pensions payable under United Kingdom legislation.

On the whole, I agreed with the reasons which had prompted the Commission to modify its policy, but I concluded that, as a result of an administrative oversight, the complainant had suffered the loss of moneys which the competent authority had already directed he should receive. It seemed that, in deciding not to give full retrospective effect to its decision of December 1962, the Commission had allowed itself to be guided by its now current policy and by a longstanding practice, neither of which had relevance to the circumstances of the case.

I recommended, therefore, that the Commission's decision of December 1962 be set aside and that it now act on its earlier decision of September 1960. My recommendation was accepted.

Case No. 319

The complaint related to the decision of the Social Security Commission not to grant a sickness benefit in respect of a period of some 14 months during which an applicant was prevented by ill health from engaging in employment. In reaching this decision the Commission had regard to the fact that immediately prior to the commencement of the period in respect of which the sickness benefit was claimed, the applicant had not been engaged in gainful employment and therefore the prior statutory requirement that a loss of earnings had been suffered could not be satisfied, even though the sickness might be fully established.

Investigation showed that immediately prior to the period of sickness the applicant, who was a Maori, had been voluntarily and without payment working full time on a community project. I invited the Commission to review the application with the object of deciding whether, if a sickness benefit could not be properly paid, another and equally appropriate benefit could be granted in respect of the period of sickness. The Commission, at my suggestion, obtained an up-to-date and detailed report covering all the relevant circumstances, and then reviewed the application. It considered that, in the special circumstances of the case as revealed in the report, an equivalent of the sickness benefit applied

for should be granted, and full payment of arrears was accordingly made. The complainant was pleased, and reported to me his "high opinion of pakeha justice".

Case No. 378

The complainant, who was under medical care, alleged that he was experiencing difficulty in completing an application for a sickness benefit. "Every time I apply," he said, "I get another form to fill in." There thus had been a delay in the payment of benefit, with the result that he and his wife were experiencing hardship.

Investigation showed that the Social Security Department had, in fact, taken considerable pains to try to ascertain full particulars and the complainant had not been fully cooperative. However, on the suggestion of the Director, the local Registrar saw the complainant personally. The application was completed, and the benefit, together with arrears, was paid the same month.

Case No. 390

The complainant and his wife were granted universal superannuation benefits at the full rate from 20 July 1960 and 8 August 1960 respectively. Shortly after these benefits had been awarded, both the complainant and his wife were granted a United States of America health pension by virtue of an earlier period of residence there and their contributions to the scheme. On notifying the district office of the Social Security Department that he was now in receipt of an overseas pension, the district office cancelled the universal superannuation benefits which hitherto had been paid to the complainant and his wife.

When the matter was taken up with the Department it was found that the Social Security Commission, to which the case had been referred, had directed that the overseas pension was to operate as a direct deduction from the universal superannuation benefits and any balance of those benefits was to continue to be paid to the complainant and his wife. These directions had, however, been misunderstood by the district office, which cancelled the benefits. On the error being discovered, the Department reinstated the award of reduced benefits with effect from the date of their cancellation, and arranged for the payment of arrears.

Case No. 408

The complainant stated that in November 1961, when he had become both eligible and qualified for the grant of the universal superannuation benefit, he completed a form of application for the grant of the benefit at his local Social Security office. The complainant alleged that his application was either lost or mislaid by the Department as the benefit was not granted until 7 November 1962, and only as a consequence of the submission of a second application. The complainant applied to the Social Security Commission to have the grant of his benefit made retrospective to the date of his first application, but this was declined by the Commission.

My investigation disclosed no evidence which supported the complainant's contention that an application had been made and received by the Commission in November 1961, and I concluded, therefore, that his complaint was not justified.

In the course of my investigation, I found that in October 1962 a misleading manuscript minute had been sent to the complainant by the local Social Security office, implying that he was already in receipt of the universal superannuation benefit. On drawing the attention of the Department to this letter and seeking an assurance that steps would be taken to avoid a similar occurrence in the future, I was informed that an instruction had already been issued to all district officers that manuscript letters were not to be issued except under the signature of a graded officer.

20829—6½

Case No. 460

The complaint related to the decision of the Social Security Commission to decline the complainant's application to capitalise the family benefit to enable extensions and alterations to be made to her house to provide badly needed additional accommodation for her young family of five.

The Commission declined the application on the grounds that the level of income of the complainant's husband was above the limit beyond which it had been decided, as a matter of Government policy, that capitalisation would not be granted, and that the house was situated on the farm property from which the complainant's husband derived his livelihood.

I was satisfied that the first of these grounds was a proper one on which to decline the application, and I informed the complainant accordingly. A study of the provisions on the relevant legislation led me to the conclusion, however, that there existed no adequate statutory authority to decline an application on the ground that the property concerned was situated on a farm and that the complainant derived his livelihood from that farm. I informed the Commission accordingly and, after considering the matter, the Commission agreed with my conclusion and arranged for the matter to be brought to the attention of the Minister.

Case No. 567

The complaint related to the decision of the Social Security Commission that the complainant was not eligible to capitalise the family benefit for the purpose of reducing the mortgage on the new house he had built.

The facts were that the complainant and his wife arrived in February 1961 to settle permanently, neither having had previous residence in New Zealand. In the year following his arrival, the complainant decided to build a house, and obtained a loan for this purpose from his employers, which was secured by a mortgage on the property. This loan was granted on the understanding that it would be repaid when the complainant became eligible to capitalise the family benefit, which he stated he had been advised, on making verbal inquiries at the local Social Security Department office, would be on the third anniversary of the date of his arrival in New Zealand. On applying in due course for the necessary forms of application the complainant was told that he was ineligible to capitalise the benefit to pay off the mortgage on his house as neither he nor his wife had been residentially qualified at the time this obligation was incurred.

In the course of my investigation, the complainant drew my attention to a leaflet which had been issued by the Social Security Department in November 1960 and on the information on which he stated he had relied when deciding to proceed with the financing and building of his house. This leaflet summarised the more important provisions of the legislation relating to the manner in which a person's eligibility was determined and the various purposes for which the benefit could be capitalised. I found the leaflet to be a generally helpful and informative summary of the law, but I considered that one of the paragraphs relating to the purpose for which it stated the family benefit could be capitalised had been phrased in such ambiguous, if not incorrect, terms as to result in the reader reasonably arriving at an incorrect conclusion. It was on this particular paragraph that the complainant stated he had relied.

Whilst I was satisfied that the Commission's decision, which was based on other and unrelated grounds, was a correct one in terms of the law, I felt obliged to draw the Commission's attention to the misleading nature of this particular paragraph and to invite the Commission to consider whether a more accurate version should not be issued. The Commission informed me in due course that it had decided to withdraw the leaflet and that, when a further one was issued, care would be taken to avoid the ambiguity to which I had drawn attention.

Case No. 622

The complainant, who was the mother of four young children, called one afternoon at an office of the Social Security Department to collect her new order book for the family benefit. She was told that it was a departmental instruction that order books may not be issued before the date on which the first order was due for payment, and she should therefore return the following morning. As the complainant had travelled some distance to the office, and as the care of her young family made such visits difficult, she considered the decision unreasonable, and appealed to me to see what I could do to make the application of the rules a little more flexible in cases such as hers. She said, in her letter, " . . . I left the office feeling near to tears and knowing these Civil Servants regarded me as a nuisance for daring to question departmental red tape. Goodness knows life is frustrating enough trying to bring up four youngsters to be decent citizens without these petty restrictions – no wonder so many mothers give up trying!"

My investigation showed that, until recently, persons in receipt of certain benefits, including the family benefit, had been permitted to collect their order books up to seven days in advance of the date on which payment of the first order was due. This arrangement had proved to be unsatisfactory, leading to a significant number of orders being cashed before the due date. In addition, it was desirable to defer the issue of the books as long as possible in order to enable the substantial number of variations in payments, amounting to some 10,000 in every four-weekly pay period, to be given effect to promptly. The Department decided, therefore, to revert to the practice of issuing order books only on the date when payment was due. It was recognised, however, that some people would be guided by their previous experience, and offices were instructed not to enforce the new procedure too strictly in the early stages. The Chairman of the Social Security Commission agreed that in the case of the complainant it would have been reasonable for the local office concerned to have issued the order book when requested to do so, but it was no doubt acting on a strict interpretation of the rules. He apologised to the complainant for any annoyance caused to her.

Case No. 671

The complaint concerned the difficulties and frustrations arising out of an application for the family benefit resulting in payment being delayed through the applicant attempting to provide information requested on the application form but not readily available to her, and which, in the event, was not required by the Department. The complainant put forward constructive suggestions for a modification of existing departmental procedures so as to avoid such a situation in future.

My investigation showed that the trouble arose through the complainant being issued with an obsolete form of application at a post office and the subsequent, if ill advised, attempts of a junior officer of the Department to provide her with a correct form. The two forms called for the submission of differing information, with the result that it appeared to the complainant that the Department's requirements were conflicting. The existence of two separate applications in respect of the same claim was not immediately detected by the Department, and the independent processing of both applications further increased the confusion.

Whilst I was not able to find the complaint justified, my investigation did lead to the withdrawal and destruction of these obsolete forms. The Department, whilst deciding that it could not agree to the adoption of the modified procedures proposed by the complainant, nevertheless give careful thought to them, and I was able to inform her of the reason why their adoption was not possible.

Case No. 690

The complainant, who was a New Zealand ex-serviceman resident in Western Samoa, alleged that he was experiencing delay in connection with an application he had made to the Secretary for War Pensions for a disablement pension.

My investigation showed that there had been undue delay in checking the applicant's record of war service. Steps were taken to speed up the medical report on his condition so as to enable him to leave the tropics before the onset of the wet season in accordance with medical advice.

In due course, the complainant was awarded a 100 per cent war disablement pension, and arrangements were made to effect payment to the complainant in Australia where he had in the meantime gone to live.

Case No. 715

The complaint concerned the decision to suspend payment of the complainant's United Kingdom contributory pension and the consequential hardship which the complainant suffered. It appeared that the pension was quite properly suspended when the complainant took up temporary full-time employment, but this lasted for only one month and three months later payment of the pension had not yet been resumed. Inquiry showed that there had been some difficulty in obtaining from the complainant the definite information required to enable payment to be resumed. This information was forthcoming shortly after my investigation commenced, and payment of the pension, together with the arrears due, was restored.

Case No. 951

The complainant, prior to attaining his sixty-fifth birthday, inquired at his local Social Security office whether, on attaining the age of 65, he would be entitled to the grant of the universal superannuation benefit.

He was informed, in a letter from the Department, that as his period of service with the United Kingdom forces could not be counted as a period of residence in New Zealand under the terms of the Reciprocal Agreement, his entitlement to the benefit could only be established when he had completed 20 years' continuous residence in New Zealand, which would not be for another nine years.

As a result of advice which the complainant subsequently received privately some two years later, he submitted an application for the universal superannuation benefit, which was approved by the Social Security Commission on the grounds that his period of service with the United Kingdom armed forces could be considered as residence in New Zealand under the terms of the Reciprocal Agreement. In view of the Commission's decision, the complainant applied for his benefit to be granted with retrospective effect to his sixty-fifth birthday on the ground that he had been misled by the advice he had earlier been given by the Department, and as a consequence he had not applied for the benefit, with the result that he did not receive it during a period for which it had now been established he was entitled to do so. The Commission declined his application on the ground that there was no statutory authority enabling a retrospective grant of this nature.

In explanation of the apparent conflict between the advice given to the complainant and the decision taken on his subsequent application, it was stated by the Department that over the period in question the policy of the Commission with regard to applicants in the special circumstances of the complainant had been liberalised, and it was this change in policy which had resulted in the apparent contradictory decisions. In spite of this explanation, I was unable to escape the conclusion that, when advising the complainant as to his entitlement, the Department had misdirected itself upon the legal effect of the relevant provisions of the Act and the Reciprocal Agreement in the complainant's circumstances, and that, as a consequence, the advice given was wrong.

In the absence of statutory authority to enable the Commission to grant the Universal Superannuation Benefit retrospectively to the date of the complainant's sixty-fifth birthday, I considered whether I would be justified in making a recommendation that an *ex gratia* award be made to the complainant. I decided, however, that the circumstances did not justify such a recommendation, principally on the grounds that the complainant was already in receipt of a British service pension and that there was no evidence to show that the failure to grant the universal superannuation benefit from the date of his sixty-fifth birthday had caused hardship.

Case No. 1030

The complainant was in receipt of an age benefit under the provisions of the Reciprocal Agreement with Australia. On notifying his local Social Security office in May 1963 that he would be absent temporarily from New Zealand on a visit to Australia, the complainant was advised by that office that arrangements would be made with the Australian authorities for the continued payment to him of his New Zealand benefit during the period of his visit provided that it did not exceed six months. This advice, however, was incorrect, as the Social Security Commission had recently decided to invoke the provisions of the agreement which provide that, where a person in receipt of a New Zealand benefit was also able to qualify for the grant of an Australian benefit by virtue of previous residence in that country, the New Zealand benefit would cease for the whole of any period of temporary absence in Australia.

My investigations showed that there had been delay on the part of the Social Security office in informing the complainant that incorrect advice had been given to him, with the result that his application for an Australian benefit was not made and granted until October of that year.

The Social Security Commission readily accepted responsibility for the delay and inconvenience caused to the complainant, and undertook to pay the age benefit for the period, May to October, during which time the complainant had not been in receipt of any benefit.

STATE ADVANCES CORPORATION

Case No. 520

The complainant obtained a loan from the Corporation and built a house. Two years later a fire occurred in the house the origin of which was traced to a lack of clearance between a chip-heater chimney and the adjoining woodwork.

The State Insurance Office was not agreeable to the replacement of the damaged woodwork unless modifications to increase clearance were made, including modification of a second chimney in the house. The eventual cost of these modifications exceeded the assessed fire damage by a considerable amount.

The complainant contended that as the faulty original work had been approved by the building inspector employed by the Corporation, the additional cost should be borne by the Corporation.

Agreement could not be reached and the complainant placed the matter in my hands.

When the Corporation received my representations they reviewed the situation and subsequently agreed to meet a substantial proportion of the cost of the modification work. The complainant was fully satisfied by this arrangement.

Case No. 552

The complaint related to the decision of the State Advances Corporation to discontinue a rent concession previously granted to a 60-year-old disabled war pensioner on his moving from a three-bedroom State house to one with two bedrooms. The complainant was informed that, as his occupation of the two-bedroom house represented a new tenancy, the Corporation was unable to grant

a rent concession and he should apply to the Social Security Department for relief if he considered this necessary. This the complainant did, but was informed that his circumstances were not such as would justify the grant of any relief.

As a result of my investigation, the State Advances Corporation reviewed its earlier decision and, in view of the fact that the complainant's occupation of a smaller house had enabled a family with three children to be housed in the larger house he had previously occupied, the Corporation considered it would be justified in restoring the complainant's rent concession with retrospective effect to the date of his occupation of his present house.

Case No. 666

The complainant, who had been renting a State house, entered into an agreement to purchase the property in 1960.

The agreement contained the usual provisions that the purchaser would personally continuously reside and make the family home in the dwelling, and if he desired to sell the property within seven years of the date of possession, that it must first be offered to the State Advances Corporation.

Shortly after the agreement was signed the complainant was transferred to another centre and thereupon applied to the Corporation for permission to let the house for a period of three years. This was granted.

At the conclusion of the three-year period a second application was made for a further letting period of three years. Approval for this second three years' letting was given subject to a condition that the seven-year period mentioned in the agreement in respect of the possible sale of the property would be extended by any period of letting after March 1963.

As no such condition had been imposed when the original letting period had been approved, nor had the original agreement contained any provision, or hint, that the seven-year period might be extended by a period of permitted letting, the complainant, through his solicitors, placed the matter in my hands.

On receipt of my representations the Corporation reviewed its policy covering the pre-emption period of letting and decided to discontinue this requirement.

Case No. 899

The complainant, who some years previously had purchased a State rental house, requested the State Advances Corporation to arrange for the Agreement for Sale and Purchase to be registered under the Housing Act. Before registration of such an agreement can be effected, the land must be described with reference to a lot on a plan and its area stated. After seeking the necessary information from the Department of Lands and Survey, the description of the land in the schedule to the agreement was amplified by the inclusion of a reference to its area as 36 perches and the lot number on the plan.

Unfortunately, the advice given to the Corporation by the Department of Lands and Survey as to the area of the land was incorrect, and the inconsistency of this information with that contained on the Valuation Roll, which showed the area to be 30·3 perches, was not noticed by the Corporation. The Valuation Department, however, did notice that the area of land as shown in the schedule to the registered agreement was greater than that which had hitherto appeared on the Valuation Rolls. The rolls were therefore amended and, as a consequence, the complainant suffered an increase in his rating assessment, of which he complained.

On my taking up the complaint with the State Advances Corporation, the error in describing the area of land as 36 perches was discovered, and the Corporation readily accepted its responsibility for it and the inconvenience caused to the complainant. The Corporation arranged for a variation of the original agreement to be prepared and registered, and undertook to refund to the complainant the increase in the rate charges he had been called upon to pay and also the legal expenses he had incurred.

TRANSPORT DEPARTMENT

Case No. 969

The complaint related to the decision of a Deputy Registrar of Motor Vehicles that the complainant was ineligible to claim a refund of motor spirit duty in respect of the licensed tractor which he operated in connection with his business as a contractor engaged in grass cutting, and that earlier refunds which the complainant had received had been made in error and would have to be repaid.

I was satisfied that the Deputy Registrar's decision was a correct one in terms of the law and that a refund of duty could only be approved if the complainant was able to obtain an exemption from the payment of annual licensing fees in respect of his tractor, and it seemed to me that he was probably entitled to such an exemption. After consultation with the Commissioner of Transport, I advised the complainant to submit an appropriate application for the exemption. I was subsequently informed by the complainant that his application had been successful.

VALUATION DEPARTMENT

Case No. 815

The complainant, through his solicitor, stated that he had not received or seen any certificate or notice of the revaluation of his property, his first intimation of it being when he received his rate demand. Although well out of time, he then sought permission to lodge a late objection, but this was declined by the branch manager of the Valuation Department on the grounds that the revaluation had been given wide publicity in all newspapers circulating in the area and that three notices relating to the revaluation posted to the complainant had not been returned. The complainant adhered to his statement that he had not received the notices.

The Valuer-General, on being advised by the branch manager that a complaint had been lodged with me, reviewed the case and decided to accept the late objection, on the basis of renewed and strengthened assurances that the revaluation notices had not been received and of other factors, some of which had not been known to the branch manager at the time he had made his decision.

GOVERNMENT SUPERANNUATION BOARD

Case No. 28 *(Further note)*

This complaint was the subject of a case note (No. 28) in my report for the six months' period ended 31 March 1963. The general submission which I made to the Government Superannuation Board was still under consideration by the Board at the end of the period covered by that report.

The Board has now considered my submission, and I have been informed by the Minister of Finance as its chairman that he is in agreement with my view that the rights of individual contributors should not be affected unless such a course is essential in the public interest, and that, should it be necessary for special conditions for particular groups of contributors to be introduced in the future, the Board will weigh up the possibility of granting to those contributors the right to exercise an option either to continue to contribute under existing conditions or to accept the proposed new conditions.

Case No. 241

The complaint related to a decision of the Government Superannuation Board, declining to accept an election by the complainant to contribute in respect of a period of past service.

My investigation, which was both detailed and prolonged, established that the complainant had entered service as a probationary school teacher in 1930,

but had not commenced contributing to the Superannuation Fund until 1936. Teachers were informed in 1957, through a notice in the *Education Gazette,* that as a consequence of an amendment to the law, contributors in a certain group, of which the complainant was a member, had until 30 September 1957 to submit for the consideration of the Superannuation Board applications to elect to contribute in respect of previous service. The application submitted by the complainant was in time, and sought permission to contribute in respect of previous service, and then went on to refer to the particular periods in respect of which she desired to contribute, namely, two years of university study and private school teaching. The application was acknowledged on 24 October by the Department of Education in a form letter carrying the cyclostyled signature of the Director and saying that some delay could be expected before attention could be given to it. On 16 December 1957 the Department wrote to the complainant explaining that it was not necessary for her to elect for her university study and private school teaching period because she was already a contributor for these periods, but that she could, if she wished, elect to contribute in respect of the period of service between 1930 and 1936. The letter concluded that as soon as a reply had been received the application would be placed before the Superannuation Board for decision. This letter was addressed to the complainant at her sole-charge rural school on a rural postal delivery; it was sent just before the Christmas holidays, the whole of which the complainant spent in Australia; the school postbox was, I discovered, regularly used by nearby farmers as an unofficial mail box; and I was satisfied that this letter was never received by the complainant. The departmental files, however, referred to her having "denied" having received it, and inferred that her denial was not wholly credible.

The complainant, bound up with other affairs, including her marriage, waited until 1960 before raising the matter again, which she did by personally visiting the Superannuation Section of the Department of Education in Wellington, when she first learnt of the offer made to her on 16 December 1957. She promptly applied for the period of service from 1930 to 1936, and her application, which was referred to as a "late application", was placed before the Superannuation Board supported by the recommendation of the Director of Education. The application was declined by the Board on the ground that it was out of time, and there existed no genuinely exceptional circumstances which would warrant its acceptance.

The complainant then referred the case to the New Zealand Educational Institute, which took the matter up with the Board, but in May 1961 the Board reaffirmed its previous decision. As a result of further approaches made by the complainant, the N.Z.E.I., in an unprecedented move, made a second application to the Board which was again refused, in February 1962. The complainant then sought the assistance of her local member who made representations on her behalf to the Minister of Education, who passed them to the Minister of Finance, who declined to interfere with the Board's decision. She then sought an interview with the Minister of Finance, and was courteously received at a meeting attended by her local member and by the Superintendent of the Fund, but without result. She then complained to me.

It was clear to me that the Board must accept responsibility for the actions of the Department, which, in the circumstances of this case, should be deemed to have been taken under section 10 of the Superannuation Act 1956, which empowers the Board to arrange for the use for superannuation purposes of any services available in Departments of State or elsewhere.

After investigation, I found that whilst the complainant was justified in relying on the Department's statement that there would be some delay in dealing with her application, she had let the matter rest for an unreasonably long period. On the other hand, the Department had, knowing that the time limit for election had already expired, been remiss in not seeking a reply to its letter of 16 December 1957, thereby allowing the matter to become overlooked.

I was satisfied that the complainant's letter, written in response to the notice which appeared in the *Education Gazette,* constituted, in the terms required by

that notice, a sufficient notice of intention to elect, and that her subsequent application of 1960 was, when properly construed, but an application to amend her existing election. Consequently the Board in conceiving the application to be a "late" one and, consequently rejecting it, had failed to address itself to the proper issues.

I reported in detail to the Minister of Finance, the Chairman of the Board, recommending that the complainant be permitted to elect to contribute in respect of the service in question. In my report I criticised the handling of the matter by both the Department and the Board.

After considering my report, the Board agreed to accept my recommendation.

Case No. 333

Since 1908 legislation governing the Government Superannuation Scheme has provided that service as a message boy in the Post Office could not be counted for pension purposes. The complainant maintained that, as no such restriction applied to other branches of the Government service, even though some of them recruited staff as young as the Post Office message boys, the provision was improperly discriminatory, and he wanted to know if anything could be done to correct the position.

On investigation, I found that the particular provision complained of was improperly discriminatory. The principle behind it – namely, that persons should not be permitted to join the Superannuation Scheme at a very young age and thereby qualify for retirement on full pension when in their early fifties – was sound, but applied equally to most or all other branches of the Government service. This was recognised in the Superannuation Act 1947, which provided that no person under 17 years of age, could become a contributor.

Although I found the legislative provision concerned to be discriminatory, I concluded that no persons had been misled as to their superannuation rights, and that it was impracticable at this stage to take further steps to remedy the discrimination, which under the 1947 and subsequent legislation would disappear in the course of time.

NATIONAL PROVIDENT FUND BOARD

Case No. 98 *(Further note)*

This complaint was the subject of a case note (No. 38) in my report for the six months' period ended 31 March 1963. The recommendations which I made to the National Provident Fund Board were still under consideration by the Board at the end of the period covered by that report.

The Board duly considered my recommendations, and I have been informed that, whilst the complainant's case was thoroughly reconsidered, the Board did not feel justified in reinstating the payment of the complainant's pension from the date of his retirement from the permanent service. In the light of the further legal opinion and the comprehensive reports on the actuarial, contractual, and financial aspects of the case which the Board had before it when reconsidering the case, and which were made available to me, I have concluded that the Board's decision is the correct one.

My further recommendation that the Board take steps to consider and define with accuracy the rights and obligations of pensioners with reference to employment after retirement was accepted by the Board, which intended, by the issue of an appropriate circular, to bring to the attention of all local bodies its policy on re-employment.

Case No. 443

A National Provident Fund annuitant complained to me that his annuity had been improperly suspended for approximately six months thereby causing inconvenience and expense including interest on a bank overdraft.

My investigation showed that it had become known to the National Provident Fund Office that the annuitant intended going overseas and a letter was sent telling him that in his absence it would be necessary for him to forward a life certificate at three-monthly intervals and that the first such certificate would be due three months from the date of the letter. In fact the overseas trip was of two weeks duration only, so that in strict terms of the letter the annuitant did not have to furnish any life certificate or even reply to the letter. However, although this was the strict effect of the letter, both courtesy and prudence would have called for a reply by the annuitant correcting what surely must have appeared to be an erroneous impression on the part of the National Provident Fund Office as to the period he proposed remaining absent from New Zealand, and in fact the annuitant later expressed his surprise to me that he had not answered it.

After the annuitant's return to New Zealand there were certain dealings relating to taxation extending over a period of several months between the annuitant and the Office, and these should at the least have put the Office on inquiry as to whether the annuitant was back in New Zealand. Nonetheless, some months after the letter to the annuitant had required the first life certificate to be submitted if the annuitant were absent from New Zealand, the Office, without further warning and without making any attempt to ascertain the annuitant's whereabouts, suspended payment of his annuity. As payment had been made regularly each month directly into the annuitant's bank account, and as the bank continued to honour all his cheques, it was not until the annuitant received his next six-monthly bank statement that he became aware that his annuity had not been paid for some time.

I concluded that an annuitant is entitled to payment of his annuity as arranged subject to his compliance with any legitimate requirement of the Superintendent of the Fund. By clause 38 of the governing scheme a beneficiary may be required to produce satisfactory evidence of identity and survival "from time to time as required by the Superintendent" and payment of the benefit may be withheld pending production of such evidence. However, before the benefit is withheld on this account there ought to be a clear requirement by the Superintendent that certain evidence be produced. In the present instance, the requirement had not been sufficiently clearly imposed, and the Office was at fault in ceasing payment. As I could not attribute the overdraft expense solely to default by the National Provident Fund Office, I did not consider a recommendation regarding reimbursement of this expense was warranted.

However as a result of this case I made the following recommendations:

(1) That staff dealing with superannuitants be instructed and periodically reminded of the necessity to express any requirements, directions, or requests in clear and unambiguous language.

(2) That any important direction or decision affecting the rights of any superannuitant be adequately supported by an explicit, authoritative and correctly signed and dated minute or other record on the appropriate file.

(3) That, where payment of a benefit is suspended on account of non-receipt of a "life certificate", notification of the suspension and of the reasons for it to be posted to the beneficiary at his last known address.

The recommendations were accepted and put into effect.

NATIONAL ROADS BOARD

Case No. 592 *(This case also involved the Ministry of Works)*

The complaint stemmed from the action of the Ministry of Works in recommending to the National Roads Board that a claim by a contractor for an *ex gratia* payment to meet additional costs incurred on a contract should be declined.

The facts were that the complainant's firm tendered successfully for a contract let by a local authority, which was being financed in part by that authority

and a neighbouring authority, and in part by a subsidy from the National Roads Board. During the course of the contract, the complainant informed the local authority that the contract could not be completed without considerable loss to his company. This situation resulted from the company having had no previous experience of this type of work and the contract having been badly underpriced by the company.

As a consequence of the complainant's statement, the representatives of the two local authorities concerned and the representative of the Ministry of Works together considered the position and advised the complainant that their Councils and the Ministry would be prepared to give sympathetic consideration to a claim to meet such unforeseen expenditure under the contract as could be established.

On the basis of this advice, the complainant's company proceeded to the completion of the contract. Prior to the contract being completed, a claim for an *ex gratia* payment was submitted by the company and accepted by the two local authorities subject to the National Roads Board meeting its share. The claim, which was supported by the District Commissioner of Works, was examined by the Ministry, which advised the Board that it could not recommend it. The claim was declined by the Board and, as a consequence, the complaint was made to me.

My investigation showed that the papers placed before the National Road Board were incomplete in that they omitted any reference to the favourable recommendation made by the District Commissioner of Works on the claim, and to certain other factors which were in the claimant's favour. However, I was assured that the case was fully explained verbally to the Board, which rejected the claim, a decision with which I was, on the whole, in agreement. I drew the attention of the Ministry of Works to the necessity to ensure that at all times the Board was made aware of all relevant information relating to matters that come before it for decision, and suggested that District Commissioners of Works might well be reminded of the requirements for authorising *ex gratia* payments. The Commissioner later informed me that he had taken steps to ensure that in similar future cases the full facts, as known to the Ministry, would be placed before the Board in writing and had reminded the District Commissioners as I had suggested.

I also found it necessary to inform the complainant that his complaint could not be justified on the ground that his actions in his dealings under the contract and with the various parties involved, were open to a degree of criticism which I concluded disqualified him from the equitable relief which he sought.

NEW ZEALAND ARMY

Case No. 798

The complainant alleged that he had been unjustifiably refused the award of an Efficiency Medal upon the ground that two breaks were alleged to have occurred in his period of efficient service with the Territorial Forces. As regards the first break of service he stated that he had attended every annual camp with the regimental band, in which he was band sergeant, and he had an almost unbroken record of attendances. As to the second break, he admitted that he did not attend the camp of the band of his own regiment owing to an unexpected change in employment, but he still remained on their strength and he did his training that year in the camp of an allied regiment.

He stated that he felt that he was the victim of incompetent recordkeeping and the "inefficiency of orderly rooms".

Under the provisions of section 11 (6) (a) of the Parliamentary Commissioner (Ombudsman) Act 1962 the Ombudsman is expressly excluded from investigating any matter relating to a person who was a member of the New Zealand Army so far as the matter relates to the terms and conditions of his service as such member.

I communicated the complaint to the Army Secretary stating that this might be a case which crept through the jurisdictional barrier imposed by the above section. The Army Secretary obtained the opinion of Crown Counsel which was to the effect that the grant or refusal of an Efficiency Medal is a matter that relates to the terms and conditions of Army service and the complaint was therefore outside the jurisdiction of the Ombudsman.

In conveying this view to me, the Army Secretary said that he and the Adjutant-General would look at the case again to see whether anything further could be done although it did seem that the complainant had received full consideration. On consideration, I accepted the view that the case was outside my jurisdiction because of the exception in section 11 (6) (a) of the Act.

THE POLICE

Case No. 383

The complainant alleged delay on the part of the Police in taking action to recover the complainant's converted motorcar and to apprehend the converter. He understood that the Police required a written and signed statement of complaint, setting out all the particulars before they would commence recovery action and he considered this unreasonable. When I referred the matter to the Commissioner of Police, an investigation showed that there had been delay in this instance, and I accepted the Commissioner's assurance that steps were being taken to see that similar delays would not occur in future.

I was satisfied, on the evidence of the files and reports that were furnished to me, that the Police do not normally require the completion of a written statement of complaint before taking recovery action, but that standard procedure required action to be taken on receipt of sufficient particulars however these may be given, subject only to the qualifications that a written statement is to be furnished as soon as reasonably possible, and that certain special steps are not taken until the written statement has been made.

STATE SERVICES COMMISSION

Case No. 330

The complainant called on me personally and told me that he had reason to believe that in more than one Government Department, staff clerks were not being as discreet as they ought to be with reference to the personal details of the staff. He referred particularly to the confidential details which can be derived from PAYE forms and procedures and instanced the case of a man who his departmental colleagues thought was happily married with three children. The staff clerk in the Department appeared to have discovered from income tax papers that this man was living with a *de facto* wife, his real wife being elsewhere, and my informant stated that the staff clerk had given this information out in the presence of staff members of the Department.

The complainant definitely refused to name the clerk concerned or even the Department concerned, and I told him that I could take no positive action because of this anonymity. However, I reported the circumstances to the Chairman of the Public Service Commission, who mentioned the general Public Service obligation of secrecy and the fact that the Commission very seldom receives complaints of this nature, supporting the impression that the discretion of the vast majority of the employees is sound. Nonetheless, the Chairman arranged for a notice to be published in the *Public Service Official Circular* drawing attention to this matter. The notice pointed out that the disclosure of information relating to the personal circumstances of other employees is just as much a breach of the Public Service Declaration of Secrecy as is the disclosure of any other type of information and would be dealt with severely if brought to the Commission's attention.

Case No. 348

The complainant was granted a study award to the value of £700 to enable him to complete a master's degree. In consideration of this award he entered into a bond undertaking to either serve five years in the Public Service or to repay the amount spent on him under the award.

After serving three and a half years the complainant left the Public Service to take a teaching position. The State Services Commission required payment of a proportionate part of the bond moneys, but the complainant vigorously objected on the grounds that teaching was an allied service, the benefits of his degree would still be available to the country, and the Commission had shortened the period required to be served under subsequent similar bonds. He sought, but was not granted, an interview by the Commission.

After investigation, I concluded that the Commission had not acted in any way unreasonably or unfairly in requiring payment under the bond, and the complaint was not justified. However, I advised the Commission that in my view it should have granted the complainant an interview when he sought it, and the Commission has acknowledged the correctness of this view.

Case No. 406

Over 40 years ago the complainant had suffered a permanent disability as a result of an accident at school, and as a result of a parliamentary petition the Government of the day had made certain grants, and had stated that he was to be given a position in the Public Service if necessary. Largely due to the disability, the complainant had a chequered employment history inside and outside the Public Service for about 10 years, and thereafter settled down in a quiet position in the Public Service. He considered that over the years he had not received the promotion or recognition that he had earned.

On investigation, including a full discussion with the complainant, I was satisfied that he had received fair treatment, and that his complaint was not justified. However, I suggested certain steps to the State Services Commission which would give reassurance to the complainant as to his work until retirement.

Case No. 560

A technician employed in the Department of Scientific and Industrial Research had been encouraged by his controlling officer to pursue a science degree and was told that if he obtained honours an application to the Commission for a two-year bursary on full pay to enable him to study full time for the Ph.D. degree would be supported. Although the technician's undergraduate examination results were not impressive in the main, he did achieve honours in the last year and his controlling officer supported his application for a bursary. However, the departmental committee which considered applications and made recommendations on them to the Commission would not support the application for a bursary on full pay but was prepared to make a compromise recommendation in favour of a bursary on half pay and this was approved by the Commission. On being advised of this the complainant's controlling officer failed to notify him and instead prepared and submitted further representations favouring the grant of a full-pay bursary. The previous decision was confirmed but, owing to the time taken by the negotiations, several months of the academic year had elapsed before the complainant, who had already embarked on his Ph.D. course, was notified. The Commission determined that half pay should apply from about the time that the decision was notified to the complainant. The technician complained to me that he had been committed to the course in the reasonable expectation of receiving a full-pay bursary and that by the time he heard of the half-pay decision it was too late for him to seek alternative scholarships, etc. Finally he was concerned that half pay would not be enough to enable him to do justice to the course.

On looking into the case after I had asked for a report, the Commission decided that, although on the merits the half-pay decision was correct, the delay in notifying the decision to the complainant could have led him to make

commitments, and the Commission decided that this factor would be adequately compensated if the reduction to half pay was deferred three months to 1 August.

I found that, although it was regrettable that the half-pay decision had not been made and conveyed to the complainant before the beginning of the academic year, there had been some procrastination on the complainant's own part in supplying his proposed course to the Department and that he had also been clearly informed that the last word lay with the Commission. Nonetheless, in the light of the favourable recommendation from his controlling officer, the Department's acquiescence in his commencing studies and the absence of any indication that the full-pay bursary would not be granted for several months after commencement of studies, it was reasonable for the complainant to commence the course and to make all necessary arrangements to continue it.

I ascertained that the complainant had in fact applied before the commencement of the academic year for scholarships for which he might have been eligible, but had not been successful. I further found that, although previous awards for Ph.D. study were on full pay, neither the precedents nor the circumstances imposed any obligation on the Department or the Commission to make all awards on full pay. There had been no firm offer to the complainant of an award on full pay but merely a willingness on the part of his controlling officer to support an application for such an award and as he must have been aware that awards were granted on a competitive basis – an essential prerequisite being a high standard of academic performance – it should have been seen that there would be doubt as to whether the complainant could meet this qualification.

In the circumstances I found no fault with the decision to award half pay and I was not prepared to interfere with the Commission's amended decision relating to the date of commencement of half pay.

However, I recommended that the Commission should invite the complainant to submit to it a budget for the next ensuing year and should consider, on the basis of an evaluation of the budget and of all other relevant circumstances, whether any future assistance by way of supplementary grants was necessary or desirable to enable the complainant to carry out his programme of studies with maximum efficiency.

REHABILITATION BOARD

Case No. 432

The complaint concerned the decision of the Rehabilitation Board to reduce the value of a bursary, awarded to the son of a deceased serviceman to enable him to study for a degree in medicine, by the value of the Senior Scholarship in Medicine awarded to him by the University of Otago and by the extent of the remuneration received in respect of the Junior Lectureship in Osteology to which he was appointed by the university. The complainant argued that, as the award of the scholarship and the appointment to the junior lectureship were made in recognition of the special merit and diligence he had displayed in his studies, he should not have been denied the financial reward which they represented.

I established that, some years prior to 1947, agreement had been reached between the Rehabilitation Board and the University of New Zealand that rehabilitation students would not be permitted to hold concurrently both rehabilitation bursaries and scholarships except to the extent required to make the student's total receipts up to the rates approved by the Board. I also found that remuneration from student lectureships had always been regarded as money earned by the bursar and, in common with all other earnings which a bursar might receive, was applied in reduction of the value of the bursary. While the lectureship position had been clear throughout, the true basis of the scholarship policy had been lost sight of in recent years in both the Department and the university concerned.

I was satisfied that over the years the Board had consistently applied this policy, which had been the subject of an exhaustive review by the Board. In these circumstances I was not disposed to question the Board's decision in this case. It appeared to me that when the policy was originally formulated precise rules could have been drawn up permitting certain types of merit awards to be distinguished from the remainder, but I was satisfied that at this late stage it would not be desirable or practicable for the Board to modify its policy along these lines.

SOIL CONSERVATION AND RIVERS CONTROL COUNCIL

Cases No. 365 and 641

The complainants were two neighbouring farmers who had (with one other farmer) lodged objections to a flood protection and drainage scheme approved by the local catchment board. The complainants believed that the scheme as approved by the board would cause flooding on their farms. The catchment board referred the matter to the Soil Conservation and Rivers Control Council as required by section 137 (5) of the Soil Conservation and Rivers Control Act 1941 and section 33A of the 1958 amendment. It was then the duty of the Council to appoint an *ad hoc* tribunal to adjudicate. The Council, without consulting the objectors, appointed a tribunal of one – the chairman of an adjacent county council – on the recommendation of the District Commissioner of Works and the catchment board. The complainants strongly objected to this on the ground of inevitable bias on the part of a tribunal so appointed.

Clearly, I was not entitled to deal with the merits of the objections to the drainage scheme, but I could and did examine the propriety of the appointment made by the Council. I came to the conclusion that, as a matter of principle, such an appointment was open to criticism, as it took no account of the interests of the objectors, and could be interpreted as an appointment made in the interests of one side of the dispute only. It is important that any such tribunal should be manifestly unbiased, and I recommended that the appointment already made should be vacated, and that the Council should then appoint one man on the nomination of the objectors and one on the nomination of the other side, and that these two should agree on a chairman. The Council, with some reluctance, agreed.

APPENDIX B

REF: 326

18 February, 1964

The Chairman,
Social Security Commission,
Wellington.

Dear Mr Brocklehurst,

Please refer to your letter of 9 May 1963 and my interim reply dated 4 September on the subject of the exercise of legislative discretion.

I have now had an opportunity to give further study and thought to the carefully prepared report and supporting papers which were enclosed with your letter of last May. It is clear from this report that the Commission fully appreciates the principles and issues which are involved. In view of the consolidation of the Act, which I understand it is proposed to undertake this year, it is perhaps an appropriate time to put forward some general observations on this subject for your consideration. These observations have resulted from a study of the provisions of the Act itself and from the experience which, within the limitations of my office, I have gained in their operation.

I have examined the manner in which the Commission has chosen to exercise its many discretionary powers against the background of subsection (2) of section 19 of my Act. This subsection empowers me to report in any case in which I am of the opinion that, in making a decision or recommendation, or in the doing or omission of an act, a discretionary power has been exercised for an improper purpose, or on irrelevant grounds, or on the taking into account of irrelevant considerations, or that, in the case of a decision made in the exercise of any discretionary power, reasons should have been given for that decision.

There is no suggestion that the Commission has exercised its discretionary powers for improper purposes, and further consideration of this aspect therefore is not required. Further, it appears to me that there is little practical difference between "on irrelevant grounds" and "on the taking into account of irrelevant considerations", so the two concepts can be considered together.

I fully appreciate the necessity for reasonable uniformity in the administration of each of the discretionary powers granted to the Commission. The real issue is whether, when the particular discretion is about to be exercised in an individual case, it is proper to have regard to rules of practice which have been laid down in the interests of uniformity and administrative convenience, or would this be considered as "the taking into account of irrelevant considerations"? I think it is proper to take into account the desirability of administrative uniformity: because as a matter of general principle substantial lack of uniformity would lead not only to administrative chaos but also to collapse of public confidence in the Social Security administration – and public confidence, which your administration justly enjoys in a high degree, is essential in the public interest to the satisfactory operation of the whole Social Security Scheme: and because in any individual case it seems to me to be highly relevant to take into account what has been done in other cases of a similar nature, otherwise a decision may result which could be regarded as being "improperly discriminatory" within the terms of section 19 (1) (b) of my Act. I think the crux of the matter is the degree of authority which is given to the particular administrative practice or rule in question, or the extent to which, if at all, exceptions to the rule are permitted when it is considered that the circumstances warrant such a course.

I think that if the rules laid down by the Commission for its own guidance, and for the guidance of those of its officers to whom it has properly delegated its discretion, are regarded quite clearly as rules of guidance only to which exceptions may be made when the circumstances of the case warrant, then there can be no reasonable exception taken to such a practice. If, however, the rule laid down by the Commission is regarded as binding upon itself, or mandatory upon its delegates, then I believe the practice to be objectionable because it would amount to an abrogation by the Commission of the duty to exercise discretion in individual cases.

I fully realize that the question of when to make an exception to an established rule – of when the circumstances are such as to warrant such an exception – can give rise to the old question of uniformity, and we are in danger of going round the circle again, but I think that reasonable methods of administration can overcome this difficulty, and that if it is clearly understood that exceptions may in appropriate cases be made to these rules of practice, then I think the requirements of the situation have been met.

As regards the giving of reasons for decisions reached in the exercise of discretionary power, from my own experience I think that a significant number of applications might not have been made to me had the complainants had an understanding of the reasons which gave rise to the Commission's decision. I am conscious, however, of the difficulty of giving adequate reasons in all cases due to the sheer volume of applications dealt with by the Commission, and to the need to maintain uniformity.

If you consider that these observations have any merit you may wish to give thought to the desirability of inserting in the consolidating legislation a provision to empower the Commission to make rules for guiding its decisions, thereby clothing with an authority more formal than at present those existing practices which have grown up through the exercise of administrative discretion.

I have also made a study of the various forms of words used in the Act to grant to the Commission its many discretionary powers. I enclose a schedule* which I have prepared on the basis of the seven categories in which your report grouped the various discretionary or permissive authorities. It does not appear to me that any clear pattern emerges; indeed differing forms of words are used in the same category (I have in mind particularly category 5), whilst the use of the phrase "the Commission having regard to the circumstances of the case" is to be found in several categories, and yet one would assume that a reference to "special circumstances" was intended by the Legislature to mean something different from "circumstances", and different again from the cases where there is no reference to "circumstances" at all. It is possible that careful thought may not have been given to this matter when the Act was originally drafted, and the frequent amendments which have been made to it from time to time have done nothing to improve the situation. I believe that in the general revision opportunity could be taken to rationalize the form of the words used.

It also occurs to me that consideration might be given to reducing the number of instances in which the Commission is required to exercise a discretion. This, I think, could be done with particular advantage in categories 3, 4 and 7.

As these suggestions concern the specific observation I made in my last report to Parliament, I am sending a copy to your Minister, but you will appreciate that they do not amount to any formal recommendation under my Act.

Yours sincerely,

GUY POWLES,
Ombudsman.

*Schedule omitted. It set out just over 100 examples of discretionary powers conferred by the Social Security Act, and showed clearly the great variety of form involved.

Social Security Department
Private Bag
Wellington C.1.
4th March, 1964

The Ombudsman,
Office of the Ombudsman,
56, The Terrace,
Wellington.

Dear Sir Guy,

Your letter of 18th February 1964 on the subject of the exercise of legislative discretion has been read with interest.

In the current re-drafting of our legislation preliminary to the consolidation of the Social Security Act, opportunity is being taken to rationalize as far as possible, the form of words used when discretion is granted to the Commission. If the Act had been consolidated as previously planned, this action would have been taken some years ago.

Consideration is also being given to reduce the number of instances in which the Commission is empowered to exercise discretion. This, however, will as you know, require Government approval before any such action is taken.

Your further suggestion of the desirability of inserting in the legislation, a provision to empower the Commission to make rules for guiding its decisions is receiving consideration at the present time.

On the general subject of discretion, I think I should make it clear, that while the Commission lays down rules for its own guidance and for the guidance of its officers who operate under delegated authorities, it has always reserved the right to treat a case on its individual merits in spite of any general policy rule. The Commission has always been conscious that particular circumstances arise in an individual case where the application of a general rule has no merit, or very little merit.

Yours sincerely,

G. J. Brocklehurst,
Chairman,
Social Security Commission.

APPENDIX C

STATISTICAL SUMMARY FOR EIGHTEEN MONTHS FROM 1 OCTOBER 1962 TO 31 MARCH 1964

Departments, etc. (In the order in which they appear in the Schedule to the Act)	Declined as Having No Jurisdiction			Declined Under Section 14 (2)	Discontinued Under Section 14 (1)	Withdrawn	Investigated and Considered Justified	Investigated and Considered to be Not Justified	Being Investigated at End of Period	Total Number of Complaints
	Section 11 (1)	Section 11 (5)	Section 11 (6)							
Air Department	..	..	..	..	..	..	1	3	3	7
Army Department	..	..	..	..	..	1	..	..	1	2
Customs Department	6	..	..	..	5	3	7	24	4	49
Department of Agriculture	1	..	..	..	..	..	1	4	2	8
Department of Education	3	1	..	1	5	..	7	26	3	46
Department of External Affairs	1	..	..	..	..	..	1	..	1	3
Department of Health	6	..	..	3	2	1	7	20	5	44
Department of Industries and Commerce	..	..	..	..	2	..	..	1	1	4
Department of Internal Affairs	2	..	..	..	..	..	2	7	1	12
Department of Island Territories	1	..	..	..	..	..	..	..	..	1
Department of Justice	4	3	..	..	..	3	6	11	..	27
Department of Labour	8	1	..	..	2	..	6	21	3	41
Department of Lands and Survey	..	..	..	1	1	2	1	6	3	14
Department of Maori Affairs	..	2	..	..	2	..	..	5	..	9
Department of Scientific and Industrial Research	..	..	..	..	..	..	..	2	1	3
Government Life Insurance Office	1	..	..	1	..	..	..	1	1	4
Government Printing Office	..	..	..	..	..	..	1	..	..	1
Inland Revenue Department	12	27	..	3	3	5	16	33	3	102
Legislative Department	..	..	..	..	..	..	..	1	1	2
Maori Trust Office	..	..	..	..	..	1	..	..	..	1
Marine Department	..	..	..	..	..	..	1	7	1	9
Mines Department	..	..	..	..	..	1	1	2	1	5
Ministry of Works	1	2	..	..	2	4	3	12	9	33
New Zealand Electricity Department	1	..	..	..	3	1	..	..	..	5
New Zealand Forest Service	..	..	..	..	2	..	2	2	1	7
New Zealand Government Railways	..	1	..	..	1	2	1	10	4	19
Post Office	..	2	..	1	..	2	4	9	2	20
Prime Minister's Department	..	..	..	..	..	..	..	1	..	1

APPENDIX C—*continued*

STATISTICAL SUMMARY FOR EIGHTEEN MONTHS FROM 1 OCTOBER 1962 TO 31 MARCH 1964—*continued*

Departments, etc. (In the order in which they appear in the Schedule to the Act)	Declined as Having No Jurisdiction			Declined Under Section 14 (2)	Discontinued Under Section 14 (1)	Withdrawn	Investigated and Considered Justified	Investigated and Considered to be Not Justified	Being Investigated at End of Period	Total Number of Complaints
	Section 11 (1)	Section 11 (5)	Section 11 (6)							
Public Trust Office	..	12	..	..	..	..	..	1	..	13
Social Security Department	11	12	..	..	3	10	18	84	4	142
State Advances Corporation	3	..	..	2	2	..	5	28	4	44
State Insurance Office	..	..	..	..	..	1	..	1	1	3
Tourist and Publicity Department	..	..	..	..	..	..	1	1	1	3
Transport Department	..	..	..	1	1	1	1	6	..	10
Treasury	..	..	..	1	..	1	..	3	1	6
Valuation Department	..	2	..	..	..	..	1	1	..	4
Earthquake and War Damage Commission	..	..	..	..	..	..	..	2	..	2
Government Stores Board	..	..	..	..	..	..	1	..	..	1
Government Superannuation Board	2	..	..	..	..	..	2	16	4	24
Land Settlement Board	..	..	..	..	..	..	..	4	..	4
National Parks Authority	..	..	..	..	..	..	..	..	1	1
National Provident Fund Board	..	..	..	..	..	..	2	5	1	8
National Roads Board	..	..	..	..	..	..	2	1	1	4
New Zealand Naval Board	..	..	1	..	..	..	..	..	..	1
New Zealand Army	..	..	13	..	..	..	..	..	..	13
New Zealand Naval Forces	..	..	2	..	..	..	..	..	..	2
The Police	..	2	..	2	2	2	1	13	2	24
State Services Commission	4	4	..	1	1	1	3	16	6	36
Rehabilitation Board	1	..	..	..	..	1	..	8	1	11
Royal New Zealand Air Force	..	..	3	..	..	..	..	..	..	3
Soil Conservation and Rivers Control Council	..	..	..	..	..	..	2	..	1	3
Obscure	27	..	..	2	..	5	..	..	..	34
Unscheduled Organisations	224	..	..	..	..	..	..	..	1	225
Totals	319	71	19	19	39	48	107	398	80	1,100

(For text of sections referred to see following page)

PARLIAMENTARY COMMISSIONER (OMBUDSMAN) ACT 1962

Text of Sections Referred to in Summary

11. (1) The principal function of the Commissioner shall be to investigate any decision or recommendation made (including any recommendation made to a Minister of the Crown), or any act done or omitted, relating to a matter of administration and affecting any person or body of persons in his or its personal capacity, in or by any of the Departments or organisations named in the Schedule to this Act, or by any officer, employee, or member thereof in the exercise of any power of function conferred on him by any enactment.

11. (5) Nothing in this Act shall authorise the Commissioner to investigate—

(a) Any decision, recommendation, act, or omission in respect of which there is, under the provisions of any enactment, a right of appeal or objection or a right to apply for a review, on the merits of the case, to any Court or to any tribunal constituted by or under any enactment, whether or not that right of appeal or objection or application has been exercised in the particular case, and whether or not any time prescribed for the exercise of that right has expired:

(b) Any decision, recommendation, act, or omission of any person in his capacity as a trustee within the meaning of the Trustee Act 1956:

(c) Any decision, recommendation, act, or omission of any person acting as legal adviser to the Crown pursuant to the rules for the time being approved by the Government for the conduct of Crown legal business, or acting as counsel for the Crown in relation to any proceedings.

11. (6) Nothing in this Act shall authorise the Commissioner to investigate any matter relating to any person who is or was a member of or provisional entrant to the New Zealand Naval Forces, the New Zealand Army, or the Royal New Zealand Air Force, so far as the matter relates to—

(a) The terms and conditions of his service as such member or entrant; or

(b) Any order, command, decision, penalty, or punishment given to or affecting him in his capacity as such member or entrant.

14. (1) If in the course of the investigation of any complaint within his jurisdiction it appears to the Commissioner—

(a) That under the law or existing administrative practice there is an adequate remedy or right of appeal, other than the right to petition Parliament, for the complainant (whether or not he has availed himself of it); or

(b) That, having regard to all the circumstances of the case, any further investigation is unnecessary—

he may in his discretion refuse to investigate the matter further.

14. (2) Without limiting the generality of the powers conferred on the Commissioner by this Act, it is hereby declared that the Commissioner may in his discretion decide not to investigate, or, as the case may require, not to further investigate, any complaint if it relates to any decision, recommendation, act, or omission of which the complainant has had knowledge for more than 12 months before the complaint is received by the Commissioner, or if in his opinion;

(a) The subject-matter of the complaint is trivial; or

(b) The complaint is frivolous or vexatious or is not made in good faith; or

(c) The complainant has not a sufficient personal interest in the subject-matter of the complaint.

APPENDIX D

SCHEDULE OF COMPLAINTS RECEIVED DURING THE PERIOD 1 OCTOBER 1962 TO 31 MARCH 1964

AIR DEPARTMENT (7)

7*	Restrictions resulting in loss of business	Not justified.
112	Non-payment of travelling expenses	Not justified.
474*	Conditions governing airworthiness	Not justified.
599	Payment for operative treatment of work injury	Rectified.
788	Non-payment of removal expenses	Being investigated.
954	Withdrawal from sale of aircraft hangar	Being investigated.
1079	Termination of employment	Being investigated.

ARMY DEPARTMENT (2)

697	Obscure	Withdrawn.
1074	Reduction in salary	Being investigated.

CUSTOMS DEPARTMENT (49)

8	Duty on motorcar spare parts	Not justified.
161	Permission to sell imported car	Not justified.
169†	Importation of motorcar	Rectified.
173	Permission to sell imported car	Not justified.
148	Importation of business cars	Not justified.
100	Level of duty on imported car	Not justified.
179*	Import licensing; "new importer", industrial chemicals	Declined 11 (1).
194	Level of duty on imported car	Not justified.
196	Import licensing; textiles, unfair treatment	Not justified.
205	Seizure of publication on indecency grounds	Discontinued 14 (1).
218†	Import licensing; textiles, unfair treatment	Recommendation made.
254*	Import licensing; soft goods, unfair treatment	Not justified.
266	Import licensing; clover seed, unfair treatment	Not justified.
268	Delay in handling Customs business	Discontinued 14 (1).
275*	Level of duty on imported car	Recommendation made.
283*	Import licensing	Rectified (in part).
305*	Storage charges due to clearance delay	Not justified.
337*	Import licensing; no-remittance licence for motor-car	Rectified.
341	Sales tax	Not justified.
354	Import licensing; fishing trawlers	Discontinued 14 (1).
428	Duty on imported articles	Not justified.
434	Delay in release of bonded motor cycle	Withdrawn.
459*	Duty on bitumen for use other than on roads	Not justified.
522	Import licensing; textiles, "new importer"	Discontinued 14 (1).
535	Delay in replying to letter	Withdrawn.
551	Import licensing; commercial oils, unfair treatment	Not justified.
556	Import licensing; outboard motor. Rudeness	Not justified.
576	Level of duty on imported car	Not justified.
579	Import licensing; allocation of overseas funds	Not justified.
654*	Import licensing; motorcar spares	Not justified.
711	Delay in permitting sale of car	Not justified.
767	Import licensing; motorcar imports	Declined 11 (1).
778*	Import licensing; bicycles, excessive questioning	Recommendation made.
838*	Import licensing; unlawful delegation to another Department	Not justified.
837	Delay in administrative procedures	Discontinued 14 (1).
850	Import licensing; foodstuffs; unfair treatment	Declined 11 (1).
895	Import licensing; official secrets	Being investigated.

*Case note appears in Appendix A to this report.
†Case note appeared in report for period ended 31 March 1963.

CUSTOMS DEPARTMENT—*continued*

929	Level of duty on imported car	Not justified.
942	Level of duty on imported car	Not justified.
950	Import licensing; cutlery, unfair treatment	Not justified.
952*	Import licensing; linoleum, unfair treatment	Rectified.
962	Seizure of television components	Declined 11 (1).
966	Delay in delivery of parcel	Not justified.
892	Import licensing; photographic paper; unfair treatment	Declined 11 (1).
1010	Import licensing; chiropractic adjusting tables; unfair treatment	Declined 11 (1).
1038	Import licensing; photographic materials; unfair treatment	Being investigated.
1044	Import licensing; plastic extruder; unfair treatment	Withdrawn.
1057	Unreasonable provision of Customs Act	Being investigated.
1078	Level of duty on imported car	Being investigated.

DEPARTMENT OF AGRICULTURE (8)

36†	Misleading report on new plum species	Recommendation made.
150	Ban on importation of cage birds	Not justified.
242	Inadequate testing of milk	Not justified.
320*	Agricultural chemicals – control	Being investigated.
506	Impounding of dehydrated meat	Not justified.
550	Destruction of Tb infected cattle	Not justified.
677*	Eradication of nassella tussock	Declined 11 (1).
927	Unfair declaration in patent proceedings	Being investigated.

DEPARTMENT OF EDUCATION (46)

5†	Payment of employment bond	Rectified.
13	Award of medical bursary	Not justified.
47	Misrepresentation of employment conditions in New Zealand	Not justified.
65	Salary scale for re-employed superannuitants	Not justified.
91	Payment of transfer expenses	Not justified.
63†	Unfair regulations relating to bursary	Rectified.
107	Refusal to grant bursary	Not justified.
134*	Refusal to grant bursary	Not justified.
291	Alleged "blacklisting"	Declined 11 (1).
300*	Tactics employed in effecting land purchase	Rectified.
331*	Non-payment of removal expenses	Recommendation made.
405	Delay in paying salary arrears	Not justified.
414	Non-payment of removal expenses	Not justified.
424	School Certificate Examination	Not justified.
427*	Refusal of permission to take course	Discontinued 14 (1).
469*	Adverse recommendation on adoption	Recommendation made.
501*	Restriction on headmasters' powers	Not justified.
530	Unfair treatment by welfare officer	Not justified.
538	Transfer of child to institution	Not justified.
575	Spread of spoil from building	Discontinued 14 (1).
606	Employment classification	Not justified.
610	Inability to sit School Certificate Examination	Not justified.
635	Conditions governing grant of bursary	Not justified.
640	Amount of retiring allowance	Not justified.
680	Physical condition of school bus driver	Not justified.
713	Delay in obtaining permanent appointment	Rectified.
740	Sick and annual leave entitlement	Not justified.
752*	Unfair increase in house rent	Discontinued 14 (1).
754*	Bursary award	Recommendation made.
771	Recognition of foreign educational qualification	Not justified.
829*	Disciplinary provisions in regulations	Rectified.
847*	Benefit for Australian exchange teachers	Discontinued 14 (1).
857	Loss of grading appeal	Declined 11 (5).
862	Leave for higher training	Declined 11 (1).
882	Repayment of employment bond	Not justified.

*Case note appears in Appendix A to this report.
†Case note appeared in report for period ended 31 March 1963.

DEPARTMENT OF EDUCATION—*continued*

921	Alleged unjust accusation	Not justified.
928	Payment for accidental injury to pupil	Declined 14 (2).
930	Non-award of bursary	Not justified.
724	Purchase of property for building school	Not justified.
937	Non-admittance to membership of society	Discontinued 14 (1).
992	Conditions governing grant of bursary	Not justified.
997*	Non-payment of boarding allowance	Not justified.
1013	Non-payment of fees and allowance bursary	Being investigated.
1023	Conditions governing employment bond	Being investigated.
1063	Purchase of land	Declined 11 (1).
1070	Refusal of extension of fees bursary	Being investigated.

DEPARTMENT OF EXTERNAL AFFAIRS (3)

890	Property damage by students	Declined 11 (1).
695	Handling of passport	Recommendation made.
993	Lack of assistance from Consular Corps	Being investigated.

DEPARTMENT OF HEALTH (44)

29†	Inadequate advice to patients on effect of operative treatment	Recommendation made.
81	Wrongful committal to mental institution	Not justified.
99	Wrongful detention in mental institution	Not justified.
80	Wrongful committal to mental institution	Not justified.
10*	Spending of public funds in support of fluoridation	Recommendation made.
58	Refusal to grant social security contract to dentist	Discontinued 14 (1).
130	Wrongful detention in mental institution	Not justified.
89	Refusal of admission to public hospital	Declined 14 (2).
67	Refusal of post-graduate study grants	Not justified.
2	Approval of sewerage plant site	Not justified.
181	Level of physiotherapy fees	Not justified.
187	Refusal of post-graduate study grants	Not justified.
201	Adverse effect of stay in mental institution	Not justified.
244	Refusal of overseas study leave	Not justified.
277	Level of pay of inmates in mental institutions	Declined 11 (1).
282	Wrongful committal to mental institution	Discontinued 14 (1).
110	Wrongful committal to mental institution	Not justified.
324	Fluoridation of water supply	Declined 11 (1).
334*	Spending of state funds in support of fluoridation	Recommendation made in similar case.
339	Termination of employment	Not justified.
353	Payment of health benefits	Declined 11 (1).
475	Refusal to register nurse	Recommendation made.
488	Objection to medical examination at school	Not justified.
512	Delay in notification of amendments to drug tariff	Declined 11 (1).
519	Private practice by Government bursars	Not justified.
573	Restrictions on visiting mental patients	Not justified.
583	Refusal of permission to visit mental patients	Declined 11 (1).
616	Fees charged by medical practitioners	Not justified.
626	Delay in payment of salary arrears	Rectified.
686	Wrongful detention in mental institution	Declined 11 (1).
742*	Refusal of medical bursary	Not justified.
751	Wrongful committal to mental institution	Not justified.
756*	Failure to provide dental treatment at school	Rectified.
764	Wrongful detention in mental institution	Declined 14 (2).
776*	Delay in accounting procedures	Rectified.
800	Conditions of appointment of part-time staff	Being investigated.
590	Condemnation of house property	Not justified.
898(a)	Closure of special school for boys	Declined 14 (2).
898(b)	Refusal of loan assistance to private hospital	Being investigated.
913	Wrongful attitude to doctor imported on contract	Being investigated.
979	Conditions governing release of mental patients	Withdrawn.
983	Computation of retiring leave	Not justified.
986	Wrongful dismissal from employment	Being investigated.

*Case note appears in Appendix A to this report.
†Case note appeared in report for period ended 31 March 1963.

DEPARTMENT OF INDUSTRIES AND COMMERCE (4)

1020	Loss caused by departmental condemnation of honey	Being investigated.
533	Importation of materials	Not justified.
642	Manufacture of cycles in New Zealand ..	Discontinued 14 (1).
837	Import control procedures and jurisdiction ..	Discontinued 14 (1).
841	Restrictions on marketing of wire rope	Being investigated.

DEPARTMENT OF INTERNAL AFFAIRS (12)

19†	Wrong advice to Minister *re* local affairs ..	Recommendation made.
103	Payment on lost lottery ticket	Not justified.
105*	Reward for inventing off-course betting ..	Not justified.
379	Contravention of Rating Act	Not justified.
403	Charge for naturalisation certificate	Not justified.
435	Payment on lost lottery ticket	Not justified.
570	Payment on lost lottery ticket	Declined 11 (1).
719*	Delay in implementing civil defence	Being investigated.
897*	Refusal of lease of boat club site	Recommendation made.
958	Procedure for establishing special rating area ..	Declined 11 (1).
971	Restrictions on "bait casting" fishermen ..	Not justified.
1058	Incorrect designation on servicemen's graves ..	Not justified.

DEPARTMENT OF ISLAND TERRITORIES (1)

126	Refusal of permit to enter Cook Islands ..	Declined 11 (1).

DEPARTMENT OF JUSTICE (27)

81	Committal to mental institution	Not justified.
145†	Delay in finalising application for patent ..	Rectified.
225	Failure to obtain copy of birth certificate ..	Not justified.
357	Anomalies in prison prerelease scheme	Not justified.
386	Registration of property as joint family home ..	Not justified.
407*	Salary attachment order	Not justified.
448	Action of Magistrate in dealing with case ..	Declined 11 (5).
531	Rejection of claim made to Official Assignee ..	Declined 11 (5).
504	Inadequacy of divorce laws in respect of mental defectives	Withdrawn.
507*	Recovery of witnesses' expenses	Rectified.
547	Failure to effect Parole Board's recommendation	Declined 11 (1).
646	Throwing of stones by prison inmates ..	Not justified.
656*	Provisions of sale of Liquor Act	Rectified.
744	Non-return of fee for patent application ..	Rectified.
607*	Costs incurred in contesting tax claim	Declined 11 (1).
883*	Marketing of furniture made in prisons.. ..	Rectified.
884	Level of maintenance payments	Declined 11 (1).
901	Injury sustained as departmental employee ..	Withdrawn.
910*	Marketing of furniture made in prisons.. ..	Rectified.
911	Release of Part IV mental patient	Not justified.
912	Failure to supply documents	Declined 11 (1).
935	Handling of trade mark application	Not justified.
772	Alleged delay by Official Assignee	Not justified.
730	Faulty registration of land title	Withdrawn.
984	Charging of exchange on cheques	Not justified.
1028	Incorrect acceptance of statement	Declined 11 (5).
1053	Difficulty in securing interview	Not justified.

DEPARTMENT OF LABOUR (41)

124	Unfair provisions in Milk Roundsmen's Award ..	Not justified.
33	Refusal of permit to enter New Zealand ..	Rectified.
11	Inability to terminate tenancy	Not justified.
16	Restrictions on entry to New Zealand	Not justified.
139	Direction to leave New Zealand	Declined 11 (1).
79*	Refusal of permit to enter New Zealand ..	Rectified.
140†	Refusal of permit to enter New Zealand ..	Rectified.

*Case note appears in Appendix A to this report.
†Case note appeared in report for period ended 31 March 1963.

DEPARTMENT OF LABOUR—*continued*

207	Rent assessment	Not justified.
252	Sale of ice cream by petrol station	Declined 11 (1).
335	Assessment of "fair" rent	Declined 11 (5).
343	Compulsory unionism	Declined 11 (1).
377	Failure to provide immigration assistance	Not justified.
411	Failure to provide immigration assistance	Discontinued 14 (1).
415	Refusal of permit to enter New Zealand	Not justified.
439*	Refusal of permit to enter New Zealand	Not justified.
452	Refusal of permit to enter New Zealand	Not justified.
351	Failure to provide suitable employment	Not justified.
485	Failure to provide suitable employment	Not justified.
529	Alleged persecution	Declined 11 (1).
546	Direction to leave New Zealand	Not justified.
558	High premium for workers' insurance	Declined 11 (1).
601	Policy governing immigration assistance	Not justified.
614	Unfair restriction on venue of auctions	Not justified.
628	Provisions of Fair Rents Act	Declined 11 (1).
648*	Refusal of permit to enter New Zealand	Rectified.
695*	Refusal of permit to enter New Zealand	Not justified.
707	Refusal of permit to enter New Zealand	Not justified.
725*	Unfair direction *re* employment	Recommendation made.
108	Use of New Zealand quartz in manufacture	Not justified.
755	Direction to leave New Zealand	Not justified.
759	Refusal of immigration assistance	Not justified.
681	Direction to leave New Zealand	Not justified.
789	Payment of apprentice's boarding allowance	Declined 11 (1).
879*	Objection to military service	Recommendation made.
885	Irksomeness of immigration laws	Discontinued 14 (1).
932	Provisions of Milk Roundsmen's Award	Not justified.
934	Provisions of Tenancy Act	Declined 11 (1).
940	Direction to leave New Zealand	Not justified.
968	Unsatisfactory investigation of labour dispute	Being investigated.
1001	Refusal of permit to enter New Zealand	Being investigated.
1081	Refusal of permanent residence in New Zealand	Being investigated.

DEPARTMENT OF LANDS AND SURVEY (14)

172	Irregular practices on departmental farm	Not justified.
85*	Uneconomic size of settlement farm	Discontinued 14 (1).
20	Termination of employment	Not justified.
9*	Effect of road closure on property value	Not justified.
73	Obscure	Declined 14 (2).
317	Exclusion from participation in land ballot	Not justified.
441	Unfair method of auctioning Crown sections	Withdrawn.
446	Termination of farm employment	Not justified.
479*	Condition of lease of Crown section	Rectified.
689	Unfair price charged for section	Not justified.
702	Removal of cottage from road reserve	Being investigated.
732	Delay in deciding on resiting of township	Being investigated.
839	Operation of ski-towing business	Withdrawn.
1059	Allotment of land	Being investigated.

DEPARTMENT OF MAORI AFFAIRS (9)

142	Objection to taking of land for airport	Not justified.
215	Alleged irregularities in administration of estate	Not justified.
258	Unfair land valuation	Declined 11 (5).
249	Disputed property boundaries	Not justified.
454	Disputed leave entitlement	Discontinued 14 (1).
794*	Survey requirements on subdivision of Maori land	Not justified.
877	Provisions of Maori Purposes Act	Not justified.
893	Delay in finalising subdivision	Declined 11 (5).
946	Interference with farm water supply	Discontinued 14 (1)

*Case note appears in Appendix A to this report.
†Case note appeared in report for period ended 31 March 1963.

DEPARTMENT OF SCIENTIFIC AND INDUSTRIAL RESEARCH (3)

497	Availability of facilities for testing paints	Not justified.
749	Level of salary payments	Not justified.
990	Method of filling appointment	Being investigated.

GOVERNMENT LIFE INSURANCE OFFICE (4)

359	Unfair use of fire escape in flats	Declined 14 (2).
561	Amount of premium for insurance policy	Declined 11 (1).
981	Level of premium payments	Not justified.
1045	Failure to alter building plans	Being investigated.

GOVERNMENT PRINTING OFFICE (1)

327*	Unwise handling of publication	Recommendation made.

INLAND REVENUE DEPARTMENT (102)

127†	Tax on overseas pension	Partly rectified.
115	Valuation of shares for death duty	Declined 11 (5).
113†	Extension of time to meet tax liabilities	Rectified.
59	Impounding of documents	Withdrawn.
133	Assessment of death duty	Not justified.
18	Tax exemption for school fees paid	Not justified.
46	Tax on personnel of foreign ships in New Zealand waters	Discontinued 14 (1).
116	Extension of time to meet tax liabilities	Not justified.
120	Payment of income tax	Declined 11 (1).
176	Valuation of estate for death duties	Not justified.
60	Taxation of salary arrears	Not justified.
111	Valuation placed on "good-will"	Withdrawn.
129	Tax on income derived overseas	Discontinued 14 (1).
119	Death duty provisions	Not justified.
55	Assessment of death duties	Declined 14 (2).
155	Income tax assessment	Declined 11 (5).
68	Assessment of death duties	Not justified.
1	Income tax assessment	Declined 11 (5).
157*	Excessive tax demands	Recommendation made.
190	Remission on income tax	Withdrawn.
203	Rebate on amounts paid to purchase pension	Not justified.
204	Discretion of Commissioner *re* disclosure of details	Withdrawn.
206	Assessment of gift duties	Declined 11 (5).
246	Income tax assessment, and refund delay	Not justified.
255	Tax exemption for educational fees paid	Declined 11 (5).
261	Allowance for depreciation of premises	Declined 11 (5).
278*	Misunderstanding on tax assessment	Recommendation made.
281*	Delay in clearance of estate	Rectified.
294	Complexity of tax return forms	Declined 14 (2).
295	High rate of taxation	Declined 11 (5).
296	Taxing of overseas pension	Not justified.
314	Income tax assessment	Discontinued 14 (1).
323	Allowable income tax exemptions	Not justified.
27*	Refund of stamp duty	Rectified.
332	Deduction of tax by employers	Declined 11 (5).
329	Legal basis of estate valuation for tax purposes	Declined 11 (1).
346	Collection of tax from employees	Declined 11 (1).
374	Taxation of elderly persons	Declined 11 (1).
338*	Stamp duty on conditional agreement	Rectified.
382*	Costs involved in prosecuting successful appeal	Not justified.
373	Transfer of moneys to son	Declined 11 (5).
401*	Tax on lump sum in lieu of retiring leave	Not justified.
413	Income exemptions	Declined 11 (1).
426*	Tax on withdrawals from Superannuation Fund	Rectified.
442	Prepayment of estate duty	Not justified.
451*	Non-acknowledgment of receipt of tax returns	Not justified.

*Case note appears in Appendix A to this report.
†Case note appeared in report for period ended 31 March 1963.

INLAND REVENUE DEPARTMENT—*continued*

455	Inability to understand tax assessment	Rectified.
456	Assessment of death duties	Declined 11 (5).
463	Provisions of tax law	Declined 11 (1).
489	Excess retention tax	Declined 11 (5).
492	Careless tax assessment	Rectified.
495	Provisions for taxing non-resident traders	Declined 14 (2).
498	Income tax assessment	Declined 11 (5).
503	Income tax assessment	Declined 11 (5).
508*	Tax on lump sum in lieu of retiring leave	Not justified.
511	Excessive number of tax declarations	Not justified.
528*	Tax on lump sum in lieu of retiring leave	Not justified.
537	Provisions of income tax law	Declined 11 (1).
557	Tax on earnings as collector of membership fees	Declined 11 (5).
565	Relief from tax on grounds of hardship	Being investigated.
566	Tax exemption for cost of repairs	Declined 11 (1).
569*	Tax exemption for housekeeper's wages	Rectified.
577*	Inconvenient location of stamp duty office	Rectified.
581*	Tax exemption for housekeeper's wages	Rectified.
595	Taxation on pension	Withdrawn.
600	Tax rebate for divorced wife	Declined 11 (1).
603	Taxation on pension	Not justified.
625*	Tax on lump sum in lieu of retiring leave	Not justified.
683*	Unwarranted tax investigation	Not justified.
514	Rate of tax deduction from wages	Not justified.
701	Income tax assessment	Declined 11 (5).
726	Tax on overseas pension	Not justified.
727	Income tax assessment	Declined 11 (1).
758	Misunderstanding on tax assessment	Not justified.
760*	Excessive tax demands	Rectified.
765	Assessment of death duties	Declined 11 (5).
770*	Closing date for lodging objection	Rectified.
795	Taxation on pension	Not justified.
812	Income tax assessment	Declined 11 (5).
835	Delay in finalising tax dispute	Declined 11 (5).
843*	Tax on lump sum in lieu of retiring leave	Not justified.
858	Assessment of estate duty	Declined 11 (5).
875*	Tax on lump sum in lieu of retiring leave	Not justified.
881	Income tax assessment	Declined 11 (5).
887	Income tax assessment	Declined 11 (5).
908	Tax exemption for medical expenses in Australia	Declined 11 (5).
953*	Tax on lump sum in lieu of retiring leave	Not justified.
955	Harsh impact of death duties	Declined 11 (1).
961	Carelessness in assessing tax	Not justified.
970	Income tax assessment	Declined 11 (5).
972	Issue of tax code	Not justified.
975	Payment of provisional tax	Declined 11 (5).
980	Failure to provide tax figures on request	Not justified.
991	Rate of repayment of tax owing	Being investigated.
999	Level of tax on service pension	Declined 11 (5).
1000*	Tax exemption on private school fees	Not justified.
858	Level of estate duty	Declined 11 (5).
1008*	Tax on lump sum in lieu of retiring leave	Being investigated.
1009*	Delay in payment of tax rebate due	Recommendation made.
1034	Assessment of gift duty	Declined 11 (5).
1041	Assessment of income tax	Declined 11 (5).
1046	Incorrect tax assessment	Declined 11 (1).

LEGISLATIVE DEPARTMENT (2)

160	Failure to obtain permanent appointment	Not justified.
964	Handling of telegram	Being investigated.

MAORI TRUST OFFICE (1)

500	Delay in finalising land sale	Withdrawn.

*Case note appears in Appendix A to this report.
†Case note appeared in report for period ended 31 March 1963.

MARINE DEPARTMENT (9)

15 (a)	†Dangerous nature of approved water-ski lane	Rectified.
15 (b)	†Failure to ensure compliance with regulations	Not justified.
78	Conditions governing issue of Master's Certificate	Not justified.
14	Qualifications for Master's Certificate	Not justified.
421	Foreshore erosion	Not justified.
486	Objection to location of water-ski lane	Not justified.
669	Alleged illegality of gazetted boat slipway ..	Not justified.
959	Conditions governing issue of Mate's Certificate ..	Not justified.
1014	Applicability of New Zealand laws to overseas ships	Being investigated.

MINES DEPARTMENT (5)

147*	Unfair levy on private mine owners	Being investigated.
75	Unfair competition from State coal mines ..	Not justified.
510*	Appointment as mine official	Rectified.
721	Level of injury compensation	Not justified.
722	Dispute on award of compensation	Withdrawn.

MINISTRY OF WORKS (33)

21	Discrimination in allocation of contracts ..	Declined 11 (1).
121	Taking of land for educational purposes ..	Withdrawn.
2	Nuisance from sewerage plant	Not justified.
232	Unfair discrimination in issue of truck licence ..	Not justified.
236†	Extension of time for vacation of property ..	Rectified.
240*	Interference with water supply – flood damage ..	Rectified (in part).
243	Nuisance from road drainage	Not justified.
248	Property erosion	Not justified.
309	Discrimination in letting of building contract ..	Withdrawn.
445	Irregularities in acquisition of land	Not justified.
117	Unfair devaluation of property	Not justified.
468	Discrimination in acceptance of tenders ..	Not justified.
493	Compensation for land taken for military purposes	Declined 11 (5).
525	Methods of disposal of surplus equipment ..	Not justified.
571	Purchase of road metal from county council ..	Not justified.
596	State highway drainage nuisance	Discontinued 14 (1).
732	Delay in finalising hydro-scheme plans ..	Being investigated.
745	Compulsory taking of land by proclamation ..	Withdrawn.
783	Methods used to decide payment to subcontractors	Discontinued 14 (1).
802*	Refusal of acceptance of tender	Not justified.
808	State highway maintenance by county council ..	Withdrawn.
819	Alleged devaluation by proximity of State flats ..	Not justified.
830	Objection to proposed subdivision	Not justified.
842	Taking of property for roading purposes ..	Declined 11 (5).
855	Non-provision of access to highway	Being investigated.
965	Level of *ex grátia* payment	Being investigated.
1012	Withholding of approval for subdivision ..	Being investigated.
1026	Non-disclosure of land purchase intentions ..	Being investigated.
1040	Delay in dealing with permit application ..	Rectified.
1051	Damage to fencing by road works	Being investigated.
1056	Subsidence caused by erection of building ..	Being investigated.
1061	Delay in payment of wages due	Being investigated.
1065	Claim for compensation	Being investigated.

NEW ZEALAND ELECTRICITY DEPARTMENT (5)

43	Industrial power charges	Withdrawn.
466	Failure to supply information *re* transmission lines	Discontinued 14 (1).
494	Location of transmission lines	Discontinued 14 (1).
662	Harsh provisions of Registration Act	Declined 11 (1).
945	Location of transmission lines	Discontinued 14 (1).

*Case note appears in Appendix A to this report.
†Case note appeared in report for period ended 31 March 1963.

NEW ZEALAND FOREST SERVICE (7)

132	Provisions of Noxious Animals Amendment Bill	Discontinued 14 (1).
212	Loss of working dogs by laid poison	Discontinued 14 (1).
224*	Refusal to disclose amount of tender	Recommendation made.
320*	Dangers of using 1080 poison	Not justified.
387	Delay in payment of wages due	Rectified.
135	Compensation for losses incurred	Not justified.
825	Uneconomic establishment of forest	Being investigated.

NEW ZEALAND GOVERNMENT RAILWAYS (19)

12	Termination of employment	Declined 11 (5).
222†	Delay in delivery of perishable goods	Rectified.
226	Overcharge for fare	Not justified.
398	Employment grading	Not justified.
471	Maintenance of fences bounding railway line	Not justified.
499	Non-smoking accommodation in electric units	Not justified.
431	Maintenance of fences bounding railway line	Not justified.
639	Delay in providing bus shelter	Withdrawn.
651	Use of railway yards for traffic bypass	Not justified.
688	Refusal to sell land for housing	Not justified.
784	Non-payment of allowances	Not justified.
797*	Provision of half-arm barriers at crossing	Not justified.
735	Non-employment after injury at work	Not justified.
924	Siting of yards adjacent to housing	Withdrawn.
1004	Failure to obtain employment	Being investigated.
1019	Refusal of special allowance	Being investigated.
1033	Method of filling senior appointment	Being investigated.
1062	Negligent care of goods	Discontinued 14 (1).
1069	Refusal of bulk tonnage agreement	Being investigated.

POST OFFICE (20)

30	Irregular delivery of mail	Not justified.
35	Loss of seniority for promotion purposes	Not justified.
220	Payment of insurance on parcel lost	Declined 14 (2).
306*	Delay in provision of telephone line service	Rectified.
381	Delay in delivery of registered letter	Not justified.
397*	Method of obtaining information on radio licence	Rectified.
667	Employment grading	Not justified.
743	Level of compensation for eye injury	Not justified.
771	Failure to provide facilities for testing	Not justified.
780	Publication of wrong initials in telephone directory	Not justified.
782	Misleading wording of circular letter	Withdrawn.
883	High rate of overseas parcel postage	Not justified.
868	Termination of employment	Declined 11 (5).
889	Withholding of promotion	Declined 11 (5).
906	Underpayment of pension voucher	Withdrawn.
916*	Loss on mail contract due to road conditions	Rectified.
949	Failure to provide employment	Not justified.
1027*	Holiday pay entitlement	Rectified.
1047	Delay in refunding deposited moneys	Being investigated.
1071	Non-payment of retiring allowance	Being investigated.

PRIME MINISTER'S DEPARTMENT (1)

873	Allocation of broadcasting time to political parties	Not justified.

PUBLIC TRUST OFFICE (13)

93	Administration of affairs	Declined 11 (5).
197	Losses incurred in running farm	Declined 11 (5).
233	Assessment of income for tax purposes	Declined 11 (5).
234	Valuation for death duty	Not justified.
284	Administration of estate	Declined 11 (5).
286	Level of price obtained from property sale	Declined 11 (5).
292	Disagreement on interpretation of will	Declined 11 (5).

*Case note appears in Appendix A to this report.
†Case note appeared in report for period ended 31 March 1963.

PUBLIC TRUST OFFICE—*continued*

418	Dispute over conditions of will	Declined 11 (5).
458	Administration of estate	Declined 11 (5).
594	Administration of estate	Declined 11 (5).
700	Dictatorial attitude	Declined 11 (5).
874	Delay in effecting sale of property	Declined 11 (5).
1055	Interpretation of will	Declined 11 (5).

SOCIAL SECURITY DEPARTMENT (142)

25	Curtailment of benefits	Not justified.
123	Lack of reciprocal agreement between New Zealand and Eire	Declined 11 (1).
175	Eligibility for payment of family benefit	Withdrawn.
57	Inadequacy of war pension	Declined 11 (5).
87	Cashing of order by unknown person	Not justified.
137†*	Cessation of benefit payments while overseas	Recommendation made.
86	Eligibility for war veteran's allowance	Declined 11 (1).
177	Non-payment of benefit	Not justified.
77	Prosecution for false statement	Discontinued 14 (1).
70	Eligibility for war pension	Declined 11 (5).
143†*	Refusal to reopen appeal to War Pensions Appeal Board	Recommendation made.
146	Delay in payment of benefits	Not justified.
167†	Date of commencement of benefit	Recommendation made.
90	Misleading nature of statements made	Not justified.
152	Commencing date for payment of benefit	Not justified.
183†	Commencing date for payment of universal superannuation benefit	Recommendation made.
191	Benefit reduction while sharing household expenses	Not justified.
195	Refusal of free railway pass for medical attendant	Not justified.
216	Qualifications for eligibility for benefit	Not justified.
221	Temporary cessation of benefit payments	Not justified.
92	Allowable earnings for beneficiary	Not justified.
237	Failure to pay unemployment benefit	Not justified.
178	Rate of pension payments	Not justified.
271	Eligibility for war veteran's allowance	Declined 11 (5).
279*	Reduction of benefit by amount of United Kingdom pension	Recommendation made.
280	Non-payment of benefit outside New Zealand	Not justified.
287	Eligibility for universal superannuation benefit	Not justified.
186	Obscure	Withdrawn.
310	Liability of overseas pension payments for taxation	Discontinued 14 (1).
316	Refusal to agree to write-off debt	Not justified.
319*	Eligibility for sickness benefit	Rectified.
326†	Publicity of conditions. Exercise of discretion	Recommendation made.
328	Review of existing war pension	Declined 11 (5).
118	Capitalisation of family benefit	Not justified.
336	Refusal of application for benefit	Not justified.
345	Failure to uphold war pension appeal	Declined 11 (5).
347	Refusal to approve grant of benefit	Not justified.
350	Reduction of benefit by amount of overseas pension	Not justified.
352	Refusal to approve grant of benefit	Not justified.
363	Refusal to approve grant of benefit	Withdrawn.
368	Differences in payments to single and married beneficiaries	Not justified.
371	Commencement date of family benefit	Not justified.
376	Capitalisation of family benefit	Not justified.
378*	Nature of information required	Rectified.
325	Benefit reduced by maintenance payments	Not justified.
384	Age benefit payments	Not justified.
390*	Stoppage of overseas pension payments	Rectified.
408*	Misleading wording of official letter	Recommendation made.
412	Delay in replying to letter	Not justified.
416	Qualification for universal superannuation benefit	Not justified.

*Case note appears in Appendix A to this report.
†Case note appeared in report for period ended 31 March 1963.

SOCIAL SECURITY DEPARTMENT—*continued*

422	Refusal of application for benefit	Withdrawn.
423	Reduction of universal superannuation benefit ..	Not justified.
425	Delays in pension payments	Not justified.
436	Non-payment of benefit outside New Zealand ..	Not justified.
444	Refusal of application for benefit	Not justified.
450	Qualification for universal superannuation benefit	Not justified.
453	Date of commencement of universal superannuation benefit	Recommendation made.
457	Commencing date of benefit payments ..	Not justified.
460*	Capitalisation of family benefit	Recommendation made.
482	Rate of war veteran's allowance	Not justified.
484	Effect of income on overseas pension	Not justified.
490	Assessment of war pension	Withdrawn.
523	Payment of family benefit during absence overseas	Not justified.
524	Refusal of application for benefit	Not justified.
527	Commencing date of benefit payments	Not justified.
536	Refusal of application for economic pension ..	Declined 11 (5).
540	Calculation of period of residence in New Zealand	Declined 11 (1).
548	Refusal of application for war pension	Declined 11 (5).
543	Commencing date of benefit payments	Not justified.
567*	Capitalisation of family benefit	Recommendation made.
572	Reduction of benefit on remarriage	Not justified.
578	War pension anomalies	Declined 11 (1).
579	Qualification for universal superannuation benefit	Not justified.
580	Qualification for universal superannuation benefit	Not justified.
584	Retrospective payment of increase in benefit ..	Not justified.
589	Age supplement to war veteran's allowance ..	Not justified.
591	Refusal of application for emergency benefit ..	Not justified.
602	Obscure	Declined 11 (1).
609	Reduction in universal superannuation benefit ..	Not justified.
613	Application for additional benefits	Being investigated.
615	Eligibility for universal superannuation benefit ..	Not justified.
622*	Delay in issue of family benefit order book ..	Not justified.
629	Eligibility for universal superannuation benefit ..	Not justified.
632	Retrospective payment of war pension	Not justified.
636	Entitlement to war veteran's allowance.. ..	Declined 11 (1).
663	Payment of widow's pension to deserted wife ..	Not justified.
671*	Issue of obsolete application form	Not justified.
675	Qualification for universal superannuation benefit	Not justified.
676	Assessment of war pension	Declined 11 (1).
678	Reduction of benefit by amount of overseas pension	Not justified.
679	Reduction of benefit by amount of overseas pension	Not justified.
682	Reduction of benefit while in hospital	Not justified.
687	Delay in obtaining decision	Not justified.
690*	Delay in dealing with application	Rectified.
693	Commencing date of widow's pension	Not justified.
704	Cessation of family benefit for child over 16 ..	Not justified.
712	Delay in dealing with application	Not justified.
715*	Suspension of payment of war pension	Rectified.
728	Failure to pay benefit during overseas absence ..	Not justified.
747	Cessation of payment of benefit whilst overseas ..	Not justified.
777	Deduction of income from pension	Not justified.
790	Eligibility for war veteran's allowance	Declined 11 (5).
799	Non-payment of benefit while overseas	Not justified.
822	Residential qualification for universal superannuation benefit	Not justified.
836	Commencing date of family benefit	Not justified.
774	Rate of approved war pension	Declined 11 (5).
844	Payment for medical expenses incurred overseas ..	Declined 11 (1).
848	Method of checking income from rents	Not justified.
849	Reduction made in war pension	Declined 11 (5).
852	Treatment of widows and divorced wives ..	Declined 11 (1).
860	Qualification for universal superannuation benefit	Not justified.

*Case note appears in Appendix A to this report.
†Case note appeared in report for period ended 31 March 1963.

SOCIAL SECURITY DEPARTMENT—*continued*

861	Recognition of *de facto* wife	Declined 14 (1).
718	Qualification for universal superannuation benefit	Not justified.
865	Delay in dealing with application	Not justified.
816	Discrepancies in official medical history	Rectified.
867	Level of allowable earnings	Declined 11 (1).
891	Qualification for war veteran's allowance	Declined 11 (5).
905	Capitalisation of family benefit	Not justified.
917	Deduction from benefit of overseas pension	Withdrawn.
918	Refusal of tuberculosis allowance	Not justified.
919	Rate of recovery for overpayments	Not justified.
920	Delay in obtaining answer to query	Withdrawn.
923	Capitalisation of family benefit	Not justified.
926	Issue of misleading information	Not justified.
933	Capitalisation of family benefit	Withdrawn.
938	Attributability of injury to war service	Declined 11 (5).
944	Qualification for age benefit	Not justified.
948	Cessation of widow's benefit	Not justified.
951*	Commencing date of universal superannuation benefit	Justified.
960	Eligibility for universal superannuation benefit	Not justified.
963	Non-payment of invalidity benefit	Not justified.
976	Eligibility for universal superannuation benefit	Not justified.
988	Repayment of sickness benefit	Being investigated.
989	Repayment of sickness benefit	Being investigated.
996	Recovery of overpayments	Withdrawn.
1015	Delay in payment of granted benefit	Not justified.
18	Retrospective payment of family benefit	Not justified.
1022	Payment of benefit whilst absent overseas	Not justified.
1030*	Delay in payment of age benefit	Rectified.
1039	Level of allowable earnings	Declined 11 (1).
1049	Delay in payment of age benefit	Withdrawn.
1067	Payment of benefit during absence	Being investigated.

STATE ADVANCES CORPORATION (44)

101	Level of interest rate on loan	Not justified.
6	Application for pensioner flat	Not justified.
162	Charges relating to parking area	Declined 14 (2).
156	Allocation of State unit	Declined 11 (1).
116	Reduction in carrying capacity of farm	Not justified.
76	Refusal of application for loan	Declined 11 (1).
3	Conduct of tenants in adjoining State flats	Not justified.
26	Refusal of application for loan	Not justified.
210	Taking of land for State housing	Declined 14 (2).
230	Inadequate inspection during building	Recommendation made.
239†	Refusal of application for loan	Rectified.
184	Inadequate maintenance of State house	Not justified.
267	Dispute over property boundary	Not justified.
393	Allocation of State house	Declined 11 (1).
462	Refusal of application for loan	Not justified.
472	Purchase price of State house	Not justified.
478	Level of interest rate on loan	Not justified.
480	Allocation of State unit	Not justified.
481	Refusal of application for loan	Not justified.
502	Inadequate inspection	Discontinued 14 (1).
515	Unfair terms of housing loan	Not justified.
520*	Faulty inspection necessitating later modification	Rectified.
526	Refusal of tenancy transfer	Not justified.
534	Rate of interest on housing loan	Not justified.
555	Level of interest rate on loan	Not justified.
619	Level of interest rate on loan	Not justified.
552*	Cessation of rent concession	Rectified.
633	Level of interest rate on loan	Not justified.
666*	Conditions imposed on letting of house	Rectified.

*Case note appears in Appendix A to this report.
†Case note appeared in report for period ended 31 March 1963.

STATE ADVANCES CORPORATION—*continued*

696	Terms of occupation of State House	Not justified.
710	Refund of mortgage insurance premium	Not justified.
731	Level of interest rate on loan	Not justified.
739	Purchase of building sections	Not justified.
806	Delay in payment of loan moneys	Not justified.
810	Misunderstanding over lawn-cutting contract	Not justified.
831	Refusal of application for loan	Not justified.
899*	Disputed area of section	Rectified.
904	Restriction on loans in locality	Not justified.
909	Refusal to pay cost of damage to boundary fence	Discontinued 14 (1).
943	Inadequate property maintenance	Not justified.
973	Unfair rehabilitation treatment	Being investigated.
987	Unsatisfactory construction work	Being investigated.
1037	Level of rent of State house	Being investigated.
1066	Incorrect official advice	Being investigated.

STATE INSURANCE OFFICE (3)

361	Obscure	Withdrawn.
781	Decision affecting lapse of policy	Not justified.
1076	Loss of "no-claim" bonus	Being investigated.

TOURIST AND PUBLICITY DEPARTMENT (3)

192*	Dispute of conditions of lease	Recommendation made.
355	Method of employing tour managers	Not justified.
732	Delay in finalising scheme	Being investigated.

TRANSPORT DEPARTMENT (10)

188	Statutory provisions for issue of "E" plates	Withdrawn.
313	Objection to tone of official letter	Declined 14 (2).
402	Level of charges for piloting vehicles	Not justified.
559	Removal of trees along footpath	Not justified.
630	Restriction on driving left-hand-drive car	Not justified.
649	Motor vehicle registration	Not justified.
832	Alleged withholding of information	Not justified.
886	Issue of "E" plates for milk tankers	Not justified.
969*	Issue of "E" plates for tractor	Rectified.
1003	Traffic hazard of poles near highways	Discontinued 14 (1).

TREASURY (6)

344	Non-operation of cheque accounts at savings bank	Not justified.
705	Interest rates on savings	Declined 14 (2).
553	Delay in issue of PAYE forms	Not justified.
856	Remittance overseas of New Zealand legacy	Being investigated.
685	Compensation for death of husband	Withdrawn.
1002	Refusal of *ex gratia* payment	Not justified.

VALUATION DEPARTMENT (4)

483	Valuation of section	Declined 11 (5).
634	Miscalculation of area of property being valued	Not justified.
815*	Lapsing of right of objection	Rectified.
1069	Methods used in property valuation	Declined 11 (5).

EARTHQUAKE AND WAR DAMAGE COMMISSION (2)

228	Level of compensatory payment for flood damage	Not justified.
823	Refusal to meet flood damage claim	Not justified.

GOVERNMENT STORES BOARD (1)

274*	Notification of non-acceptance of tenders	Rectified.

*Case note appears in Appendix A to this report.
†Case note appeared in report for period ended 31 March 1963.

GOVERNMENT SUPERANNUATION BOARD (24)

84	Purchase of pre-entry training period	Not justified.
74	Calculation of retiring allowance	Not justified.
24	Benefit for widow of post-retirement marriage	Not justified.
61	Loss of marriage allowance	Not justified.
28†*	Purchase of back service	Recommendation made.
163	Difficulty in obtaining information	Not justified.
211	Level of superannuation contributions	Not justified.
241*	Purchase of back service	Recommendation made.
333*	Purchase of back service	Not justified.
400	Repayment of arrears in contributions	Not justified.
438	Inadequacy of pension	Declined 11 (1).
465	Purchase of back service	Not justified.
521	Misleading nature of published notice	Not justified.
544	Purchase of back service	Not justified.
549	Non-acceptance as contributor	Not justified.
608	Level of pension	Declined 11 (1).
617	Purchase of war service	Not justified.
623	Purchase of service in Samoa	Being investigated.
717	High cost of re-instatement in Fund	Withdrawn.
804	Conditions governing superannuation	Being investigated.
821	Purchase of back service	Not justified.
854	Interest on refunded contributions	Not justified.
1048	Conditions governing purchase of previous service	Being investigated.
1072	Purchase of pre-service study period	Being investigated.

LAND SETTLEMENT BOARD (4)

141	Unfair price paid for farm	Not justified.
257	Failure to obtain loan	Not justified.
302	Delay in obtaining farm settlement	Not justified.
467	Amount of cash deposit required	Not justified.

NATIONAL PARKS AUTHORITY (1)

1035	Conditions governing access to Milford Track	Being investigated.

NATIONAL PROVIDENT FUND (8)

144	Miscalculation of pension entitlement	Not justified.
170	Dispute over pension conditions	Not justified.
98†*	Refusal to pay pension while re-employed	Recommendation made.
391	Level of tax on pension	Not justified.
443*	Pension payments	Recommendation made.
541	Level of salary contributions	Not justified.
684	Refund of contributions	Being investigated.
824	Exclusion of interest on returned contributions	Not justified.

NATIONAL ROADS BOARD (4)

96†	Refusal of access to State highway	Recommendation made.
106†	Inadequate road traffic warning	Recommendation made.
88	Taking of land for roading purposes	Not justified.
592*	Refusal of extra payment on contract	Being investigated.

NEW ZEALAND NAVAL BOARD (1)

1064	Stoppage of "deferred" pay	Declined 11 (6).

NEW ZEALAND ARMY (13)

149	Sick leave entitlement	Declined 11 (6).
198	Unfair discharge of R.F. cadet	Declined 11 (6).
223	Defamation of character	Declined 11 (6).
563	Non-payment of gratuity	Declined 11 (6).
598	Hardship imposed by National Service	Declined 11 (6).
655	Failure to obtain promotion	Declined 11 (6).
668	Discrimination	Declined 11 (6).

*Case note appears in Appendix A to this report.
†Case note appeared in report for period ended 31 March 1963.

NEW ZEALAND ARMY—*continued*

723	Non-payment of gratuity and re-engagement bonus	Declined 11 (6).
798*	Eligibility for award of medal	Declined 11 (6).
811	Hardship imposed by National Service	Declined 11 (6).
807	Loss of pay through service injury	Declined 11 (6).
982	Loss of pay by incorrect classification	Declined 11 (6).
1025	Release of son from Army	Declined 11 (6).

NEW ZEALAND NAVAL FORCES (2)

588	Duration of apprenticeship	Declined 11 (6).
706	Non-payment of service gratuity	Declined 11 (6).

THE POLICE (24)

164	Non-acceptance for entry to Police Force	Not justified.
81	Arrest for committal to mental institution	Not justified.
4	Harmful effect of evidence	Not justified.
104	Obscure	Discontinued 14 (1).
122	Lack of action on receipt of complaint	Not justified.
34	Retention of automatic pistol	Declined 14 (2).
62	Wrongful arrest	Not justified.
263	Unfair prosecution	Not justified.
15	Failure to ensure compliance with law	Not justified.
380	Failure to take positive action	Not justified.
180	Failure to take action on complaint	Not justified.
383*	Delay in taking action to recover stolen car	Rectified.
412	Discourtesy in taking of motor vehicle	Not justified.
440	Assault while in custody	Not justified.
470	Delay in payment of awarded damages	Not justified.
585	Interference with private affairs	Withdrawn.
638	Costs incurred through being wrongly charged	Declined 11 (5).
659	Unethical conduct	Declined 14 (2).
787	Wrongful arrest and intimidation	Not justified.
866	Victimisation	Withdrawn.
896	Refusal to register pistol	Declined 11 (5).
1017	Insulting behaviour	Discontinued 14 (1).
1050	Victimisation and telephone tapping	Being investigated.
1077	Unfair treatment	Being investigated.

STATE SERVICES COMMISSION (36)

109†	Failure to obtain suitable employment	Rectified.
22	Failure to grant retiring leave	Not justified.
53	Obscure	Declined 14 (2).
95	Payment of grant	Not justified.
66	Lack of opportunity to use talents	Not justified.
193	Failure to grant retiring leave	Not justified.
330*	Disclosure of confidential information	Rectified.
348*	Repayment of bond	Not justified.
385	Retiring leave entitlement	Not justified.
389	Information on personal file	Withdrawn.
392	Failure to obtain permanent appointment	Not justified.
395	Matters relating to service	Not justified.
396	Employment in State service	Declined 11 (1).
406*	Unsuitability of employment	Not justified.
473	Method of appointment to vacancy	Being investigated.
476	Computation of retiring leave	Not justified.
532	Promotion within the service	Discontinued 14 (1).
560*	Salary level during study leave	Recommendation made.
605	Restriction on overtime	Declined 11 (1).
674	Termination of employment	Not justified.
698	(a) Failure to obtain salary increase	Not justified.
698	(b) Method of selecting appointee	Being investigated.
709	Result of appeal	Declined 11 (1).
733	Constitution of Appeal Board	Declined 11 (5).

*Case note appears in Appendix A to this report.
†Case note appeared in report for period ended 31 March 1963.

STATE SERVICES COMMISSION—*continued*

200	Non-payment of travelling expenses	Not justified.
673	Delay in wage payments	Not justified.
817	Non-payment of incentive bonus	Declined 11 (5).
851	Inability to obtain employment	Not justified.
876	Date of payment of salary increase	Declined 11 (5).
894	Misleading evidence at appeal	Declined 11 (1).
915	Repayment of employment bond	Not justified.
967	Regrading allowance	Being investigated.
977	Payment of penal and overtime rates	Being investigated.
978	Method of selecting appointee	Declined 11 (5).
1036	Non-recognition of merit	Being investigated.
1083	Unfair deprivation of favourable appeal decision	Being investigated.

REHABILITATION BOARD (11)

17	Refusal of rehabilitation assistance	Not justified.
235	Curtailment of benefits	Not justified.
256	Refusal to grant rehabilitation loan	Not justified.
311	Delay in granting rehabilitation assistance	Declined 11 (1).
229	Inability to obtain rehabilitation loan	Not justified.
23	Failure to obtain rehabilitation assistance	Withdrawn.
213	Interest rate on rehabilitation loan	Not justified.
432*	Rehabilitation bursary	Not justified.
766	Failure to obtain loan on flats	Not justified.
900	Rehabilitation assistance on 10-acre section	Not justified.
1075	Resubdivision of settlement block	Being investigated.

ROYAL NEW ZEALAND AIR FORCE (3)

564	Conditions governing discharge	Declined 11 (6).
627	Unfair reference to past service	Declined 11 (6).
818	Non-payment of gratuity	Declined 11 (6).

SOIL CONSERVATION AND RIVERS CONTROL COUNCIL (3)

641 365	* Adverse effect of drainage scheme on farm	Recommendation made.
1060	Refusal to take action empowered by statute	Being investigated.

OBSCURE (34)

UNSCHEDULED ORGANISATIONS (225)

Complaint Against	*Number of Complaints*
Private business firms	39
Court decisions	38
Municipalities	37
Private individuals	21
County councils	16
Broadcasting Corporation	7
Education boards	7
Electric power boards	5
Hospital boards	4
Milk boards	3
Drainage boards	2
Hydatids control boards	2
Licensing Control Commission	2
Local Government Commission	2
Military Service Postponement Committee	2
Motor Spirits Licensing Authority	2
Trade unions	2
Miscellaneous	34
Total	225

*Case note appears in Appendix A to this report.
†Case note appeared in report for period ended 31 March 1963.

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HOUSE OF COMMONS

Second Session—Twenty-sixth Parliament

1964

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: MR. MAURICE J. MOREAU

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 7

THURSDAY, OCTOBER 1, 1964

Respecting

Subject-matter of Bill C-7, An Act to establish the Office of Parliamentary Commissioner

---

WITNESS:

Mr. Donald C. Rowat, B.A., M.A., Ph.D., Professor and Chairman, Department of Political Science, Carleton University, Ottawa.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20986—1

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

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Vice-Chairman: Mr. Jean-Eudes Dubé

and Messrs.

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Fisher,
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Jewett (Miss),
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Macdonald,
Martineau,
Mullally,
Nielsen,
Nugent,
O'Keefe,
Paul,
Pigeon,
Rhéaume,
Rochon,
Scott,
Thompson,
Valade,
Vincent,
Woolliams—29

(Quorum 10)

Gabrielle Savard,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

THURSDAY, October 1, 1964.
(18)

The Standing Committee on Privileges and Elections met this day at 10.30 o'clock a.m. The Chairman, Mr. Maurice J. Moreau, presided.

Members present: Messrs. Chrétien, Fisher, Francis, Lessard (*Saint-Henri*), Macdonald, Martineau, Moreau, Mullally, Nielsen, Rhéaume, Vincent (11).

In attendance: Mr. Donald C. Rowat, Professor and Chairman, Department of Political Science, Carleton University, Ottawa.

The Chairman called the subject-matter of Bill C-7, An Act to establish the office of Parliamentary Commissioner, and introduced Professor Rowat to the Committee.

Before his opening remarks, the witness thanked the Chairman and the members of the Committee for having invited him to appear.

During the course of his presentation, Professor Rowat referred to certain documents and papers relating to the question of the Ombudsman System, some of these having already been distributed to the Members.

On motion of Mr. Fisher, seconded by Mr. Chrétien,

Resolved,—That the following papers be printed as appendices to the proceedings: *The Ombudsman: A Bibliography; The Relevance of the Ombudsman System to the United States and Canada;* and *An Ombudsman Scheme for Canada,* by Donald C. Rowat. (*See Appendices "A", "B" and "C"*).

Professor Rowat was questioned and the Committee agreed that he be called again at a later date after further study has been given to the subject-matter of Bill C-7.

On behalf of the members of the Committee, the Chairman thanked the witness for his presentation and for the valuable information supplied.

The Chairman announced that the Committee intends to invite the Auditor General of Canada, Mr. Henderson, as its next witness.

At 12.05 p.m. the Committee adjourned to the call of the Chair.

Gabrielle Savard,
Clerk of the Committee.

20986—1½

EVIDENCE

THURSDAY, October 1, 1964.

The CHAIRMAN: Gentlemen, we have a quorum at last. As you know, I wrote to you all indicating who our witness would be, and I enclosed an article he had written for your information. I would like to proceed this morning by having the witness, Professor Rowat, give us some of his ideas on the subject before us, and in particular I would ask him to try to fill in gaps which may have been left from the testimony that our previous witness gave.

I now introduce Professor Rowat to you. Some of you may not be acquainted with what he is doing. He is a chairman of the department of political science at Carleton University. He was born in Somerset, Manitoba and received his early education in Saskatchewan and Ontario. He gained his B.A. degree at Toronto in 1943, then went on to Columbia for his master of arts in 1946, and his Ph.D. in 1950.

Professor Rowat has had a career in the public service both in the Department of Finance as well as in the Department of Health and Welfare. He has had quite a distinguished academic career as lecturer at North Texas State Teachers' College, at Dalhousie University, at the University of British Columbia, and now at Carleton University.

He received a Canada Council senior research fellowship to study governments of western Europe in 1960, and a grant to study the ombudsman in Scandinavia, and the council of state in France in the summer of 1962.

He has had a number of publications on the subject before us, one being the article which I have sent to you in the mail. He had a magazine article in *Maclean's* magazine not too long ago, and I am sure some of you have seen it. He is now in the process of bringing out a book entitled "The Ombudsman: Citizen's Defender", which I think will be coming out some time early next year. He has had quite a distinguished career, and I am sure that the members of the committee would agree with me that we have not had the privilege of having such an expert witness on the subject before us—and I am speaking of the many committees I have served upon. Now, Professor Rowat.

Mr. DONALD C. ROWAT (*Chairman and Professor, Department of Political Science, Carleton University*): Thank you, Mr. Chairman and members of the committee. Your Chairman has told me that it is quite all right for me to sit down if I wish. I am accustomed to using a lectern, and probably I would not be able to see my tiny notes if I did not sit down. So with your permission I now resume my seat.

I would be willing to have you interrupt, during the course of my opening remarks, to ask questions, although I think there will perhaps be an opportunity for you to question me after I have finished my opening remarks.

The CHAIRMAN: That is the way we would like you to proceed, I think.

Mr. ROWAT: I thank your Chairman for inviting me to appear before this committee. I consider it a great privilege to be able to speak to you on this subject which has been one close to my heart for the last three years. I feel some trepidation in appearing before a committee of persons skilled in the law, because I know that some of you are lawyers. I may get beyond my depth in some legal questions which you may raise.

I may be somewhat like the chairman of the local school board in a rural area who was asked to give a commencement address. He did not have much education. However he got up and began speaking to the children, saying: "Is it not wonderful that you can come here and get this education and learn about reading, writing, and arithmetic, and learn that two and two make four, four and four make eight, eight and eight make sixteen, and sixteen and sixteen make . . .make, ah . . . And then there is geography"! So, like him, I may get beyond my depth in some of the questions you may ask. But I have spent considerable time with this subject, as Mr. Moreau mentioned. I have travelled through Scandinavia and interviewed the ombudsman in Sweden, the ombudsman in Denmark, and I have talked with the previous ombudsman in Finland, and so managed to get some first hand impressions about how this office actually works in Scandinavia.

I do not want just to repeat what I have said in my previous published articles on this subject, particularly the one that appears in the *Canadian Journal* which was distributed to you. I shall make the charitable assumption that you have all read it, or will read it at some time, because it goes into considerable detail. I cannot hope to cover it all this morning, but I would like to talk to you about four things which include, I hope, some new information for you.

I thought I might talk about related institutions in other countries, and about similar schemes or systems which exist elsewhere, as well as the proposals and discussions which have arisen in other countries about this idea, and then give you some comments about why I think the scheme is desirable and needed in Canada, and finally some comments on Bill C-7, the subject matter of which is before this committee.

Now with respect to the first subject, related institutions: there are quite a number of similar institutions existing in the world, aside from the ombudsman scheme as exists in Scandinavia and New Zealand. There is even a sort of parallel institution in Russia, in the office of procurator, which functions as a supervisor of administration. The only trouble of course is that it is an executive office; it is not an independent office of parliament in any sense, and so it cannot be considered as a comparable institution.

But many of the countries of the world have met similar problems and have tried to deal with them in a somewhat similar way. Another example was the presidential complaints committee which was created in the Philippines when President Magsaysay was elected to office and which had a startling reception. The committee received so many thousands of complaints the first year that they had to call in the Philippine equivalent of the F.B.I. to help them sort out the complaints and deal with them.

Japan has a similar scheme about which I know very little. On this revised bibliography which I have handed out, I have added an article about the comparable scheme in Japan, but I have not yet been able to get hold of that article myself, so I do not know much about it. But basically it is a bureau for dealing with human rights, and there is attached to it a whole series—I think the figure is 8,500—of local officers distributed throughout the country who receive complaints about infringement or alleged infringement of human rights in Japan.

Another comparable institution is the European commission on human rights which similarly may receive complaints directly from citizens of the country. It then looks at these complaints, deals with them, and reports its decisions back to the government of the home country.

Another comparable office is that of the office of inspector general for the United States army, who similarly can receive complaints directly from officers and G.I.'s in the American army. One student of this office in the United States

has written an essay on the inspector general in this book of mine, which Mr. Moreau mentioned.

Now, coming closer to home, of course the office with which you are all familiar, since it is an arm of parliament, is that of Auditor General, and in many ways it is a kind of inspection bureau for financial affairs. The Auditor General has a similar power of investigation, and he is an officer of parliament. I do not want to go into that, because you are all familiar with it. But it is worth keeping it in mind that there is a precedent for this kind of officer of parliament.

My second topic is proposals that have been made elsewhere for the idea has created an interest in other countries of the world. Here I would refer you to the bibliography. I do not know if you have brought along with you the bibliography which was distributed, but we do have extra copies of it here, and perhaps we could hand them out. I wish to refer to the bibliography as well as the outline of the book. Perhaps we might distribute both of them at the same time.

The CHAIRMAN: I might say that this is the table of contents of the book which the professor edited, as I mentioned earlier. I did not distribute it to the members of the committee before this. I think we might do so now.

Mr. ROWAT: Now, I think that all of you are aware of course that this proposal has been very actively discussed elsewhere in the English speaking world. Most of you are familiar with some of the discussions which have gone on in Great Britain, and the proposals made by the Whyatt report, and the fact that the Labour party has now adopted the proposal and made it one of the planks in its platform, and that as a result the scheme has been actively discussed in that country for some two or three years now.

Some of you may also know of similar proposals which have been made in the United States. In two cases these were in the form of bills presented to two legislatures; one was a bill presented to the legislature of Connecticut, a proposal for an ombudsman at the state level of government; the other was a bill presented to congress by congressman Reuss in 1963, and a discussion of this bill appeared in the New York *Times* magazine in the last few weeks.

If you will glance at the bibliography you will see that the United States and Great Britain, quite aside from Canada, are not the only countries where this idea has been discussed and proposed. It has been discussed in, I think, most of the commonwealth countries by now, including India and Australia, and it has been discussed in western Europe to some extent, particularly in Holland; so there is quite a wide range of interest in this subject.

I thought you might be interested in looking at the table of contents of the book, because it, again, gives you some idea of the discussions which have gone on elsewhere, and the nature of the discussions which have been taking place.

What I did in preparing this book was to ask experts in each of the Scandinavian countries, the ombudsman in particular, if I could get hold of him, to write an essay describing the powers of the office and the way in which it has operated in his country. So if you look at chapter I of this table of contents, you will find a series of essays on the various ombudsman offices in the Scandinavian countries and on the chancellor of justice, who is an executive officer and who also receives complaints directly from citizens, while in Sweden there is also an ombudsman to handle military affairs. You will see that Finland has two officers, one a chancellor of justice like that in Sweden, and an ombudsman of parliament, and the two have overlapping functions. I wrote an article concerning these two officers in Finland, for the journal, *Canadian Public Administration.*

There are also essays on the scheme as it exists in Denmark and Norway. Norway has two officers, one for civil affairs and another for military affairs, which has existed longer than the civil one. Then there are essays on West Germany's military ombudsman, and on New Zealand's parliamentary commissioner.

There are also some essays relating to institutions which I think are the most closely related institutions, and a series of articles on proposed schemes in the United Kingdom, Canada, the United States, Ireland, and the Netherlands. Then, we have sets of essays by those who are in favour of the scheme and those who have raised arguments against it. I am sorry that this book is not in published form yet, because I think this committee would be interested to read the arguments raised for and against this scheme not only in the commonwealth countries but also in the countries of western Europe which have a complete and comprehensive system of administrative courts, and in the United States where the system of government is somewhat different from that of the commonwealth countries.

Now, in the appendix there appears Bill C-7, as well as congressman Reuss's bill and the Norwegian act and instructions which have never been translated into English before, and a set of statistics on the existing ombudsman systems, how cases have been dealt with, and so on. I did not include the legislation which exists in Sweden, Finland, or Denmark because the translations of these are available elsewhere in English.

The committee might find it helpful to get hold of a copy of Professor Hurwitz's pamphlet on the ombudsman which includes, in the appendix, an English translation of the law and regulations governing the ombudsman in Denmark. I think it would be an interesting exercise to compare the law there with that of New Zealand, and with this bill, Bill No. C-7, if and when the committee goes into detailed consideration of the provisions of the bill.

I have just had drawn to my attention a new article which I have missed in my revised bibliography, the one which has been distributed, and which was brought up to date until September. It appeared in the most recent issue of the *Canadian Bar Review*, that of September, 1964. It is called "New Zealand's Ombudsman System", and there is a reproduction of the legislation for New Zealand in that issue of the review.

Now, of course, the interesting fact is that there has been such a great interest shown in this scheme as it exists in Scandinavia and New Zealand. We must try to account for why proposals have been made, and the subject discussed so widely, elsewhere. Most of you have ideas on this subject, but I think it probably would be worth reviewing the main reasons why the public has become so interested, and why this bill is now before you.

I think there is a stronger case for a scheme of this nature in Canada than in some of the other democracies of the world, because we have not done quite so much in the way of providing remedies for a citizen against administrative action.

The basic reason why the scheme has become of great interest is that there has been a tremendous growth in the administrative side of the government, in the functions and activities, and in the discretionary powers granted to officials, while the existing remedies—in case there is an arbitrary, unfair, or unjust decision made against an individual by an officer of administration—are inadequate.

I think it would be worth reviewing this very briefly. First, in Canada you find that administrative procedure has not been laid down in many cases for departments or agencies of government to use in dealing with individual cases. On the other hand, the United States has an administrative procedures act which was passed in 1946. It has been proposed in this country by the bar association, but not adopted in any jurisdiction. Both the U.S. and Great

Britain have had elaborate investigations of the problem by official bodies, and Britain has set up a council on administrative tribunals with functions somewhat paralleling those of an ombudsman; but in this country we have done very little about studying the problem.

My second point is that the appeals available to a citizen in a case where he believes that an arbitrary decision has been made, or that he has a grievance against administrative action, are very limited. We have set up in this country a number of specialized appeal bodies such as the income tax appeal board, the appeal in connection with immigration, and so on, but there is no comprehensive system of administrative appeal as in many countries of western Europe, where there is a complete and comprehensive system of administrative courts. The council of state in France is perhaps the best known and the most comprehensive of the administrative courts in western Europe. Similarly, there is an administrative court system in Western Germany, which has existed in Germany for many years; its jurisdiction was extended by the constitution of the new Western Germany.

Coming to the English-speaking world, perhaps we are not any worse off than the other English-speaking countries which have not provided for a comprehensive system of appeal against administrative decisions, but we certainly do not have a very elaborate system in this country.

My third point is that the opportunity for reviewing administrative decisions by the courts is seriously limited here as elsewhere in the English-speaking world. You are all familiar with the fact that many pieces of legislation include a privative clause stating that there shall be no appeal to the courts, particularly regarding decisions made by certain types of boards or commissions. But even where there is an opportunity for appeal, the way in which the appeal may get before the courts is very complicated. This is done by ancient writs, and often it takes a very skilled lawyer to know which kind of writ should be used; if he makes a mistake, the case may fail. So it is a complicated business getting an appeal before the courts.

Another factor is that the courts operate rather slowly; and it is likely to be very costly in relation to the importance of the issue or the money involved, and a citizen would hesitate, especially in minor cases, to appeal his case to the courts.

Another limitation is that the courts usually have taken the view that they will make a decision on the law only, and an appeal on the merits of the case cannot be brought before the courts. Where there is a discretion, the court feels that it should not substitute its judgment for that of the competent administrator who is an expert in his field.

My fourth point is one with which you are all familiar: parliament itself is the traditional vehicle before which to bring complaints and grievances about the actions of administrators and the executive, yet parliament is seriously limited in what it can do. Members of parliament may find themselves very heavily loaded with cases brought before them by their constituents. I think that perhaps members of this committee would agree that they have plenty of work to do in their various capacities. If the number of complaints should become overwhelming, it tends to take their time away from other important functions of the legislator, such as consideration of policy and legislation, and keeping up with events that would be necessary as background for dealing with important proposals laid before parliament.

In this regard I think you would be interested in having the results of a questionnaire which some of you may have dealt with. It was sent to you by a student at our university who was writing his master's thesis on this subject. He decided that it would be of value to find out how heavily loaded the members of parliament were with complaints coming from their constituents, how they dealt with complaints, whether they were satisfied with the procedure, and what the effect of the whole system was.

I am sure that those of you who received this questionnaire, and those of you who replied to it, would be interested to hear some of the conclusions which came out of it. This questionnaire was sent by a student named Llambias, in January of this year. In response to this initial questionnaire he received about 50 replies. I am not going to give you the exact figures, because the thesis is not finished yet, but he has come up with some preliminary results.

A second follow-up questionnaire was sent, I think, in June. In response to it, he received about 20 more replies. So the results are based upon about 70 replies from members of the House of Commons. He asked members of the house to estimate how many complaints they received per month—whether there were under 10 complaints per month, or whether they ranged between 10 and 20, between 20 and 30, or over 30.

One of the surprising results was the great range or scatter in the number of complaints which members of parliament received. Some received under 10 per month; yet two members received as many as 65 per month. It was difficult to work from the ranges and to strike an average, but it appeared that the average number of complaints monthly numbered about 15; and if you take this average for all members of parliament, and multiply it by 12, you get what I think is a rather startling figure of about 50,000 complaints a year which members of parliament receive from constituents concerning some aspect of governmental administration.

Of course it may have been mainly the overburdened members of parliament most in favour of the ombudsman scheme who replied to this questionnaire. But even if the average for all members were reduced to, let us say, 10 complaints per month, you would still have a figure of over 30,000 complaints per year.

The members replying estimated that only about 70 per cent of their complaints deal with federal matters, and about 30 per cent deal with provincial and municipal matters. The members of parliament of course have to refer these to provincial or municipal authorities, or try to deal with them in some other way.

The majority of the complaints appeared to deal with the substance of the matter rather than the procedure. You will recall Sir Guy Powles mentioning that a great proportion of his complaints dealt with the discretionary merits rather than the procedure of a decision. The ombudsman in the Scandinavian countries deals primarily with procedure—whether the decision was made in a just and fair way, not with the reasonableness or the merits of the decision—although they do get into that aspect of it if they feel it necessary.

Now, another important conclusion here I think is that because the majority of the complaints deal with the substance of the decision, if an ombudsman were set up at the federal level in this country he would not deal with the whole range of complaints received by members of parliament. The argument frequently rises that an ombudsman would do the work that a member of parliament should be doing. I think it is pretty clear that he is not going to be able to deal with all these 30,000 complaints per year; but he would deal with those which have to do with procedure, with fairness, and with justice, without going into the merits of the decision which was made.

My guess in the past was that the ombudsman at the federal level might receive about 7,000 complaints a year. This was based on the experience of the ombudsman scheme in Scandinavian countries and in New Zealand. Now, I am beginning to wonder if that figure should be raised. If you consider that the majority of complaints deal with the substance of a decision, my estimate may not be too far off the mark, because he would take over,

roughly, 7,000 out of those 30,000 complaints, and the members of parliament would still be dealing with complaints about the substance of decisions, requests for help and information, proposals for legislative or policy change and so on.

You might be interested in the main areas of complaints. It is interesting that the members replying listed 28 different areas of government activity in which complaints were received. The most popular area was complaints which had to do with pensions. Fifteen of the replies mentioned pensions. Income tax was the next most popular subject. Citizenship and immigration came next. Then the number went down rapidly to health and welfare, unemployment insurance, and veterans affairs. These were the main areas of complaint.

It is interesting to note that in the first three areas we also have administrative appeal bodies. Even so these were the most popular areas of complaint. So this may mean that our appeal bodies are not working effectively. On the other hand, as one member of parliament said in his reply, it may mean that the constituent simply wants to enlist the support of his member of parliament in behalf of his case, and perhaps no more than that.

The great majority of those who replied to the questionnaire said that they had had complaints that had been settled unsatisfactorily. That is perhaps not surprising, because members of parliament cannot always get at the facts. They may tend to side with the complainant and feel that his trouble has been settled unsatisfactorily because they could not get at the full facts of the case. They are not in a position to be an independent judge of the case. This is where the great advantage lies with an ombudsman, since he would have the power to investigate thoroughly and find out what the facts of the case are.

I would remind you that Sir Guy Powles mentioned that the great majority of the members of parliament in New Zealand felt that an ombudsman was a positive aid rather than a hindrance to them because of his aid in selecting cases which should legitimately be looked after. In any case the majority of those who replied to this questionnaire felt that the ombudsman would be a help to them; that is, about three fourths of those who replied felt that the ombudsman would be desirable and of assistance.

You may be intrested enough to wish to ask questions about the questionnaire at this point.

The CHAIRMAN: Do you wish the professor to complete his remarks and reserve your questions until later? I presume much would depend on how much time we have left.

Mr. ROWAT: One thing that I could mention is that Mr. Llambias included the results of his questionnaire in a paper he read to the *Institute of Public Administration* in September, and this paper may be published in the Institute's journal, *Canadian Public Administration*. The results of the questionnaire will also be reported in his thesis when it is completed, perhaps at the end of this month.

Mr. NIELSEN: How many replies did he receive?

Mr. ROWAT: I have already mentioned that he received about 70.

Mr. MACDONALD: How good a sample was it?

Mr. ROWAT: He tested it in various ways, and it semed to fit reasonably well in terms of the proportion of members of the different parties who replied, the proportion between large and small, urban and rural, constituencies, and so on.

Mr. FISHER: I spoke to a group of federal lawyers as a private group several months ago and I was interested to learn if there was any lack of

sympathy by the people who would be involved as administrators. I wondered if any part of this analysis was divided as between senior administrators and parliamentarians.

Mr. ROWAT: No, he did not deal with that.

The CHAIRMAN: May I ask how long you feel you will need to conclude your remarks? Then we might decide whether to go into the questioning now or at a later time.

Mr. ROWAT: I think it would be better for me to finish my remarks first.

The CHAIRMAN: Very well. Perhaps that would be the better way. Let us proceed.

Mr. ROWAT: It doesn't surprise me that members of parliament find it difficult to deal with some of these complaints in a thoroughly satisfactory way. I think perhaps the main reason is—you would have a better first-hand impression of this than I would—the difficulty of getting the full facts of the case before you, in many instances. This has to do with my fifth point about the difficulty of a citizen being able to secure redress, and that is the matter of secrecy of the administration under the commonwealth parliamentary system. It is a long tradition, and because of this long tradition of conducting administrative matters on the executive side of government secretly, it is impossible for individual citizens, or in some cases even for members of parliament, to find out exactly what went on. In some cases it is even difficult for the citizen to establish a prima facie case that there is a suspicion that an abuse has been engaged in, because he cannot get at enough facts even to establish this.

Now, the great advantage of the ombudsman scheme it seems to me is that even those who may be afraid of administrative activities being laid open to publicity may be willing to grant to an officer of parliament the opportunity to have access to information on the administrative side of government. They will say, "At least, we can go this far: we can allow him to have access to the information, even if it is not made fully public". On the other hand, some of you may have read that in Sweden a completely reverse principle applies with respect to administrative publicity: everything is free and open to the public as a matter of principle unless it is specifically stated by law that it shall be kept secret; so that a citizen can walk in and ask for a document, or for a file, in an administrative case, and a newspaperman can go in and look over any aspect of the administrative side of the government.

While this may be rather surprising to us, the point is that there are laws in Sweden which govern those things that should remain secret. For instance, there are laws which state that information may not be revealed concerning commercial matters which would provide information as between one competitor and another. Then, information cannot be revealed concerning state secrets, and so on. All of these things about which we would be concerned to preserve secrecy are governed by law in Sweden. But we have the reverse principle; we have an administrative system in which everything is secret unless specific permission is given for it to be made public.

Even if you are not prepared to go as far as the Swedish principle, you will find freer publicity in many other democracies. In the United States, for instance, newspapermen can obtain administrative information much more easily than under the tradition of secrecy in the commonwealth countries. The ombudsman system would be an important step in the direction of making administrative information available at least for the purpose of investigating suspected cases of injustice.

My sixth point is—and this has been discussed recently in the last couple of years in Canada—that the Canadian system of legal aid is inadequate. The fact is that many other countries of the world are far ahead of Canada in the

provision of legal aid for citizens who cannot afford to pay counsel to appear in the courts on their behalf, or to lodge appeals on their behalf. I would draw attention to the eighty five hundred officers in Japan whose job it is to provide help to citizens in this matter. An ombudsman system would be of considerable help in this respect.

My seventh point is—and this is a positive argument for the ombudsman scheme—that, psychologically, people need to know that there is some impartial body willing to act on their behalf. Psychologically, they need a "wailing wall"; they need to have some outlet to which they can go with their complaints. All of you as members of parliament are familiar with this; but it may be desirable to have one focal point that they know about. It is interesting that as a result of my writings about this topic, I have received a large number of letters from citizens, which reveals the importance of this aspect of the matter.

The CHAIRMAN: It may be that members of parliament need this as well.

Mr. ROWAT: Yes, I think it would take some of the pressure off them. The thing which is interesting to me is the fact that unsatisfied complaints may rankle in persons' minds for years. I have received complaints from persons which started 30 years ago. But if there were some source to which they could go with the assurance of impartiality in the investigation of their case, even if they are wrong in thinking they have been treated unfairly, an impartial investigation may satisfy them, and they will not go on worrying about it for 30 years.

These, briefly, are some of the reasons why I think that such a scheme is needed in Canada.

Now, going on to my final category, about the type of scheme needed for Canada, and particularly concerning Bill C-7, I shall not say a great deal about the bill because I assume the committee is considering it only in a preparatory manner at this time and not in detail.

It is obvious to me that a federal ombudsman would not be enough to cover all administrative complaints. There must be also similar officers in the provinces of Canada. A point which you may have wondered about is the problem that would be raised by having officers such as this at the federal as well as the provincial levels of government. For myself, I do not see it as a serious problem at all. The reason is that the officer would not have executive power. He would have only advisory powers, so if he receives a complaint from someone having to do with a decision made by a provincial authority, and should he wrongly deal with it, then no harm is done. He would make only a recommendation. I cannot see that anybody would be seriously hurt by this. If the case should come before a court, I do not see how the court would have a very good ground to limit his action, because it is not an executive or judicial action. He has made no binding decision of any kind, even if he were to make a recommendation to a provincial authority. So I do not see that it is a serious problem. But overlapping might become somewhat of a problem in terms of duplication in the receipt of cases. You already know that members of parliament receive complaints which have to do with provincial and municipal matters, as was revealed by the questionnaire. So the ombudsmen at both levels might receive complaints regarding the wrong level of government.

A situation like this exists in Finland, where there is the chancellor of justice as well as the ombudsman, and where they have overlapping powers; in some cases the same complaint will be sent to both. But they keep in touch with one another and trade information; they see that the complaint is given to the proper authority, and inform the citizen that this has been done. So, overlapping would not create a serious problem. It would involve only a little more administrative work.

Now, another problem in Canada is that we have a party situation which is often quite different from that of Scandinavian countries. Although it does not exist at the present time, we have a long tradition of majority governments supported by a large majority in parliament. I think a serious danger here is that if the ombudsman is appointed by the government he might come to be sympathetic with or identified with the government of the day. In the Scandinaian countries, on the other hand, the natural thing is to appoint the ombudsman with the support of all political parties. So they are sure that the officer is independent of the government of the day. I think that Bill C-7 covers the point fairly well in this respect by giving the parliamentary commissioner continuity of tenure.

Another requirement to make the office effective, I think, is to have the provision that one of the existing standing committees or a special commitee of the House of Commons should receive the ombudsman's report, consider it, and ascertain whether something has been done about his recommendations. Otherwise they may fall on deaf ears if there is no provision to take them up and take action on them.

With regard to the appointment of a parliamentary commissioner, it seems to me that provision should probably be made for the political parties to agree on the appointment to make sure that he has the support of all parties, and that he is an independent officer. I see no particular need—although members of parliament may disagree—for appointing him for a limited period of time. Again, I think that Bill C-7 rightly proposes that he should be considered a permanent officer and remain in office until he retires, unless he should be removed for cause.

This may make him too secure. I do not know. In Scandinavia there is some feeling that parliament should be able to remove such an officer if it is felt that he is not active enough, or if his powers may be waning, that is, if he loses his vigour, and so on. There is perhaps some danger of this happening.

My third point about the scheme for Canada is one with which you are all familiar. Canada is much bigger than any of the countries which now have the ombudsman system. There is a problem whether a single officer would be adequate to deal with complaints coming from such a very large population, so greatly separated geographically. This is one of the reasons why I have suggested that the ombudsman should be "plural"—that there should be a complaints commission of, let us say, three members. There are obvious advantages in this. For one thing it would also allow for a larger number of complaints to be dealt with personally by the commissioners.

The second time I was in Sweden I talked with Mr. Bexelius about this. He had by then read my article in the *Canadian Journal*. He called attention to the fact that Sweden was a rather large country, and though he had a deputy who used to work only about six months of the year, the deputy had gradually come to work full-time but still could not provide enough assistance to the ombudsman. Mr. Bexelius was rather intrigued with the idea of a commission, because he thought that he was reaching the stage where he was unable to deal with all the complaints personally and at the same time engage in his important inspection activities as well. I think Sir Guy Powles mentioned that Mr. Bexelius had considered, as an alternative to a commission, recommending a further subdivision of his office, with an ombudsman for various activities of government. This would be another way in which to do it. So they would have in Sweden the ombudsman operating for military affairs, and they would create others for other areas of government activity. But I think a commission would achieve the same result, though on an informal basis. One commissioner might specialize on the social services, while another commissioner might specialize on military affairs, and so on.

My fourth point is that I think the powers of an ombudsman in this country should be very wide. I think that Bill C-7 sensibly gives a very broad and general scope to the ombudsman, or parliamentary commissioner, as he is called. I think that his jurisdiction should be wide, and should include the army, public corporations, commissions, boards, and agencies of all kinds. At the provincial level I think the office of provincial ombudsman should cover local government and magistrates' courts. The main function of the ombudsman in Sweden until recent years has been that of supervising the courts. It is only in the 20th century that his activity has shifted toward the observation and supervision of administrative officers. I would support the broad powers as stated in Bill C-7. I would have some reservations however about clause 11-(1), paragraph (c), where, among the bases upon which the commission may take action, is that he may do so if he adjudges that a law of Canada is being administered "wrongly". That is a pretty broad scope of action. It is based on a similar statement in the New Zealand legislation. I am not sure that the legislation should go quite that far, because it gives the ombudsman the right to go into the merits or substance of decisions if he wishes to do so. I think it would make the job far too big if he tried to review the merits of decisions. I do not think it is his proper function anyway, except where he suspects that a real injustice has been done. I think the word "unreasonably" in paragraph (a) would cover this aspect of the matter.

Another point which worries me is this: the statement of his powers under clause 10 seems to be very broad. I am wondering whether there should be a little more detail about the limits of his powers with respect to publicity. As the bill stands now, it seems to me that the commissioner could reveal the names of citizens, the names of officers of government, and he could allow the press in at every stage. I may be wrong in my interpretation, but I wonder about the limits on publicity. This is a very important problem with respect to this officer, and perhaps it should be spelled out more carefully.

Another interesting point is whether the word ombudsman should appear in the bill. I do not know if you have thought about this; but this is a word which has almost become part of the English language now, probably because it includes the word "man" at the end of it. It is significant that in New Zealand the first draft of the bill did not include that word, but the second draft did, because of the popular acceptance of the word; the office was constantly referred to as ombudsman. So I think we might as well put it right into the bill. It has the advantage of being brief and intriguing, and it is specific in its connotations. The word parliamentary commissioner may include any kind of office, whereas the word ombudsman refers specifically to one scheme. We are lucky that the Swedish word is not the same as the Finnish word for this office: oikeusasiamies!

By way of conclusion I would like to say that in my view the ombudsman scheme is one of those rare inventions in the machinery of government which is worthy of very serious consideration by all democracies. It is like the development of the parliamentary audit, which is one of the very important inventions in the machinery of democratic government, and is a system which has spread to all democratic countries. I believe that the ombudsman is an office comparable to that of Auditor General in this respect, and that the system will gradually spread throughout the democratic world.

On the other hand, we must recognize that it is no cure-all for all of the problems or difficulties which I have mentioned with respect to securing redress against administrative action. I think that many other reforms are needed. For instance, we need much simpler judicial remedies. We need somewhat wider opportunities for appeal to the courts, especially on points of law.

We need more provision for special administrative appeal bodies on the merits of a decision. Perhaps this system should be extended to resemble the situation in France and West Germany and some other countries, which have a comprehensive system of administrative courts. We also need a better system of legal aid. There are so many things like this which need to be done!

I think that in this country we have been fooled by the progress of science, and we comfortably think that similar progress is proceeding in the realms of government, administration, law and so on. We are like the man who was impressed with modern automation, and who went to take his first jet-powered flight on a wholly automatic aircraft from New York to Los Angeles. He walked into the aircraft, and he describes that he felt a little eerie because he could see no stewardesses, and there was not even a door to the pilot's cabin. But he sat down and wondered what was going to happen next. And then there came over the public address system the following recorded message: "This is the first automated jet air flight from New York to Los Angeles. We are about to take off, so fasten your seat belts. Just sit back and relax and do not worry, because nothing can go wrong—go wrong—go wrong—go wrong..."!

Maybe we have the comfortable illusion that nothing can go wrong. In any case I think that events are tending to overtake us. Compared with other democratic countries of the world, we seem to be living on our past reputation for the Rule of Law. Scandinavia and New Zealand have developed theo mbudsman scheme. Western Europe has developed its own system to deal with administrative injustices. Britain and the United States have been taking active measures in this respect; it now appears as though Britain and the United States may precede Canada in adopting an ombudsman or a parliamentary commissioner system.

Let me conclude my remarks by saying that though I believe these other reforms are necessary, an ombudsman would help to bring them about. Many of them are complicated and technical while the ombudsman system is simple and has great popular appeal. The discussion generated by the creation of the institution and by the ombudsman's proposals will carry with it the kind of technical and complicated reforms of the law which require a properly informed public before anything can be done about them. I think that the ombudsman system itself will stimulate reforms in these other areas. Thank you very much.

The CHAIRMAN: Probably before we begin with the questioning I should ask the witness whether he would be prepared to come back at some future time, should we need to impose upon him further. Perhaps it would be better to wait until we have heard from some other witnesses. The steering committee did have a meeting when we decided that our next witness, after Professor Rowat, would be the Auditor General, because there is a certain parallel in the two offices here, and we thought that perhaps some discussion with Mr. Henderson would be valuable. For instance, he might give us some of his views on how this office of ombudsman should be established, and how it should perhaps be gone about in the light of his own experience as Auditor General. I would also like to ask the members of the committee whether they feel we should include as an appendix to our proceedings, perhaps, at least the bibliography which Professor Rowat has been kind enough to supply to us? You may even feel that the article which was distributed to members of the committee, and the subsequent paper which was distributed this morning, the one having to do with the relevance of the ombudsman system to the United States and Canada, should be attached as appendices to our proceedings?

The reason I ask is that I feel that to do so would help to generate more public discussion of the subject, and it seems to me that the proceedings of the committee should get somewhat wider and broader distribution.

Mr. FISHER: I move that the bibliography and the paper on the relevance of the ombudsman system to the United States and Canada be included as appendices along with the article on the ombudsman scheme for Canada.

Mr. MACDONALD: I second the motion.

Motion agreed to.

Mr. FISHER: I would like to suggest that the committee clerk obtain a list of all the dailies and weeklies in Canada. These are easily obtainable, and also a list of the provincial legislators, and that the issues of our committee proceedings be distributed to these news channels. I think a letter should go forward to every provincial legislator setting out what we have attempted to do, with a brief review of what we have received in terms of evidence. You may suggest that this is premature in view of the fact that we may move to a decision. But I feel that we need to get more response from the public, as well as from our colleagues in the political field. I think the time to do this is now. I do not move it, but I just put it forward as a suggestion.

The CHAIRMAN: I might say, Mr. Fisher, that there was a discussion in the steering committee whether or not we should draw attention of our proceedings to the various attorneys general of the provinces. That was a suggestion which was made. As Chairman, however, I think perhaps we should wait until we have a little more of the evidence accumulated in support of the thing before we make such a direct attempt. I would certainly be happy to wait in order to get a little more attention on the subject matter for public discussion. Certainly the suggestion that newspapers, weeklies and dailies, of the country and the magazines might be made acquainted with the situation is a good one. I thank you.

Mr. FISHER: The reason I ask is that it seems to me, from the many conclusions coming from undoubtedly good intentions, we do have more substance to offer for consideration, and I think it might help to get away from some of the premature notions sort of pro and con about the office, if such material were made available to the people who write and interpret the question on an opinion basis.

The CHAIRMAN: Shall we proceed now with the questioning? I have Mr. Rhéaume.

Mr. RHÉAUME: I do not have a question. I wanted to comment on the point which the professor made, as a result of the questionnaire, that it showed the most prominent areas of complaints to be those areas in which appeal boards already existed. I was struck at the time, having regard to my own experience with most of the complaints that I get; the people have already gone, and have already exhausted all the possibilities. I do not generally get complaints where the person has met with a reversal, but rather in a case where the individual appeals to his member of parliament to see that the complaint is passed along to the next authority. This may temper the answer which is given. Consequently, in the case of those who have not gone, I detect a pattern of comment of people writing to me to the effect that there is no point going to the next level of authority anyway, because in other experiences they have had, the higher authority tends to confirm the decision, supporting it automatically if for no other reason than that of staff morale, and they do not really weigh the issues underlying it.

Mr. ROWAT: What does the member of parliament then do? Does he say "Go to the higher authority or through the hierarchy of procedure, and let them deal with it first"?

Mr. RHÉAUME: I believe that most members of parliament are not reluctant to take up a case on behalf of a client, even if it means only another name to be added to their mailing list.

Mr. ROWAT: Bill C-7 seems to cover this by leaving the parliamentary commissioner free to take up a case or not as he wishes. If the appeal procedure has not already been exhausted, he is not bound to write back and say "You must go through the appeal system". But he can do so if he wishes.

Mr. RHÉAUME: I was trying to ascertain the kind of sampling you would get from these things; even though there is an appeal board, there would still be three major areas.

Mr. ROWAT: It demonstrates the need for an appeal board in these areas.

Mr. NIELSEN: I have a number of questions. If we move to establish the office of ombudsman, would it be your view, Professor Rowat, that there should be a very careful review of federal legislation now on the books, which deprives the right of appeal to the subject, whether it be from a ministerial decision or a board decision which is involved, with a view to re-establishing the fundamental right of the subject to appeal to the higher office, if he feels himself to be aggrieved?

Mr. ROWAT: I would agree with that. I think a thorough study of the whole area has to be made, and also of the administrative procedure; but this does not need to delay the course of events in setting up the office of a parliamentary commissioner. I think it is clear that this should be proceeded with anyway, and that such a study could go along at a later date.

Mr. NIELSEN: But here is the difficulty that I foresee. I want to make it clear that I am very much in favour of this type of legislation. There may be specific areas in which I disagree, or which could be improved in this particular bill, but the difficulty which I foresee is this: In several cases of federal legislation where the appeal board deals with a decision, and where there is no further appeals from that body whatever, in the recommendation the ombudsman might make with respect to the body which made the decision which is complained of, there may be no further remedy, and there may be nothing that the subject could obtain by way of relief. Since the board has performed its function it can go no further. There is no appeal to the higher courts. Of course parliament could pass a specific piece of legislation to provide for it.

The CHAIRMAN: I was going to comment that I think in view of the limitation of our time this morning we should restrict ourselves to questioning rather than to discussion in too broad an area. I hope we will get the co-operation from members of the committee, because I feel we have other members present who would like to ask questions. I think we have a very limited amount of time, and I hope we shall proceed in that way.

Mr. ROWAT: May I comment in reply. I should have stated that this would be a very serious problem for the ombudsman. About all he could do would be to recommend that the board should review its own decision or that the legislation be changed, which is the kind of suggestion you have made.

Mr. NIELSEN: My point is that the board may be incapable by reason of its being functus from reviewing its own decision. Have you any suggestion how that situation could be met, either in this legislation or impending legislation?

Mr. ROWAT: No. But I can see that this is the kind of problem the ombudsman would have to face when making recommendations.

Mr. NIELSEN: I was thinking that perhaps a solution might be this: You mentioned administrative procedures. Should there not be, in order to meet the situation I have described, some merit in establishing some sort of body—let us call it an administrative review board, which is a board to review all decisions where the boards do find themselves in the position of being functus, so that a subject might obtain relief by way of appeal?

Mr. ROWAT: This would seem to suggest a council of state or of administrative review, such as in the systems of western Europe.

Mr. NIELSEN: Can you see any difficulty in writing such a provision into the existing legislation?

Mr. ROWAT: You mean to add to existing legislation dealing with each board?

Mr. NIELSEN: No, dealing with Bill No. C-7.

Mr. ROWAT: Oh!

Mr. NIELSEN: You spoke of the ombudsman in Sweden. Would it be practical to give that sort of power to a commission?

Mr. ROWAT: Maybe it would be better to have a separate body. I do not know if you would want to mix up their functions.

There is one comment however which I forgot to make; it has to do with clause 7. It is one of the very important functions of the ombudsman in Scandinavia, especially in Sweden and Finland, to deal with cases on his own initiative, and to make inspections. I am not sure whether the wording of clause 7 provides for it. Perhaps it should be spelled out very fully, because I think it is an extremely important power of the ombudsman that he can take up a case upon his own initiative, let us say on the basis of a newspaper story, or on the basis of his own inspection. You will find this in Sweden particularly, about 45 per cent of the cases that the ombudsman investigates arise out of his own initiative. About 15 per cent come from newspaper reports and stories, and the other 30 per cent from his own inspections. So almost one half of his investigated cases arise out of his own initiative in this way.

Mr. NIELSEN: As I understand the purpose of Bill No. C-7, it is to provide redress for an aggrieved citizen with respect to decisions of administrative and executive authority. You mentioned in your remarks that perhaps the ombudsman's activities might also be directed towards decisions made in magistrates' courts.

Mr. ROWAT: I was thinking there of the provincial ombudsman.

Mr. NIELSEN: You mean that such an ombudsman should be empowered to look into the decisions of magistrates' courts?

Mr. ROWAT: Yes.

Mr. NIELSEN: Since there are adequate appeal procedures for decisions from magistrates' courts, why should there be such a provision?

Mr. ROWAT: Again there is a distinction between the content of the decision and the procedure used or the conduct of the magistrates. The appeal system deals with the content of the case. The ombudsman in Sweden supervises or reviews the courts' decisions. In looking at a case he looks at the way the decision was made and the conduct of the judge. This is the only area in which he will make a comment or a criticism. There is no direct supervision over the judges in our court system.

Mr. NIELSEN: I understand that, and I am surprised to learn that matters would go that far, since there are adequate appeals even from the conduct of a judge. Where he goes or acts beyond, or in excess of his own powers, the appeal lies not only to the next court in line, but also all the way up the line to our superior courts.

Mr. ROWAT: It is possible that a very much better legal aid system might meet this problem. But right now the system does not meet it through existing legal appeals.

Mr. NIELSEN: If existing machinery were there for appeals, there would not be any need, I suggest, to have the ombudsman enter into this sphere of activity.

Mr. ROWAT: In any case I do not think it is directly related to Bill C-7, because it relates to the power of the provinces.

Mr. NIELSEN: You suggested that the decision of a crown corporation be the subject of scrutiny by the ombudsman as well. Would this not interfere with the principle that internal management of any crown corporation should be secured through the executive aspect of the corporation, and that it might unduly interfere with the efficiency of the operation of a particular crown corporation, such as Central Mortgage and Housing Corporation, Polymer, or Air Canada? Should such activity of an ombudsman not be unduly restrictive having regard to a corporate operation?

Mr. ROWAT: I think it would interfere with the principle, but I think it would justifiably interfere with the principle because I think that public corporations should not have entire freedom in the operation of their internal matters.

Mr. NIELSEN: Do you feel that a crown corporation is on the same level as a civil servant, for instance, in respect of making administrative decisions on the one hand, and with the civil servants in their capacity as officials of government, and on the other hand that a crown corporation may make decisions on behalf of the crown?

Mr. ROWAT: If you are talking only about Polymer, and those corporations which are in competition with private industry, there may be a case. I would have to agree that they are not in exactly the same position as the public service, and that they do not ordinarily have a discretion to make decisions affecting the rights of the individual. But in cases in which they do, I think the ombudsman should have an opportunity to review such a decision.

Mr. MACDONALD: I want to get the distinction between the ombudsman as he relates himself only to the manner or quality of the decision-making process rather than the areas of the case, whereas the other appeal body in France can take a fresh look at the case presented to them and say we think you should decide it this way or that way.

Mr. ROWAT: I cannot claim any expertise in the operation of the council of state in France, but I have the impression that it does not review the content of a decision, although it has a greater opportunity to do so than an ombudsman, and it can deal with the merits of a case if it feels that a serious injustice has been done. There has been an interesting argument about the powers of the ombudsman in this respect. In Denmark the ombudsman can investigate cases where he feels that a decision may have been unreasonable. In Norway, the first draft of the bill included this provision but later was changed to "clearly unreasonable", for fear the ombudsman might go too far in reviewing content. I do not think there is a very great difference between the two systems—the ombudsman and the council of state—in this respect.

Mr. NIELSEN: They could well be mutually exclusive, because the council of state is already effective.

Mr. ROWAT: No, I would not say that the council of state enjoys the same informal procedure. It also suffers from some of the same criticisms of our own court system in the way of costs, delays, and so on, but not as seriously.

Mr. NIELSEN: One particular aspect of the case which causes a problem here and elsewhere is that the security of our state would be interested in preserving state secrets. To what extent would these various ombudsmen, German or Scandinavian, have the right to call for or investigate essentially state secret material?

Mr. ROWAT: I cannot recall specific examples of this at the moment, but I cannot see any great difficulty in their doing so, because they do not need to reveal the results of their investigations publicly. That is the point I tried to cover earlier. You can give the ombudsman access to secret material if it is provided that he must not reveal this information publicly.

Mr. NIELSEN: I know that you said one of his functions would be to convince a particular individual of the fairness and reasonableness of the treatment he received. There would be no difficulty in his doing that?

Mr. ROWAT: This is one of those areas in which it would be difficult to do so.

Mr. MARTINEAU: First of all, what would be the criteria employed by the ombudsman to determine whether or not he could accept a case? In other words, how does he protect himself against crackpots and cranks, or people like that?

Mr. ROWAT: Well, he simply learns from experience; for example, in Denmark he investigated a much larger number of cases in the early years of his office than he has done in recent years. He and his staff have gained experience in reading a letter so that now they can tell very quickly whether there is the likelihood of legitimate grounds for complaint. They have gained experience as they went along.

Mr. MARTINEAU: Suppose an officer does refuse a complaint, and the complainant remains unsatisfied, is psychologically thwarted, and there does not seem to be any development, would he then not clamour for the appointment of another ombudsman to supervise or check on the first one?

Mr. ROWAT: I am sure he would, but I think you would all agree that the man was acting unreasonably. Mr. Bexelius told me that some cranks insist on interviewing him personally. But whether or not they are crackpots, Mr. Bexelius feels he should listen to them patiently each time they appear, because he has known such persons to come in with new stories which actually turned out to be legitimate complaints. He said, "I have to listen to all these stories. There may be something in them, and I have to be patient enough to review them."

Mr. MARTINEAU: You referred to complaints received by members of parliament. I think all of us would agree that we had received quite a number of them over the years. I think too that when a member of parliament proposes to proceed with a complaint before the authorities, whoever they may be, he does get a pretty thorough review of the matter. Will this officer have any authority to go any further than a member of parliament would go at the present time? In other words, the answer we invariably get is that the provisions of the law have been followed in such and such a case, and that is why that such and such a decision has been made. And if there is an appeal system set up, will perhaps the advice be to go to appeal, or if that has already been employed, or if there is no appeal, then this ends the matter? So what further advantage could then be derived by referring a case to this special officer? As I understand it, he has no power except to make a representation.

Mr. ROWAT: I think the further advantage is a psychological one, where the complainant will realize that his case has been reviewed, investigated, and reported on by an independent officer rather than by a politician or by a member of parliament. He might have some psychological difference of feeling about it. He may go away feeling more satisfied.

Mr. MACDONALD: There might be a psychological effect on the man making the decision because he will know that the ombudsman may eventually be looking over his shoulder.

The CHAIRMAN: He can also call for the documents.

Mr. MARTINEAU: The member of parliament already has that authority in going into the house and asking for the production of documents.

Mr. FISHER: You cannot get a lot of them.

Mr. ROWAT: It is a more cumbersome procedure, too.

Mr. MARTINEAU: Mention was made about providing for a systematic review of the recommendations made after one or two years to see what action had been taken on any of the recommendations.

Mr. ROWAT: You mean a systematic review by parliament of the ombudsman's recommendations in reference to the matters he has investigated?

Mr. MARTINEAU: Yes, even in the act setting it up.

Mr. ROWAT: Well, this is what I had in mind in my remarks about a committee of parliament. I was worried about the same thing, that there should be some review of the report that he has made, and of his recommendations.

Mr. MARTINEAU: At a set time?

Mr. ROWAT: It may be.

Mr. MARTINEAU: My last question is this: Are there any safeguards that you can think of which could be set up to insure that this office which, after all, is another administrative office, does not become just that, and itself become bound up in red tape, and that whoever complains does not get a proper satisfaction from the office? What suggestion have you in mind to prevent that?

What safeguards would you have in mind to prevent them because you did mention there would be a large number of complaints presumably, and instead of one officer it might be necessary to set up a commission? What safeguards have you to ensure that this will not bog down in red tape such as many other administrative bodies that have been set up?

Mr. ROWAT: In view of my familiarity with Parkinson's law I am afraid I cannot recommend any fool-proof safeguards. It is certainly a possible danger.

Another difficulty which I think may arise—more likely at the provincial level—is that the ombudsman may become more sympathetic with the administrators than he needs to be. After all, he will get to know them personally, especially in a small jurisdiction, as he works with them over the years, and a tendency may develop for him to side somewhat with the administrative decision. It helps for him to be out of the executive and an officer of the legislature; but except for putting his office at the other end of the city and forbidding him to speak with the deputy ministers, I see no easy cure for this.

Mr. MARTINEAU: Would you envisage the possibility of some association, say the Canadian Bar Association, or any other association, setting up on their own an officer similar to the ombudsman who would operate without having any statute of parliament officially adopted?

Mr. ROWAT: I see no reason why they should not, but he would not have the authority which the parliamentary officer would have. I would not suggest that as a substitute.

Mr. NIELSEN: I have one more point on a matter raised by Mr. Martineau. I would assume that standards of legal aid are necessary. You mentioned that it is necessary to expand our system of legal aid as one of the remedies. How can you visualize uniformity in this regard, having regard to the nature of our country?

Mr. ROWAT: You mean from one province to another? I had not thought of this problem being solved by federal legislation.

Mr. NIELSEN: Perhaps the federal Department of Justice?

Mr. ROWAT: It seems to me that it comes within the jurisdiction of the provinces.

Mr. MACDONALD: The same problem exists in the provinces.

The CHAIRMAN: Well, gentlemen, I would like to have the pleasant duty of thanking Professor Rowat for consenting to be our witness this morning and

for taking time out from a very busy schedule and making time for us practically on request. I must disagree with one thing he said in his remarks when he indicated that little study had been given to the subject in Canada. I think he is the living proof here this morning that this is not so. I expect he was referring to an official study. I would hope this committee might do that. I would like to thank you, Professor Rowat, on behalf of the members of the committee, and perhaps, later on in our proceedings, we may call upon you again, if you would consent to come, perhaps on some matters that may come up later on in our studies.

I would suggest members of the committee should have another steering committee meeting before our next meeting. Our next witness will likely be the Auditor General in view of the similarity and responsiblty of the office.

Mr. NIELSEN: I would like to see Professor Rowat come back here.

The CHAIRMAN: Yes. The meeting is adjourned.

APPENDIX "A"

THE OMBUDSMAN: A BIBLIOGRAPHY

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APPENDIX "B"

THE RELEVANCE OF THE OMBUDSMAN SYSTEM TO THE UNITED STATES AND CANADA*

(by Donald C. Rowat, Professor and Chairman, Department of Political Science, Carleton University, Ottawa.)

*A paper presented to the annual meeting of the American Sociological Association, September 3, 1964, in Montreal.

ABSTRACT

The ombudsman is an officer appointed by the legislature in Scandinavia and New Zealand to receive and investigate complaints of citizens against unjust administrative action. The system originated in Sweden in 1809, was adopted by Finland in 1919, and since the war has spread to Denmark, Norway, West Germany and New Zealand. It is being widely discussed in other democratic countries. The idea has spread partly through the efforts of intellectuals, but mainly because social conditions have become ripe for it. Due to the post-war growth of the administrative side of government, existing institutions are no longer capable of remedying the wrongs of modern administrative action. The conditions calling for adoption of the system in the United States and Canada are much the same as in countries that have already adopted it, and our differences from these countries are not significant enough to warrant its rejection.

THE RELEVANCE OF THE OMBUDSMAN SYSTEM TO THE UNITED STATES AND CANADA

This may seem like a queer subject for a section on the sociology of law because it's not really about law or sociology—and I am neither a lawyer nor a sociologist. In case any of you don't know what the Ombudsman system is, I hasten to tell you, because when I gave a paper on this subject two years ago to the Canadian Political Science Association I gave it the title, "The Nordic Public Defenders", and most people were greatly mystified. The international relations people, for example, were so confused that they somehow identified the word "Nordic" with "northern", and "defenders" with "defence". They thought it must be a paper about our northern defences, the DEW Line, and the latest developments in strategic studies. So they attended in large numbers. I hope the sociologists don't think that the ombudsman system is some new analytical system, like Easton's *Political System*, being foisted on them by another political scientist. Actually, the ombudsman is an officer appointed by Parliament to receive and investigate complaints from citizens about the way they have been treated by the administration. The ombudsman system is found in Scandinavia and in New Zealand and this paper is about whether it should be adopted in the United States and Canada.

The idea has not been discussed much yet in the United States, so when Professor Evan asked me to prepare a paper on this subject I was glad of the chance to talk to a group of American academics about it. I realized, however, that somehow I would have to dress it up to make it acceptable to sociologists, so I decided that it would be more impressive if I told you that my theme will be "the intersocietal transmigration of ideas and institutions". But this still doesn't seem to make it fit into the sociology of law. However, maybe

under this theme it can be squeezed in as the sociology of knowledge or the sociology of social change. In reality, though, my paper is a thinly disguised sales pitch for the adoption of the ombudsman institution in the United States and Canada. I have been trying to sell this scheme in Canada for about three years now. If you wonder why I am giving another paper on the subject, the answer is that I think I have a good product to sell and, like the advertisers, I am convinced that frequent commercials are necessary and that the time has now arrived for yet another commercial.

My difficulty, however, is that I can't use the same old commercial because my potential customers are new ones and I haven't done enough consumer or audience research to know if the package has the right wrapping and colours. I suspect that my approach may be too unsophisticated for sociologists because, on looking through the rest of my paper, I find that not once have I used words or phrases like concept, ideology, methodology, dysfunction, anomie, frame of reference, institutional norm, statistical significance, or even inter-societal transmigration. I understand that many of those who are called "hard" sociologists believe it is the job of the true social scientist to discover how things work and not to prescribe how they *ought* to work—because any attempt to prescribe might involve the researcher in prior value judgments that would blind him to the realities of the situation; in order to see clearly, the researcher must approach his subject with a completely open mind. Since I intend to say how political institutions *ought* to work, my paper is obviously not a piece of value-free factual research. So those who prefer their sociology "hard" may be better off to leave now and do a short research project on the number of sociologists in the Mount Royal bar who require an aperitif before lunch!

However, my feeling is that the value-free approach to problems is impossible anyway, because it requires the researcher to approach the subject not with an open mind but with a blank mind. You can't approach a subject without some idea about ultimate good and if you insist on trying to do so the result is either to impose your own values without realizing it or to mistake "is" for "ought"—to conclude that the existing situation you discovered by research must be desirable because you have no other alternatives in mind. In other words, the value-free approach comes close to being a valueless approach. I suspect that if you scratch even a hard sociologist hard enough you will find in him a concern for democratic values and practices, and this has inevitably directed his research interests. Since my concern is to improve democratic institutions, perhaps I can be forgiven for my huckstering approach.

To make my sales pitch academically respectable, however, I have wrapped my package in the favourite old question, "Are new institutions adopted through the efforts of intellectuals preaching their virtues, or because social conditions are ripe for them?" And to add extra attraction to my package, for the benefit of sociologists I have even tied on some extra ribbons in the form of two tentative hypotheses and a conclusion:

> *Hypothesis I:* New ideas spread and new institutions are adopted partly because intellectuals promote them, but mainly because social conditions are ripe for their spread and adoption;
> *Hypothesis II:* Social conditions are ripe for the adoption of the ombudsman system in the United States and Canada;
> *Conclusion:* If these hypotheses are true, then the obvious conclusion is that intellectuals, including of course sociologists, should spread the ombudsman idea in the United States and Canada!

You will note that I have been wise enough to choose hypotheses that can't be scientifically tested, so I'm in the comfortable position that no one

can prove them to be right or wrong. Only the failure to adopt the ombudsman system in North America within the next few years can prove the second hypothesis to be wrong!

Now my case study for testing the first of these hypotheses is of course the spread of the ombudsman idea and the adoption of the ombudsman system by democratic countries of the world in recent years. The ombudsman institution originated in Sweden and has existed there in its present form since 1809, except that an ombudsman to handle complaints from soldiers was added in 1915. The system was not taken up by any other country until Finland included it in its new constitution of 1919. There were no further adoptions until after the second world war when a third Scandinavian country, Norway, provided an ombudsman system for military affairs in 1952. Denmark then included provision for the institution under its new constitution of 1953 and appointed its first ombudsman in 1955. After that the adoptions were more rapid. Western Germany provided for a military ombudsman in 1956, Norway added an ombudsman for civil affairs in 1962, and in the same year New Zealand became the first country in the Commonwealth to adopt the scheme.

It is interesting to speculate on what hindered and furthered the international spread of this institution. Finland had for a long time been part of Sweden before it was attached to Russia at the start of the 19th century, and so it is not surprising that when it set itself up as a democratic republic it copied Sweden's institution. But it is remarkable that such closely-related countries as Norway and Denmark did not become interested in the scheme until after the second world war. Why did they not adopt the scheme earlier, and why is it only now that the idea is being widely discussed in other democratic countries? Sweden's language and cultural isolation were certainly not serious barriers for Norway and Denmark, although they may have been significant for other countries. The idea for a military ombudsman in Western Germany was originally proposed by a socialist member of the legislature who had spent some time in Sweden as a refugee from Hitler, and other West Germans became interested because of their concern to create a democratic citizens' army. A civil ombudsman was not proposed there because of Germany's well-developed system of administrative courts.

The discussion of the idea in the English-speaking world and its adoption in New Zealand owe much to the ability of the Danish ombudsman, Professor Hurwitz, to write and speak in English about his new office, and to his proselytizing zeal in doing so. He prepared a pamphlet in English and wrote several articles for English periodicals, including a law journal in the United States. He also spoke to academic audiences in Great Britain and appeared there on television. There is no doubt that this stimulated much interest in Britain. In fact, after his return to Denmark he began receiving complaints from citizens in Britain! In 1959 he gave a paper to a United Nations seminar in Kandy, Ceylon, which was attended by the Attorney-General of New Zealand and by the Permanent Secretary for Justice. The idea for the scheme in New Zealand may have been given some stimulus by this meeting.

Language and cultural isolation may have been somewhat of a barrier to the adoption of the system outside Scandinavia, but they would not have been enough of a barrier if social conditions had demanded its adoption at an earlier stage. This, I think, explains why Denmark and Norway, with no significant language or cultural barrier, did not adopt it until after the second world war. I suggest that since the war social conditions have become ripe for the adoption of the system in most democratic countries of the world, and this is why it is now being so widely discussed. It has been proposed for Britain, Canada, India, Ireland, Australia, the United States, the Netherlands, and even countries of Europe that already have a well-developed system of

administrative courts. The Labour Party in Britain has recently endorsed the idea, and if Labour wins the forthcoming election Britain may soon have an ombudsman.

Until now the idea has stimulated more interest in Canada than in the United States. At least five Canadian provincial governments have indicated an interest, and a private member's bill proposing a federal ombudsman has been introduced in the House of Commons in each of the last three years. So far this year four articles on the scheme have appeared in popular magazines. On August 26th—just a week ago—the Minister of Justice replied to a question in the House that, speaking as an individual, he was in favour of giving serious thought to the idea. (The question had been asked because of the startling "blood-bomber" case. Just two days before that, the head of "Underdog", an organization to help mistreated people, had thrown a carton of cow's blood on the floor of the House of Commons to publicize the plight of a man who claimed he was wrongly suspected of being a communist because the RCMP refused to admit that he had been an under-cover agent for them.) During this first two weeks in September, papers are being given on the ombudsman at this meeting, the annual conference of the Institute of Public Administration of Canada, and one at a plenary session of the Canadian Bar Association, given by Sir Guy Powles, New Zealand's Ombudsman.

In the United States, an ombudsman scheme was proposed for the city of Philadelphia in 1962, and in 1963 an ombudsman bill was introduced in the Congress (by Representative Reuss) and in the legislature of Connecticut. Research groups at the University of California are investigating the application of the idea to the government of California, but as far as I know no other states have considered it and it has not been discussed very widely throughout the United States.

The earlier and more intense interest so far in Canada may be partly due to my own articles and speeches proposing an ombudsman scheme for Canada. These began in 1961 and have been widely publicized and discussed. I have edited a book of essays on the application of the scheme to other democratic countries, including the United States. It will be interesting to see what effect this book will have upon discussion of the idea in the United States. I think that the promotion of a proposal by intellectuals may have some effect upon the timing of its adoption. But my contention is that it will not be adopted unless social conditions demand it.

So now at last I come to the main theme of my paper, the relevance of the ombudsman system to the United States and Canada, and to my sales pitch—disguised as hypothesis number two—that social conditions in these countries are now ripe for the adoption of the system. My propositions are that the social conditions calling for its adoption in the United States and Canada are much the same as in countries that have already adopted it and that our differences from these countries are not significant enough to warrant its rejection.

What are these conditions and why is the ombudsman system considered necessary to meet them? In this century there has been a tremendous growth in the range and complexity of government activities, particularly since the war. This growth has brought increasing powers of discretion to administrative officials. As Dicey, one of Britain's great constitutional lawyers, has warned us, "Wherever there is discretion, there is room for arbitrariness". It is quite possible nowadays for a citizen's rights to be accidentally crushed by the vast juggernaut of the government's administrative machine. In this age of the welfare state, thousands of administrative decisions are made each year, affecting the lives of every citizen. Some of these decisions are bound to be arbitrary or unjustified. The difficulty is that under our present institutions of government there is no easy way for the ordinary citizen to gain redress. Our

courts used to be thought of as the bulwark of individual rights, but the common law has lost its flexibility and is no longer an effective instrument for remedying the wrongs of modern administrative action. The courts are too costly, too cumbersome and too slow, and the extent of their power to review administrative decisions is severely limited. Moreover, the vast majority of administrative decisions carry no formal right of appeal. If there is provision for appeal to an administrative body, it too is likely to be costly, cumbersome and slow, and to interfere with the administrative process by substituting its judgment for that of the responsible administrators.

The right of the citizen to complain to his legislative member doesn't meet the problem either. Whether a case will be taken up and pursued vigorously by a member may depend upon his partisan interest and his desire for publicity. Besides, he has no easy way to get at the facts of an administrative case. Most members are greatly overloaded with work and don't have time to deal adequately with the thousands of cases that come forward each year. Interest groups and the press are another source for raising citizens' complaints, but their functioning is sporadic and spotty; they tend to concentrate on only spectacular cases of great human interest and to over-emphasize the complainant's side of the case, yet often fail to gain a settlement satisfactory to the complainant.

How does the ombudsman system meet this need for the ordinary citizen to gain redress against administrative injustice? The ombudsman is an independent officer appointed by the legislature whose specific job it is to receive complaints from citizens about unjust administrative decisions or about the way they have been treated by government officials. He is given power to investigate these complaints, and if he finds that one is justified he may criticize the officials in question and request them to remedy the wrong committed and to mend their ways in future. If they refuse to do so he will report the matter to the legislature. If it is a serious case he may even order a prosecution in the courts. Any citizen, even a criminal in jail, can send the ombudsman a complaint in a sealed envelope without the approval of any superior authority. The ombudsman can also conduct investigations on his own, based on newspaper stories or his own inspections. He reports annually to a special committee of the legislature and is entirely independent of the executive. Close parallels to this officer in Canada and in the United States are the Auditor-General and the Comptroller-General, except that the ombudsman is a sort of auditor of administrative actions rather than of financial transactions. Unlike the Comptroller-General, he has no "pre-audit" or executive powers. The Inspector-General of the United States Army, which Professor Evan has studied, is also a closely related institution.

Many of the complaints received by the ombudsman are groundless of course. Many others involve no more than explaining to the bewildered citizen the reasons for the decision of which he has complained, and warning the officials that in future they must give reasons for their decisions. But the ombudsman's conclusions on serious cases are given wide publicity, are watched closely by administrators, and exert a profound influence on administrative practice. Through his conclusions and observations he gradually develops a body of principles of due process of administrative law. As a result of his findings, moreover, he often recommends improvements in the laws and regulations governing administrative procedure.

The great virtue of the ombudsman is that, unlike members of the legislature, interest groups and the press, he is politically neutral and has the power to get at the full facts of a case. At the same time, unlike the courts, he has no power to reverse or quash a decision and so does not interfere with

the responsibility of administrators. He does not require elaborate court procedures, and no fee is required for his services, except for a small fee in New Zealand, so that his action is cheap and fast compared with review in the courts. Furthermore, he deals with many matters of maladministration that are not subject to court review or are not serious enough to warrant the high cost of court review. For example he may deal with complaints about getting no answer to an application, leisureliness in replying to mail, tardiness or bias in making decisions, or not giving sufficient information on a decision or a right of appeal. Nevertheless some of the ombudsman's most valuable work has been done on serious cases of illegality involving the liberty of citizens, such as police brutality or wrongful incarceration in a mental institution.

It is my contention that the differences between Canada, the United States and those countries that now have the ombudsman system are not great enough to override the conditions that call for its adoption. These differences would, of course, require certain obvious adjustments to the scheme. Because of the federal systems of government in the United States and Canada there would have to be an ombudsman for each of the states and provinces as well as for the federal government. Separate ombudsmen for the larger cities might also be desirable. It may be argued that because of the large populations of the United States and Canada the institution would turn into a vast bureaucracy in its own right. However, the existence of multiple ombudsmen in a federal system would automatically prevent this. Anyway, the existing ombudsman offices require a professional staff of no more than five or six. New Zealand's Ombudsman has only one legally trained assistant and the system costs about $30,000 a year. It is unlikely that a federal ombudsman in the United States would require a professional staff of more than a hundred. This staff could specialize in different types of cases and would provide far more effective service than the present costly and often untrained staffs of individual congressmen. Regional offices may be required, but travel from Washington should be an adequate substitute since the existing ombudsmen have no difficulty in conducting their operations almost entirely by mail and inspection tours.

For large countries like the United States and Canada I have suggested a collegial ombudsman body, a three-man Complaints Commission, the members of which could travel separately and specialize in various types of administration. They could personally investigate a larger volume of complaints than a single ombudsman. On important and complex cases they would probably render a fairer judgment and the weight of their combined authority would be greater. However, there might be a greater danger of partisanship in their appointment. In the case of a single ombudsman, the majority party would be more likely to agree to a non-partisan appointment.

It may be thought that the great difference between the parliamentary or cabinet system of government and the constitutional separation of powers in the United States would create circumstances that make the ombudsman institution difficult to transplant to that country. However, the only constitutional limits the American system would place upon an ombudsman as an agent of Congress, are that he could not be granted the power to prosecute in the courts, and his power to investigate may be somewhat limited by the doctrine of "executive privilege". The power to prosecute is not essential to the scheme in any case; his freedom to recommend a prosecution would be almost as effective. And, clearly, an ombudsman's office would have more ability and power to get at the facts of a case than any individual congressman has at present. Because of the tradition of judicial supremacy in the United States, the office might become involved in some minor litigation over its powers and procedures, but this would not be very likely to restrict its powers seriously since they are only advisory.

I think the greatest dangers to the success of the scheme in either Canada or the United States are that it may be discredited by being adopted in an unnecessarily truncated form, or in a form that may subject it to too much partisan pressure. Under the majority-party cabinet system in Canada it could come too much under the control of the executive, and at the state or city level in the United States it could even be captured by a political machine. The institution will work well only in a reasonably well-administered state; where the civil service is riddled with patronage or corruption, it couldn't cope with such a situation single-handed.

In the American system of dispersed power, multiple pressure points, pressure group politics and legislative-executive tension, all agencies of government tend to be tinged with partisanship or bias, or at least are suspected of being so. Care would therefore have to be taken to make the ombudsman absolutely independent, so that he could not be accused of becoming a fixer for some private interest, or of conducting a fishing expedition for congressmen, or of white-washing the administration. The Reuss Bill, for example, provides that cases should come to the ombudsman (called the Legislative Counsel) only by reference from members of Congress. But access to the ombudsman should not be controlled by the caprices of individual congressmen, nor should their direct pressures upon the ombudsman be encouraged in this way. At the other extreme, the institution might be set up as a body appointed jointly by Congress and the President, but this would radically change the nature of the scheme and would run the danger of too much control by the administration.

It seems to me that as an agency of the legislature the ombudsman institution would fit in well with the American separation of powers because one of the main jobs of Congress is to act as a check on the administration. Unlike the cabinet system, in which the ministers are collectively responsible for the whole administration and sit in the legislature where they can be directly controlled and questioned about administrative matters, the system of separated powers provides no easy way for the legislature to check on the administration. Considering the looseless of the President's control over the administrative agencies, and their steadily growing number and size, such a check is badly needed. At the same time, a legislative ombudsman under the separation of powers would not run the same danger as under the cabinet system of being dominated by the administration.

My conclusions, then, are these: (1) social conditions are ripe for the adoption of the ombudsman system in both Canada and the United States; (2) this being so, sociologists should now spread the good word. You can be like the Marxists who believed that the great world revolution was on the way anyway, and so derived great moral support and fervour from being on the winning side. Since I have demonstrated that social conditions make the adoption of the ombudsman system in Canada and the United States inevitable, you too can be on the side of history. But in order to be properly armed for the battle, you will of course have to buy a copy of my book—which is to be published by Allen and Unwin in the spring of 1965 and distributed in North America by the University of Toronto Press, at a ridiculously low price. Well, you can't say I didn't warn you that this was to be a commercial!

APPENDIX "C"

AN OMBUDSMAN SCHEME FOR CANADA*

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(Reprint from The Canadian Journal of ECONOMICS AND POLITICAL SCIENCE, The Journal of the Canadian Political Science Association, Vol. XXVIII, no. 4, Nov., 1962)

I

THERE has been considerable discussion recently in the English-speaking world about the office of Ombudsman, or complaints commissioner, in the Nordic countries. The present paper first explains the need for the office, and shows how it meets this need. We then deal with arguments that have been raised against transplanting the institution to other countries, consider some problems regarding its functions and powers, and finally discuss the specific problem of its application to Canada.

Briefly stated, the argument for the Ombudsman scheme derives from the fact that all democratic countries in the twentieth century have experienced a shift from the laissez-faire to the positive state. The accompanying tremendous growth in the range and complexity of government activities has brought with it the need to grant increasing powers of discretion to the executive side of government; and as Dicey has warned us, "Wherever there is discretion, there is room for arbitrariness." It is quite possible nowadays for a citizen's rights to be accidentally crushed by the vast juggernaut of the government's administrative machine. In this age of the welfare state, thousands of administrative decisions are made each year by governments or their agencies, many of them by lowly officials; and if some of these decisions are arbitrary or unjustified, there is no easy way for the ordinary citizen to gain redress.[1]

In the past the courts were the bulwark of individual rights. But the common law has lost much of its flexibility and is no longer an effective instrument for remedying the wrongs of modern administrative action. The courts are too costly, cumbersome and slow, and the extent of their power of review is not at all clear, though certainly severely limited. Generally, they will review a decision only on a question of legality and refuse to review its content, wisdom, or even reasonableness. For these reasons, a number of special administrative appeal bodies have been created, like our Income Tax Appeal Board, to which an aggrieved citizen may take his case. But these bodies cover only a small portion of the total field of administrative action and the vast majority of administrative decisions carry no formal right of appeal. In a survey of only seven British government departments the Whyatt Committee found numerous instances where there was no provision for appeal from discretionary decisions. The situation is no doubt the same in Canada.

Nor does the right to complain to one's member of Parliament meet the problem. The usual method of dealing with a complaint is for the member to send an inquiry to the department concerned. Naturally the department is likely to put the best light on its own case, and the member has no impartial

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*A revised version of the paper presented under the title of "The Nordic Public Defenders" at the annual meeting of the Canadian Political Science Association in Hamilton, June 9, 1962. The author would like to express his appreciation to the Canada Council for a Senior Research Fellowship and a short-term grant, during the tenure of which he gathered information for his paper.

[1]See Lord Shawcross in Preface to *The Citizen and the Administration* (London, 1961), xiii; referred to as the Whyatt Report, after its Director of Research, Sir John Whyatt.

source of information. If he is dissatisfied with the department's reply, all he can do is ask a question of the minister in the House. Even though the minister may have had nothing to do with the original decision, he will naturally consider himself a party to the decision and will defend it as his own. The only further recourse is for the member, still with inadequate information, to take up the matter in caucus, or, with support from his colleagues, debate the complaint in the House, in which case it will turn into a political battle with the dice loaded in favour of the Minister. The Opposition can, of course, demand a formal inquiry, but this is a costly and cumbersome procedure, agreed to rarely by governments, and only after sufficient public outcry has been raised. Its use is justified only for extremely important cases such as public scandals. Clearly it is not a device for remedying the average administrative wrong done to the little man.

We in Canada must also note that we are worse off than other Commonwealth countries in the opportunities available to citizens to air their grievances in Parliament. Because of the breadth of the country members cannot easily maintain contact with their constituents, as they can in Britain where many members on weekends hold what are called "surgery hours" for giving advice and receiving complaints. As Professor Kersell has pointed out in his thorough study of Parliamentary control,

> Canadians and their representatives in Parliament have no procedure for ventilating grievances which compares with Australian "Grievance Day", or for that matter, with British Question Time or New Zealand public petitions. There is no procedure in the Canadian House which in practice provides the back bench Member of Parliament with an adequate opportunity to air a constituent's bona fide grievance without first gaining the co-operation of his party in Parliament[2].

But if a grievance were to demand the attention of his whole parliamentary party, it would have to be a very serious one indeed. Even so, there is no parliamentary procedure for sifting evidence or making recommendations.

It is clear, then, that under our parliamentary system, because of the executive's dominance over the legislature and its tradition of secrecy, there is no easy way for cases of maladministration to come to light. Although we know that there is a serious problem, we cannot judge how large it is. To assess its extent in Britain the Whyatt Committee had to resort to inquiring of two *private* organizations that had been created to handle citizens' complaints. Since there are no similar organizations in Canada, there is no way of estimating how many complaints remain unsatisfied.[3] But when one considers the extent of opportunities for maladministration that exist in Canada, one cannot help but be convinced that the number of unsatisfied grievances is far from negligible.

II

The Ombudsman in the Nordic countries is a special parliamentary commissioner whose job is to receive complaints from citizens who are aggrieved by official action, to investigate these complaints and, if he finds they are justified, to seek a remedy. He may also conduct inspections and take up cases on his own

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[2]John E. Kersell, *Parliamentary Supervision of Delegated Legislation* (London, 1960), 149.

[3]It may be of interest to report that after my article on this subject appeared in *Maclean's* magazine (Jan. 7, 1961), I became a kind of unofficial Ombudsman myself, and received complaints from all across Canada, some complete with frighteningly complicated documentation. A few of these were obviously from cranks, others were unfounded, but some seemed worthy of further investigation. (Similarly, after the Danish Ombudsman had given a series of lectures and was interviewed on television in Britain, he began receiving complaints of maladministration in Britain!)

initiative. He is appointed by and responsible to Parliament, reports annually to a special committee of the House, and is entirely independent of the executive. A close parallel to this officer in the Commonwealth countries is the Auditor General, except of course that the Ombudsman is an auditor of administrative decisions rather than of financial transactions.

The office of Ombudsman was first created by the Swedish Constitution Act of 1809, but its obvious prototype, the King's Chancellor of Justice, extends far back into Swedish history. The Chancellor of Justice was empowered by the King to supervise the application of the law by judges and other officials. With the rise of parliamentary democracy in Sweden it became clear that the Chancellor's status as part of the executive made him too dependent upon executive authority. Parliament therefore wrested the office from the executive but lost its control after a short period, in 1772. When it regained control, in 1809, it decided to appoint an additional officer, the Ombudsman, as its own defender of the law. Just as the British Parliament's struggle for financial control over the executive laid the groundwork for the appointment of an Auditor General, so the Swedish Parliament's struggle for political control laid the basis for the appointment of an Ombudsman.

Finland, too, has long had a Chancellor of Justice with powers of supervising the courts and the administration. Unlike Sweden, however, Finland, under its 1919 Constitution, made the Chancellor partially independent of the executive. In addition it created a parallel office of parliamentary Ombudsman. Thus Finland, like Sweden, has two public defenders, each with power to receive and investigate complaints.[4] But because of the historic prestige and independence of the Finnish Chancellor, he is much more powerful than his Swedish counterpart and is perhaps even more important than the Finnish Ombudsman as a defender of the law.

Recently, the Ombudsman system has come in for a good deal of attention. Denmark decided to adopt the office under its new Constitution of 1953, and a Norwegian Committee on Administrative Procedure, headed by the Chief Justice, recommended it for Norway in 1958. The Norwegian Government introduced a bill on the subject last year and with minor amendments it was adopted by the legislature this summer. The scheme has been discussed widely in Britain in the past few years and last year was recommended in the Whyatt Report. So far, however, the British Government has made no pronouncement on the matter. Last year, too, the New Zealand Government introduced a bill embodying the scheme. Though the bill was not passed in the 1961 session, possibly because of the difficulty of securing a suitable person for the post, it was reintroduced and passed with only minor amendments this summer. The new schemes for Norway and New Zealand, and the proposed British plan, closely resemble the Danish institution.

There are significant differences among the Nordic countries in the Ombudsman's powers and procedures. In general, the jurisdiction of the Swedish and Finnish officers is more extensive than that of their Danish and Norwegian counterparts. In Sweden and Finland the Ombudsman supervises not only the administration but also the courts, and has the power to prosecute officials before the courts for illegal acts. In Denmark he may only order that a prosecution be initiated, and in Norway may only *recommend* this. In Sweden and Norway the Ombudsman's jurisdiction does not extend to the armed services, because these countries have a special Military Ombudsman (as has also Western Germany).

Another significant difference is that where administrative authorities have been given discretionary power, in Sweden the Ombudsman has no specific

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[4]See my "Finland's Defenders of the Law," *Canadian Public Administration*, IV, no. 3, Sept. 1961, 316-25, and no. 4, Dec., 1961, 412-15.

right to criticize the wisdom of a decision and rarely does so, while in Denmark he has been given this power if he considers the decision unreasonable. The Norwegian committee proposed a similar power for the Ombudsman, and the Norwegian government at first refused this recommendation but then accepted the wording "clearly unreasonable." The importance of these differences should not be exaggerated, however, because the Danish Ombudsman has used this power sparingly, while the Swedish Ombudsman has usually managed to intervene on grounds of illegality where a decision was patently unreasonable. Moreover, the Nordic countries provide wider opportunities for appealing discretionary decisions than the common-law countries; Finland and Sweden have systems of administrative appeal courts, while in Denmark and Norway the ordinary courts may hear appeals on grounds of both law and fact, and appeal within the administration is easier than here.

In all other important respects the competence and practices of the Nordic Ombudsmen are much the same. All can receive and investigate any written complaint, which can be submitted in a sealed envelope without reference to any superior authority; all can initiate investigations and make inspections; all can call upon government agencies to give reports and all have the power to demand departmental records; all report to a special committee of Parliament; all can comment critically on official actions in their annual reports to Parliament; and all can make a report on an urgent matter at any time. In the less serious cases, however, they make critical comments directly to the officers of the department or agency concerned. Many cases involve no more than explaining fully to the bewildered citizen the reasons for the decision of which he has complained, and warning the government office in question that in future it should give adequate reasons for its decisions. But the Ombudsmen's conclusions on important cases are given wide publicity and exert a profound influence on administrative practice. Moreover, on questions of principle arising from cases investigated the Ombudsmen can propose amendments in the regulations or the law.

Matters investigated range all the way from official misbehaviour and outright illegality to less serious complaints of tardiness, inefficiency, or negligence. It is in the latter type of case that the Ombudsman comes into his own, for it is here that the biggest gap occurs in our systems of administrative control; examples range from complaints about getting no answer to an application, leisureliness in replying to mail, and tardiness or bias in making decisions, to giving insufficient information on a decision or right of appeal. Nevertheless, some of the Ombudsmen's most valuable work has been done on serious cases of illegality involving the liberty of the subject. Examples are the complaint of a mental patient that a male nurse had assaulted him, inadequate consent for mental patients to undergo shock treatment or brain operations, police recording of telephone conversations, the barring of a magazine from a prison because it had criticized prison authorities, the unjustifiable use of handcuffs, and the refusal to remove an acquitted person's photograph and fingerprints from police files. Nearly all of these are cases in which redress might have been given had they been taken to the courts, but the point is that in most of them the citizen could not be expected to know his rights, would not know what to do about them if he did, and very likely could not afford expensive legal aid. In several such cases the Danish Ombudsman has secured court action and free legal aid for the complainant. In others he has simply demanded direct redress for the action and assurance that similar actions will not occur again. Where the authority refuses redress, the Ombudsman will of course report critically on the case to Parliament.

Some idea of the nature and extent of the Ombudsmen's work may be gained by considering the number and disposition of the cases with which they

deal.[5] Each handles about a thousand cases per year (not counting about a thousand handled by the Military Ombudsman and the Chancellor of Justice in Sweden, and fifteen hundred by the Chancellor in Finland). Most cases arise out of complaints from the public, but cases initiated by the Ombudsman himself, as a result of inspections or reports in the press, account for a large proportion of the criticisms and prosecutions. In Finland and Denmark only 10 to 15 per cent of all cases require criticism, recommendations, disciplinary action or prosecution, but in Sweden the proportion is above 20 per cent. Probably the main reason for the higher percentage in Sweden is the greater number of cases that arise from inspections, nearly all of which require criticism or remedial action. Another reason may be the long experience with the institution in Sweden and the public's knowledge of which actions are likely to be condemned by the Ombudsman.

The total number of cases per year requiring criticism or remedial action is about seventy in Denmark, and nearly a hundred in Finland (not counting about two hundred handled by the Chancellor of Justice). In Sweden, a country of about eight million, the total was close to three hundred in 1960 (not counting about two hundred handled by the Military Ombudsman and a few by the Chancellor). In Canada the number must be proportionately greater because our courts and administrative appeal bodies have a weaker role, and because we have no Ombudsman scheme, the mere existence of which is a powerful preventive influence. But on a straight population basis one could guess that, not counting the armed services, the number of cases in Canada must exceed seven hundred, with perhaps three hundred at the federal level alone. Hence the work load of an Ombudsman for the federal government in Canada might be roughly comparable to that of the Swedish Ombudsman, who handles all levels of government. Surprisingly, this work is done in Sweden and the other Nordic countries by a staff of only five or six legal officers and a few office assistants.

We may conclude that the office of Ombudsman has a number of desirable characteristics which argue for its adoption. In the words of the Whyatt Report (p. 52):

> First, there is the principle of impartial investigation. If a citizen makes a complaint against the conduct of a civil servant, the matter is investigated and reported upon by the Ombudsman, who is an impartial authority entirely independent of the Administration. Secondly, the impartial authority acts on behalf of Parliament although he is also protecting the interests of the individual complainant. Thirdly, the investigation is conducted openly. All the documents are made available to the Press and wide publicity is given to the investigation in all its stages (in Denmark, only if the Ombudsman decides this would be desirable). Fourthly, the method of submitting complaints and the investigation of complaints is very informal.

And one might might add, fifthly, that since the great weapon of the Ombudsman is criticism he does not interfere with day-to-day administration. Unlike appeal bodies, he does not substitute his judgment for that of the official, nor does he, like the courts, quash decisions. Even where he has the power to prosecute, as in Sweden, he rarely has to resort to its use.

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[5]Figures for Denmark and Sweden are given in Bent Christensen, "The Danish Ombudsman," and Stig Jagerskiold, "The Swedish Ombudsman," *University of Pennsylvania Law Review*, vol. 109, no. 8, June, 1961, pp. 1105 and 1085; and for Finland, in my article, "Finland's Defenders," 414.

III

Let us now turn to some of the arguments that have been raised against transplanting the Ombudsman scheme. One reason the English-speaking world took so little interest in the institution before it was adopted in Denmark is that nothing was known of the Finnish plan, and of the Swedish scheme it was argued that the systems of government and law in Sweden were too different from ours for the scheme to be applicable. Sweden has administrative appeal courts, a different system of court review, and a tradition of publicity whereby the press and the citizens may have access to departmental files at any time, as opposed to our tradition of administrative secrecy. More important, Sweden has an administrative system radically different from our own; Swedish departments resemble our public corporations in their independence, and are not subject to detailed day-to-day control by the ministers responsible to Parliament. Because of these differences it was said that the scheme either would not work here or was not needed. However, the successful adoption of the scheme in Denmark and its proposal for Norway exploded these claims. For the systems of law and cabinet government in these countries resemble ours much more closely; neither country has a system of administrative courts, neither has a strong tradition of administrative publicity, and both have systems of ministerial responsibility similar to ours.

A closely related argument against transplanting the scheme is that, in view of the revelations of the Ombudsmen, the need for a check on officialdom must be greater in the Nordic countries than elsewhere. The Nordic countries, however, are among the best-governed democracies in the world, the standards of their public services are extremely high, and, as already mentioned, their provisions for appeal of administrative decisions are more ample than in the English-speaking countries. In adopting the Ombudsman system, Denmark and Norway have simply recognized that in the age of the welfare state traditional controls are not good enough. As the Chairman of the Norwegian Committee on Administrative Procedure expressed it:

> [Our] recommendations are not based upon any assumption or allegation on the part of the Committee that the Norwegian administrative system is a bad one or that the civil servants are incompetent. The Committee states, on the contrary, that our administration may bear comparison with any other system of administration. This is also true of the guarantees and safeguards. The reasons behind the proposals to strengthen the means of control are much more far-reaching and go deeper. They have their origin in the characteristic development of the modern Welfare State. It seems unavoidable at the stage of economic and technical development which, regardless of politics, has been achieved in all modern societies, that even larger and broader powers shall be bestowed upon the administrative authorities... This is the background against which the Norwegian proposals—and the many efforts in other countries to introduce reforms in the same field—must be considered.[6]

Curiously, the opposite argument has also been raised—that the need is greater in the English-speaking countries, and is in fact so great that an Ombudsman would be overwhelmed with complaints. *The Times* warned (January 13, 1960) that in a large country like Britain the office might burgeon into something like the Chinese Control Yuan during the Han dynasty (206 BC—AD 220), which became a parallel branch of government constantly looking over the shoulder of the harried official. Instead of a public watchdog over the

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[6]Terje Wold, "The Norwegian Parliament's Commissioner for the Civil Administration," *Journal of the International Commission of Jurists*, II, no. 2 (Winter, 1959; Spring-Summer, 1960), 24.

official's acts the Ombudsman might become a bloodhound sniffing after his every decision. But as the *Economist* replied (January 31, 1960), this argument is to stand logic on its head. It is tantamount to saying that because the demand would be overwhelming the need should not be met at all. In any case, the fear is false. The public defender is no super-administrator with power to substitute his judgment for that of other officials. And rarely does he review the content of a discretionary decision but only the way in which the decision has been made, to ensure its legality and fairness. That the bloodhound theory arises from a false fear is shown by the reversal in the attitude of civil servants in Denmark towards the Ombudsman. Before the scheme was introduced they opposed it, but after its adoption they soon realized that the office was an aid rather than a hindrance. For in nine cases out of ten the Ombudsman vindicated their decisions and hence increased public confidence in the civil service. The scheme also shifted much of the task of handling the public's complaints from the civil service to the Ombudsman. Furthermore, minor officials soon found that the Ombudsman was an ally in their own dealings with arbitrary superiors. It is true, of course, that in the absence of a comprehensive system of administrative appeal the work of an Ombudsman in English-speaking countries would be greater, but this problem must be attacked at its source.

It is frequently argued that to be the little man's defender the Ombudsman's office must be a highly personal one, while in large countries like Britain or even Canada the size of the office would cause it to lose this personal touch. This argument has been inverted recently in Canada by Professor Abel; his view is that the office is *too* personal, too dependent upon one man's integrity, understanding and daily time.[7] It is further argued that the nature of the office demands for its success finding exactly the right man for the job, in particular one who combines a profound knowledge of the law with wide experience in various types of administration. These arguments, too, can be easily challenged. In the first place, there has been a lot of sentimental twaddle about the Ombudsman's personal touch. The principle of impartiality is far more important than the personal touch. Citizens need to know that there is an independent authority to which they can turn for an impartial investigation, but this objective can be achieved without the paternalism inherent in a personalized office. Moreover, there are good grounds for the view that important and complex cases of a judicial nature should *not* be decided by a single person. (In fact they are not so decided under the Ombudsman scheme. Although the Ombudsman deals with all important cases personally, naturally he and his expert staff discuss the cases before he reaches a final conclusion, so that in effect they work as a group). The old adage applied to the higher courts that two heads are better than one also applies here. For this reason I would recommend for Canada and other populous countries a commission of three members, which might be called the Parliamentary or Administrative Complaints Commission. Commissioners would decide important cases together, but could decide minor cases individually. Each could specialize in a particular area or type of administration. The commission could include a judge *and* an experienced administrator (and perhaps also a representative of the public). In this way the proposal by-passes the argument that it is virtually impossible to find in a single man the qualities demanded by the office.

IV

Having seen that the arguments against transplanting the Ombudsman scheme may be effectively demolished, let us turn to a number of controversial questions that must be answered in the course of transplanting it. These are:

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[7]Albert S. Abel, "In Search of a Basic Policy," *Canadian Public Administration*, V, no. 1, March, 1962, 68.

Should the commission be enabled to criticize not only the fairness but also the reasonableness of decisions? Should it be able to criticize the actions of ministers? Should a minister be empowered to stop an investigation, and should the commission deal with complainants only through members of Parliament, as the Whyatt Report has proposed? How should the commission be appointed? Should it have the power to prosecute officials? And finally, should it have any supervision over the courts? On most of these questions, as we have seen, the Nordic countries themselves differ.

The question of the power to criticize the reasonableness of discretionary decisions is perhaps the most controversial. Denmark and Norway have given the Ombudsman this power perhaps because, like the English-speaking countries, they have no system of administrative courts. If the commission were given this power, one problem is that it might take up cases for which there are already adequate facilities for administrative appeal, thus extending its work unnecessarily and creating confusion. For this reason the New Zealand law states that the commissioner shall have no jurisdiction over any decision on which there is already a right of appeal on its merits, and the Danish law was changed in 1959 to provide that he shall not have jurisdiction over any such decision except for faulty administrative procedure or conduct. Either of these provisions would solve the problem, although the second is preferable because of the unregulated nature of our administrative procedure. Another problem, however, arises because in many discretionary situations any one of several decisions may be reasonable, or the decision may involve a question of policy. Hence there is the danger that the commission may merely substitute its view on the merits of a decision for that of an experienced official or regulatory body, or even of the responsible minister, thus perhaps wandering into a politically controversial field and endangering the prestige of the institution. And yet, because of our lack of facilities for appealing discretionary decisions, and because courts and tribunals are unsuitable for appeals on many types of discretionary decision, the need for more adequate control is great. My own view is that the commissioners should be given this power but in such a way that they can use it only in cases of patent unreasonableness, as the Ombudsman has done in Denmark. It should not be beyond the wit of our legal draftsmen to devise a wording that would suit. Perhaps the wording in the legislation for Norway or New Zealand could be used as a guide. In New Zealand, however, it seems to be too broad, for it includes a provision that he may criticize not only a decision that he thinks is "unreasonable" but simply "wrong."[8]

On the second question, the Ombudsman may criticize the actions of individual ministers in Norway, Finland, and Denmark, and indeed has done so in Finland and Denmark. In Sweden, however, although he may prosecute a minister at the direction of Parliament, otherwise he has no formal authority to investigate the actions of ministers because of the divorce between the administration and the ministry, and because constitutionally the latter acts collectively and its decisions are those of the King. In the New Zealand and proposed British plans, too, the commissioner seems to have no power to investigate ministers, no doubt because of the fear that this might interfere

[8]The 1961 bill is reprinted in the Whyatt Report, Appendix B. Under Sec. 18 the commissioner may take action with respect to any decision, recommendation, act or omission where he finds that it: (*a*) appears to have been contrary to law; or (*b*) was unreasonable, unjust, oppressive, or improperly discriminatory, or was in accordance with a rule of law or a provision of any enactment or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory; or (*c*) was based wholly or partly on a mistake of law or fact; or (*d*) was wrong; or (*e*) involved the exercise of a discretionary power for an improper purpose or on irrelevant grounds or on the taking into account of irrelevant considerations or where reasons should have been given for the decision. These provisions remained unchanged in the 1962 bill.

with their responsibility to Parliament. However, just how the power to criticize the legality of a minister's decisions might interfere with ministerial responsibility has never been clearly explained. Certainly the Auditor General's power to criticize has not done so. Obviously, ministers are fallible human beings capable of making unjust decisions and taking arbitrary or illegal action. And, under our system of cabinet dominance and secrecy, they may easily do so without Parliament's knowledge. We must keep in mind, too, that the minister usually sides with his officials on administrative decisions. The complaints commission would not be authorized, of course, to comment on decisions of the whole cabinet or on matters of policy or politics, and it would have no power to *interfere* with a minister's decisions but only to get at the facts of those decisions and to report on them critically to Parliament. This would be an *aid* to Parliament's control over the executive rather than the reverse. Hence, I favour giving this power to the commission, in the belief that it will be used wisely and impartially, as in Denmark.

For the same reasons one cannot agree with the proposals of the Whyatt Report that a minister should be empowered to stop an investigation or refuse to release departmental minutes to the commissioner. After all, the commissioner would be an officer of Parliament, and surely could be trusted with confidential information. To function effectively, he must have power to get at *all* the facts of a case. There would be a vast difference between making information available to the commissioner and making it available to the public. He would of course not be empowered to disclose state secrets or information injurious to private persons or firms. The Whyatt Report justified its restrictive proposals with the argument that the freedom to investigate might interfere with Britain's long-established system of ministerial responsibility, whereas the ministerial system was not introduced in Denmark until 1953 and presumably still is not firmly estabilshed. But Miss Pedersen, a Danish judge, has pointed out in reply that this simply is not true. The system of ministerial responsibility was introduced in Denmark as long ago as 1849, and the Ombudsman system has worked smoothly there without these proposed restrictions.[9]

Nor can one agree with the Whyatt proposal that members of Parliament should become a kind of buffer between the citizens and the commissioner. One of the great advantages of the Ombudsman scheme is its direct and easy access. There can be no objection to citizens complaining in the first instance to their members, but there is no good reason why this should be required. In some cases the aggrieved citizen will know and wish to deal with his member but in others he will not, and there should be as many avenues as possible for receiving complaints. The commissioner should instead be required to pass to the relevant member copies of all complaints received, indicating in each case whether he intends to investigate. This would satisfy the desirable principle that under our system of single-member constituencies, the relevant member should be kept informed and should provide what help he can. If reducing the number of frivolous complaints is the main consideration behind the Whyatt proposal, the requirement in New Zealand's law that the complaint must be accompanied by a small fee (£1) might meet the problem. Even if it is agreed that for an initial period the members should screen all complaints in order to reduce their number, the assumption that the members would then continue to be a buffer is unacceptable. It is stated in the Report (p. 72) that the commissioner need not inform the complainant of his decision, but may leave this to the member. But as Miss Pedersen has pointed out, once an

[9] I. M. Pedersen, "The Parliamentary Commissioner: A Danish View," *Public Law*, CXXIV, no. 1, Spring, 1962, 18.

investigation has begun, the complainant ought to be a direct party to the proceedings in his own right.[10]

On the question of appointment of the commissioners it is clear that they should be appointed by Parliament, as in New Zealand, in order to enhance their independent position, even though under our strong tradition of executive appointment they would probably be proposed by the Government. That they should be chosen by a multi-party committee of the two Houses, as in Sweden, is perhaps too much to expect. In the Nordic countries the Ombudsman's appointment is for only a short term, usually the life of a Parliament. Though often he is reappointed, sometimes he is not. Short-term appointment is not such a danger to the Ombudsman's independence under a multi-party system as it would be under our system of strong majority governments. The New Zealand bill copied the Danish scheme too slavishly in this respect. In our system a Government would be tempted to replace the commissioners when it came to power, and if this should happen, it could easily ruin the scheme. For this reason, they should be appointed with tenure and probably should have the same security as judges. To further ensure their independence, the commissioners should report to a special parliamentary committee, as the Auditor General does to the Committee on Public Accounts, and the chairman of the committee should be a member of the Opposition. As with the office of Auditor General, the success of the scheme will depend greatly on the nature of this committee and on how vigorously it deals with the commission's reports.

The questions of whether the commission should have power to prosecute or order a prosecution, and to supervise the courts, are more difficult to answer. These powers have been omitted from the Norwegian, New Zealand and proposed British plans, so that the commissioner will be left with no direct powers of supervision, and will have only the powers of report and criticism. The power to supervise the courts has also been omitted from the Danish plan. It is clear that the Ombudsmen's power to prosecute is much more important as a threat than as an action. In Finland and Sweden they actually prosecute in only about seven or eight cases a year, but may virtually force their views upon officials through the threat of prosecution. This can have the undesirable effect that in serious cases remedial action may be secured in a rather informal manner without recourse to and pronouncement by the courts.[11] In any case the power does not seem crucial, for without it the commission would still be able publicly to recommend a prosecution.

On the question of including the courts, it is significant that at least a quarter of the Swedish Ombudsman's cases deal with complaints about the courts and public prosecutors. The courts were excluded in Denmark and Norway partly because it was felt, rightly or wrongly, that they should remain independent of criticism even by an arm of Parliament. But in Denmark they were excluded also because there had already been created within the court system a special court to deal with complaints. Regarding the argument for judicial independence, the Swedish Ombudsman has this to say:

> I myself come from the ranks of judges, and can assure that I have never heard a Swedish judge complain that his independent and unattached position is endangered by the fact that the JO [Ombudsman] may examine his activity in office. The claim to an independent position does not necessarily mean that a judge should be free from responsibility or criticism when acting against the law. From the JO's annual reports of the past 150 years, anybody may see that there has been a need for the supervision of judges also.[12]

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[10]*Ibid.*

[11]See Jagerskiold, "Swedish Ombudsman," 1089.

[12]Alfred Bexelius, "The Swedish Institution of the Justiteombudsman," *International Review of Administrative Sciences*, XXVII, no. 3, 1961, 245.

It is important to note that the Swedish Ombudsman's cases are not ones in which he sets himself up as a general appeal body, but cases in which he deals specifically with maladministration within the court system, with such matters as the faulty behaviour of judges. Yet he handles more than three hundred such complaints a year. Clearly it is not healthy to pretend that our judges can do no wrong. It seems reasonable to propose either that the commission should be given jurisdiction over the courts, or that there should be created within the court system a special office or court for complaints, as in Denmark. If the first proposal raises fears for the independence of the courts, the commission could be required to send its serious criticisms of judicial action to a disciplinary authority within the court system, such as the Chief Justice, rather than to Parliament; minor criticisms would of course go direct to the judge concerned.

V

Let us now turn to some of the special problems involved in applying the Ombudsman system to Canada. New Zealand has already led the way in working out some of the detailed problems of adapting the scheme to a Commonwealth parliamentary system. But New Zealand's plan will be of little help in telling us how the scheme should be adjusted to fit a large federal country. It is obvious that we cannot have a single complaints commission, but must have separate institutions for the federal and provincial governments. Fortunately, this necessity gives us three advantages: we have eleven chances of adopting the scheme; we have eleven opportunities of developing a system well fitted to our special needs; and the work load of the commissioners at each level of government will be small enough to be manageable. There may be some confusion among the citizens as to which level should receive a complaint, but the commissioners could simply forward cases to the appropriate office, as they do in Finland, where the two almost completely overlapping offices do not seem to bewilder the citizens unduly.

Even if the federal commission were to include the courts, constitutionally neither its jurisdiction nor the power of the Chief Justice to reprimand could extend below the level of the county court judge. Yet because of the volume of cases in the lower courts and the not infrequent appointment of inadequately trained magistrates, it is likely that most judicial complaints would arise from these courts. Moreover, the only disciplinary authority at this level is the provincial Attorney General, who is a member of the political executive and who for this reason should not interfere with the work of the courts. Hence the argument is strong for including the lower courts within the jurisdiction of the provincial complaints commissions.

There is also the question of whether the competence of the provincial commissions should extend to municipal councils and officers. The Ombudsman supervises municipalities in Finland, Sweden extended the Ombudsman's jurisdiction to local government in 1957, and Denmark did likewise in 1961. The Whyatt Committee found numerous examples of uncontrolled discretionary powers at the municipal level and has proposed the eventual inclusion of local government in the British scheme. It seems reasonable to conclude that our provincial schemes should include the municipalities, except perhaps for cities that are large enough to have their own complaints commissioners such as Montreal, Toronto, and Vancouver.

What adaptations will be needed at the federal level because of the tremendous geographic expanse of the country? Will the institution require district or regional offices to receive complaints? This seems unlikely. Sweden, with a relatively large area, has not required them; instead, complaints are sent in by mail and the Ombudsman and his staff go on inspection tours. In Canada, if there were a commission of three members, they could travel

separately to make inspections and investigate complaints, and of course their staff could travel widely to receive complaints and make preliminary investigations.

By now it will be clear that the powers of the Canadian complaints commissioners should be broad—broader in some respects than they are in New Zealand's new plan. In New Zealand the grounds on which the commissioner may act are extremely wide, and the action that he may take includes recommendation to the appropriate authority that an omission be rectified, a decision cancelled or varied, a practice changed, or even that the law be amended. In Canada we have severely limited opportunities for court review and administrative appeal; we lack an Administrative Procedures Act as in the United States or a Council on Administrative Tribunals and generous provisions for legal aid as in Britain; and we are worse off than other Commonwealth countries in opportunities for settling grievances through Parliament. For all these reasons we should err on the side of extensive powers; if a particular power proves to be inappropriate, it can always be revised or removed by Parliament.

It should be stressed, however, that the complaints commissioner system will be no panacea. A number of people in Britain seem to regard "Ombudsman" as a kind of magic word that will cure all their administrative ills. But the age-old problem of the relation between the state and the individual is far too complex to be solved by one simple scheme. As Professor Abel has pointed out, we need "an appropriate *array* of review for different administrative decisions."[13] Similarly, we need a *variety* of controls over administrative action. The Ombudsman scheme should be accompanied by a number of other reforms that are needed to plug the gaps in our system of control. Otherwise, the scheme may fail because we are trying to make it do too much. We must remember that in the Nordic countries the scheme only supplements a battery of other effective controls, and that New Zealand is adding this scheme to an already well-developed parliamentary grievance system.

On the other hand, the danger in setting up a network of controls is that if the administration is surrounded with too many controls it will be unable to move. This is the danger in extending court review too far or in judicializing the administrative process too much. The United States has already gone too far in this direction, and recent British changes and proposals seem to point to the same danger. What we need is a fence along the administrative road, not a gate across it. The great virtue of the Ombudsman scheme is that its weapons are publicity and persuasion rather than cumbersome controls; it is in the category of the fence rather than the gate.

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[13] "In Search of a Basic Policy," 71.

HOUSE OF COMMONS

Second Session—Twenty-sixth Parliament

1964

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: MR. MAURICE-J. MOREAU

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 8

MONDAY, NOVEMBER 9, 1964

MONDAY, NOVEMBER 16, 1964

Respecting

Subject-matter of Bill C-7, An Act to establish the Office of Parliamentary Commissioner

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WITNESS:

Mr. Claude-Armand Sheppard, Advocate, Montreal.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20988—1

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Maurice J. Moreau

Vice-Chairman: Mr. Jean-Eudes Dubé

and Messrs.

Balcer,	Groos,	Nugent,
Beaulé,	Jewett (Miss),	O'Keefe,
Cameron (*High Park*),	[2]Leboe,	Paul,
Chapdelaine,	Lessard (*Saint-Henri*),	Rhéaume,
Chrétien,	Macdonald,	Rochon,
Drouin,	[1]Macquarrie,	Scott,
Fisher,	Martineau,	Valade,
Francis,	Mullally,	Vincent,
Grégoire,	Nielsen,	Woolliams—29.

(Quorum 10)

Gabrielle Savard,
Clerk of the Committee.

[1]Mr. Macquarrie replaced Mr. Pigeon on October 5.

[2]Mr. Leboe replaced Mr. Thompson on November 2.

ORDERS OF REFERENCE

MONDAY, October 5, 1964.

Ordered,—That the name of Mr. Macquarrie be substituted for that of Mr. Pigeon on the Standing Committee on Privileges and Elections.

MONDAY, November 2, 1964.

Ordered,—That the name of Mr. Leboe be substituted for that of Mr. Thompson on the Standing Committee on Privileges and Elections.

Attest.

LÉON-J. RAYMOND,
The Clerk of the House.

20988—1½

MINUTES OF PROCEEDINGS

MONDAY, November 9, 1964.

The Standing Committee on Privileges and Elections, having been duly called to meet at 8:00 p.m. this day, the following members were present: Messrs. Chrétien, Francis, Lessard (*Saint-Henri*), Macdonald, Moreau, Mullally, O'Keefe and Rochon (8).

In attendance: Mr. A. M. Henderson, Auditor General of Canada.

There being no quorum, at 8:40 p.m. the Chairman adjourned the meeting until 8:00 p.m. Monday, November 16.

MONDAY, November 16, 1964.
(19)

The Standing Committee on Privileges and Elections met this day at 8.30 p.m. The Chairman, Mr. Maurice J. Moreau, presided.

Members present: Miss Jewett and Messrs. Cameron (*High Park*), Chrétien, Drouin, Fisher, Leboe, Lessard (*Saint-Henri*), Macdonald, Macquarrie, Moreau, Mullally. (11).

In attendance: Mr. Claude-Armand Sheppard, Advocate of Montreal.

The Committee resumed consideration of the subject matter of Bill C-7, an Act to establish the office of Parliamentary Commissioner.

At the opening of the meeting, the Committee attended to routine business.

On motion of Mr. Lessard (*Saint-Henri*), seconded by Mr. Drouin,

Resolved,—That six dozen copies of issues Nos. 6 and 7 of the Minutes of Proceedings and Evidence of this Committee be made available to the Canadian Bar Association.

On motion of Miss Jewett, seconded by Mr. Leboe,

Resolved,—That notwithstanding the resolution passed on September 2nd, 1200 copies in English and 600 copies in French be printed of all proceedings of this committee, in relation to subject matter of Bill C-7.

On motion of Mr. Chrétien, seconded by Mr. Drouin,

Resolved,—That reasonable living and travelling expenses as well as a per diem allowance be paid to Mr. Claude-Armand Sheppard in connection with his appearance before this Committee.

The Chairman then introduced Mr. Sheppard.

On motion of Mr. Drouin, seconded by Mr. Lessard,

Resolved,—That the account of the *McGill Law Journal* for 20 copies of Vol. 10, No. 4, 1964 at $2.00 each, which have been secured for the information of the Committee, and which contain an editorial "An Ombudsman for Canada", by Mr. Claude-Armand Sheppard, be paid.

Mr. Sheppard dealt with some of the possible objections which have been raised to the institution of an ombudsman, and the advantages it would represent; he concentrated on constitutional law and some of the difficulties which have been encountered in other countries. The witness proposed a number of specific features which any ombudsman bill should contain in our country.

The witness was questioned in English and in French.

The questioning concluded, the Chairman thanked Mr. Sheppard and announced that unless the members of the Committee wished to hear others, the last witness to be called would be the Auditor General of Canada.

It was agreed that Monday evening is the most suitable time for the hearing.

At 10.05 p.m. the Committee adjourned to the call of the Chair.

Gabrielle Savard,
Clerk of the Committee.

EVIDENCE

MONDAY, November 16, 1964.

(*Text*)

The CHAIRMAN: Gentlemen, I see a quorum.

There are a few resolutions which we should pass at this stage. I have received a request from the Canadian Bar Association for 500 copies of our proceedings, Nos. 6 and 7. I find that it is impossible for the distribution office to make these copies available. That number of copies is not available, and could not be obtained other than by a special printing. I obtained a price on this and so advised the Canadian Bar Association. However, I did tell them probably we could make available a few dozen copies. If it is the wish of the committee that we do so, might we have a motion to this effect; that is, that six dozen copies of the Minutes of Proceedings and Evidence Nos. 6 and 7 be made available to the Canadian Bar Association.

Mr. LESSARD (*Saint-Henri*): I so move.

Mr. DROUIN: I second the motion.

Motion agreed to.

The CHAIRMAN: Previously we had authorized the printing of 1,200 copies in English and 600 copies in French of our proceedings No. 6 Apparently, however, the same number was not authorized for the succeeding issue, No. 7, and the proceedings of tonight's meeting and future meetings on this subject. In view of the interest in the country, I think it would be advisable to authorize the printing of that number of copies. I understand that only 200 copies remained before this request by the Canadian Bar Association. I certainly think we need the 1,200 copies in English and the 600 copies in French as has been authorized in respect of No. 6. May I have a motion to the effect that 1,200 copies in English and 600 copies in French be printed of all future proceedings in relation to the subject matter of Bill No. C-7?

Miss JEWETT: I so move.

Mr. LEBOE: I second the motion.

Motion agreed to.

The CHAIRMAN: There is another matter concerning the expenses of our witness who is present tonight. May we have a motion covering the expenses of the witness who is appearing this evening?

Mr. CHRETIEN: I so move.

Mr. DROUIN: I second the motion.

Motion agreed to.

The CHAIRMAN: Mr. Sheppard, would you like to join us here at the head table? Our witness this evening is a lawyer from Montreal who has made a study of the subject of an ombudsman for Canada. I believe most of us have reecived a copy of his paper that was published in the *McGill Law Journal*, and I hope that most of you have read this.

Mr. Sheppard has published a number of other legal studies in periodicals such as the *Revue du Barreau*, the *McGill Law Journal*, *Themis*, and the *Canadian Bar Journal*, dealing with subjects of civil and constitutional law. You already are aware of the article in the *McGill Law Journal* in respect of

the ombudsman. Mr. Sheppard also has published a book in French on motoring laws and this winter is publishing a collection of legal studies plus a book on political crime. He writes the only regular legal column in America in Montreal's *Le Devoir* and also does the legal commentary on both the French and the English networks of the C.B.C. Mr. Sheppard certainly is very well known in legal circles.

I think we might start by having Mr. Sheppard give us a few preliminary remarks. I have asked him to restrict his discussion to the final argument in his paper because I feel the members of the committee have had sufficient background material on ombudsman systems in other countries. As you know, the article deals with a fairly historic sort of approach in the preliminary chapters. I thought we might avoid much of that tonight.

I think our witness is prepared to discuss particularly the legal and constitutional problems which we might face in Canada, and also to give us his ideas on the relation of the office to parliament and the application of such an office on the Canadian scene.

Before we start with Mr. Sheppard, I would like to legalize a liberty I took in respect of the copies of the article that you received at the last meeting. I think it would be in order to have a motion in respect of the payment of these issues of the *McGill Law Journal* which I have taken the liberty of ordering so that members of the committee would have these available for preliminary study. These issues cost $2 each. I might add that these do not come from Mr. Sheppard; they come from the office of the *McGill Law Journal*. I have a statement, and I would appreciate a motion to authorize payment of this.

(*Translation*)

Mr. DROUIN: As a former student of McGill I suggest it should be paid.

(*Text*)

Mr. LESSARD (*Saint-Henri*): I second the motion.

Motion agreed to.

The CHAIRMAN: Mr. Sheppard, would you like to proceed?

Mr. CLAUDE-ARMAND SHEPPARD: Mr. Chairman, ladies and gentlemen, I am happy to be giving my views here before some of my colleagues have had an opportunity to give you all the objections that the legal profession have not uttered as yet but which they are preparing against the institution of the ombudsman. Unfortunately, like anything which seems new and seems contrary to established procedures, as lawyers we generally are afraid of it.

Assuming that you have had the general background given to you, by previous witnesses it seems to me that I might limit my remarks to what I believe to be a number of important areas. In order to dismiss them, I would like to deal with some of the possible objections which have been raised to this institution. Next, I would like to suggest to you some of the, let us say, legal and perhaps political advantages—although there I am out of my depth—and then to conclude I would like to deal with some constitutional problems and some of the difficulties which have been encountered in other countries. I would also like to propose a number of specific features which any ombudsman bill should contain.

There are various groups which tend to have objections to the ombudsman scheme. The first group is the civil service. In many countries the civil service has felt threatened by the idea of having a parliamentary commissioner sort of bend over their shoulder. This is what they imagine before the institution actually is implemented.

As Sir Guy indicated to you, except in Norway where they actually have advocated it, the significant fact is that once it is instituted it is found to be far from being a threat to their security or efficiency, and often as turned out to be

a help to them. In fact, in most cases—anywhere from 80 to 90 per cent of the ombudsman transactions—civil servants frequently have been great users themselves of the facilities of an ombudsman.

The second type of objection has come from the government or the policy-making institutions which fear that an ombudsman might find it hard to draw the line between supervision of administrative actions and of actual policy-making. I note that Sir Guy in his testimony before this committee pointed out that very often it was indeed hard to draw the line.

There are two attitudes which can be adopted in proposing a bill. You can either try to draw an abstract line and say you never can interfere when policy is at stake, or do what they have done in New Zealand, which I highly recommend, which is to give sufficient leeway to an ombudsman who, after all, is the man parliament trusts and to whom it has delegated its investigating power in New Zealand. They have permitted the ombudsman to investigate and recommend in areas where a decision has been "wrong" rather than discriminatory. Rightness or wrongness is really a question of policy.

I do not think that in actual practice, this institution having existed for 150 years, there ever has been any problem of interference with government policymaking, which properly should belong to the executive.

A third objection—and this is one to which I alluded at an earlier stage—is that an ombudsman scheme is going to interfere with the judiciary, with the system of the courts, and with the prerogatives of judges who should remain totally independent. Now, I must say that a number of judges and many members of the legal profession are afraid of that, but I think these fears are not properly founded. One reason is that the ombudsman is not a judge; he is not sitting as a court; he does not render decisions; he does not overrule decisions of a court. He is parliament's commissioner to investigate and to recommend to officials what might be the proper administrative action. He does not limit the exercise of judicial recourses such as the right to sue the authorities or issue a mandamus or any of the prerogative writs. The fact that there is an ombudsman is an alternative available to the citizen. Personally, I think an ombudsman, is anything, is going to eliminate some lawsuits.

Very often at the present time, in order to get redress, and provided you have enough money or enough stubborness, you have no alternative but to go to the courts, which is a long and expensive process. The courts are limited seriously by rules of evidence and tradition. Once you have a parliamentary commissioner, however, who investigates and recommends you could often obtain the same result without lawsuit. Rather than interfering with each other, I think their methods will supplement each other. Someone who has a $100,000 claim against the government, or someone who is illegally imprisoned is very unlikely to renounce taking a habeas corpus or suing for damages because it would be cheaper to refer the matter to an ombudsman.

A fourth fear—and I think this has been dealt with by the New Zealand ombudsman—is the disclosure of confidential or secret information, because, as you know, no ombudsman can operate without fairly wide powers of investigation.

Now I would suggest, respectfully, that if you recommend the adoption of this institution in Canada, you should also recommend that, as in New Zealand, hearings be held in camera, because you want an ombudsman who can operate informally, who can operate without the usually attendant publicity of royal commissions, who can take a quick look at government documents without putting anyone on the defensive, and then report equally confidentially. In a court of law you do not want in camera proceedings. But an ombudsman is not a judge, he is only a man assigned by parliament to investigate whether the law is carried out the way it should be.

This leads me perhaps to the last objection that might be raised to an ombudsman. Some parliamentary opinion in other countries, in England for instance and perhaps here, has seen in the ombudsman a threat to the prerogatives of members of parliament. An ombudsman is a commissioner of parliament. He is your man in effect, he is your inquirer, he is the man you have delegated to do a job that you yourself have not the time or the means or the facilities to do, and far from being someone who might lessen the powers of the individual member of parliament I think that, with properly drafted legislation, he is going to be of great assistance to parliament. If anyone has to fear an ombudsman I would say it is perhaps the government—and I do not mean any particular government, but the minister whose department is not properly run. Even there experience has shown that a parliamentary commissioner, because of the informal way in which he operates, because of the lack of publicity attached to his inquiries—although not to his reports—and because of the respect surrounding his personality—and I will get to the choice of an individual in a little while—achieves results that no other form of inquiry has succeeded in achieving.

The ombudsman in effect is very often a convenient way out of an unpleasant situation. For instance put yourself in the position of someone who has a small grievance with which he cannot go to court. He can write to his member of parliament who might be of another party or who might be in the opposition, who might not have the time to handle the complaint properly, or who, for one reason or another, might make an inquiry which is going to lead to the usual runaround because, as members of parliament, you do not have the facilities, which an ombudsman has, to subpoena officials and to examine documents. With an ombudsman in effect you would take out of this inquiry procedure first of all the inefficiency of the inquiry by the individual member of parliament, and secondly you take out of it a certain partisan element.

Nothing stops a member of parliament who gets a complaint from still handling it himself and still investigating it himself or asking the ombudsman to investigate it for him, but there are a multitude of complaints, the kind of complaints that a lawyer cannot handle because it is too expensive for his client and that a member of parliament cannot handle because either he has not got the time or he just does not have access to the information which he wants. So that in this general area I think that if you draft legislation similar to that in New Zealand—which I think is a model of its type, with some reservations—you are very likely to enhance your powers as representatives of the people rather than to surrender them. In effect an ombudsman is parliament's man, parliament's commissioner, even though he is very often activated by individual complaints.

Do not be misled by the fact that an individual who writes to the ombudsman is writing to the man that you, as representatives of the people, have entrusted with the job of inquiring how the law has been administered and to report back to you. He has no power; he cannot vote laws, he cannot change laws or courts' decisions. He only investigates and reports back to you.

Having dealt with what seems to me the negative approach, I can point to some strong advantages of this institution, some of which have already been outlined to you indirectly.

The first one is that the present methods of redress are, I will not say totally inadequate because they are very effective in many cases but they do not enable you to solve the small complaint which is very often more galling than any great one. Judging from my practice, I have seen more of my clients incensed at an illegal parking ticket than a business deal which turned sour and in which they lost several thousands of dollars.

Your sense of justice is very often affected by smaller matters such as a rude answer from an official, or the failure to reply to a letter you have written, or the fact you have had to wait one hour at the customs office, or any such

type of small aggravation about which you cannot go to court and about which you cannot bother your newspaper or member of parliament. The ombudsman is the man on whom you are going to dump it. It is a good thing that he is the one on whom you are going to dump it because he is not going to be either partisan or interested in milking the situation for sensational purposes, but he is going to inquire, perhaps occasion some sort of reprimand, and report back to the citizen, "Your complaint has been looked after, and it probably will not happen again". This very possibility of getting at this small, picayune, arbitrary conduct of officials with which we have all met I am sure as citizens and as members of the community, is going to have a very salutary effect, and even if it is going to annoy some civil servants, the type of civil servants who are going to be annoyed by this type of supervision deserves to be annoyed.

Another unexpected bounty has been that far from serving as an inquisitorial critic of the administration, the ombudsman institution in the democratic countries in which it has been operating—the four Scandinavian countries and New Zealand—has generally resulted in an increase in public confidence in the administration. The average statistic in Scandinavia and even New Zealand is that at most 15 to 20 per cent of the complaints are well founded, and the average in fact is 10. In most cases the ombudsman reports back to a citizen: "The decision or the attitude about which you complained is perhaps unpleasant to you but it is according to law", or "It has been rendered in good faith", with the result that, to the extent that you are dealing with a reasonable citizen (and we all have our share of cranks), he is going to feel he has had someone impartial report back to him that the complaint was not really well founded. You noticed in the testimony of Sir Guy that this has been exactly the experience in New Zealand. This is why civil servants, after an initial antagonism to an ombudsman, later seem to favour it.

Another great advantage of the ombudsman is that he does not operate with the paraphernalia of a royal commission, his investigations are confidential, he has access to documents in an informal manner, he is not used to either embarrass his opponent or the authorities or to annoy civil servants. He is an independent investigator who is as neutral as can be, and this enables him to obtain information that is generally hidden by the civil service if they can hide it when they feel they are on the defensive. In other words, the great advantage that I can see in this type of method is that you avoid putting officials on the defensive. They are not being asked to justify themselves, in public—not that I want to attack royal commissions, but what I am trying to say is that the purpose of a royal commission theoretically is to advise the government on how to legislate. The purpose of a royal commissioner is not the same as that of a parliamentary commissioner who is there to report to parliament on how its laws are being carried out.

One further great possibility peculiar to Canada which I can see in the ombudsman is that in a country where we have two great ethnic entities and where one hears constantly—at least from people in my province, from French Canadians—that they experience difficulty in receiving recognition from certain government bodies of their linguistic rights, that they do not get answers in the language in which they wrote—and this could be true in the reverse as well, as I am sure that complaints one hears from Quebec today might one day produce equivalent complaints from some English speaking citizen who has had trouble receiving a decent reply in his language—the institution of an ombudsman, to me, is an ideal method of trying to resolve these difficulties where there has been administrative inefficiency.

Instead of having the man who was aggrieved at the late printing of the French version of an official text, who feels aggrieved because he cannot receive a reply in his own language, rushing out into the street—as hap-

pened in several cases—he could have someone he trusts look into the matter and report back to him. In some cases the report will be "yes, your complaint was well founded and the authorities have been told to try and do so", or "no, your complaint is not well founded because you wrote to the only expert in this field in Canada and he does not speak French or English well". I think you will have eliminated not all but some of the elements of tension and irritation that occur now. Again, this is not a panacea, and I would not say for one moment that this is going to solve all great political problems, but certainly it is one small, inexpensive method of trying to eliminate some of these areas of friction.

This is outside of the field you are studying in this committee, but a good example of what can happen to a country which does not try to find an outlet for these frictions, is in Belgium where, I understand, they have gone as far as to have to duplicate officials. For instance, if you have 50 or 100 grade 2 people in the external affairs department who are French speaking, you have to have exactly the same number of people of the same level who are Flemish speaking. In the end, very often you will have two officials for the same job because there has been so much irritation between the two groups in Belgium that it has become almost impossible to achieve the kind of compromise and solution that we are still envisaging in Canada. In fact, Belgium is, I think, a blatant example of what can happen to a country where you have unreasonable attitudes.

Another matter—and this is the last advantage that I would mention to you—is one that has been alluded to in previous testimony by Professor Rowat in which he told you about privative clauses. You know it has been a standard practice of legislation, when it set up an appeal board of any type, or any review board, to declare that the courts have no right to interfere with it either by mandamus or certiorari or any prerogative writ. The reason for that has been very evident in the province of Quebec where the labour relations board has been paralysed by a writ every time any union applied for recognition. What has happened in effect is that people who did not like any decision of the labour relations board would tie it up for two or three years in the courts of law, and this would paralyse the purpose of the legislation. With an ombudsman you do not have that fear because he does not tie up anything, he is not a court of review saying, "Give me the record and I will decide" the way a supreme court or a superior court would do, thus preventing the lower court or board from acting. The ombudsman does not interfere, he does not slow down the operations of the government, and hence the fear expressed by the legislator, namely by you, by parliament, in privative clauses, becomes completely unnecessary when you entrust the same function or similar functions to a parliamentary commissioner. Now, before concluding by giving you some of the major features I think any ombudsman legislation should contain I would like to make two or three comments, if you will permit me, on previous testimony you have received.

There are in the testimony of Sir Guy two comments with which I would like to take exception as respectfully as I can. The first one is dealt with at page 356 of the transcript of his testimony, where he talks, if you will recall, about the fact that the New Zealand bill lists the departments and the government corporations which fall under his jurisdiction, and he suggested that any bill here should have the same feature; in other words, we should state that an ombudsman should investigate the following agencies and departments which, by implication, would mean he could not investigate the others. I cannot see any reason for any such limitation. I think that an ombudsman should have the right to look into any area of administrative activity because, precisely in view

of his confidential and non-political operation, he cannot endanger them. You all know the standard complaint about investigations of crown corporations has been that it is going to disrupt them and destroy their independence and efficiency. With a parliamentary commissioner you do not have that because there is not this rigamarole of publicity and no open hearings. This office is not designed to embarrass but cure the administration, where needed.

The second objection I would take to the remarks is at page 369, where he said that because of the size of Canada we should have a method of filtering complaints directed to the ombudsman and that perhaps a good method of filtering them is to entrust them to members of parliament, who should decide which complaints should go before the ombudsman and which should not. This is the very suggestion made by the Whyatt report in Great Britain. At first this may look like a fine suggestion but it is bad for several reasons. The first reason it is bad is I do not think members of parliament have the time to act as kind of a filter for an ombudsman and that they should decide which complaints deserve to go to an ombudsman and which do not deserve to go to an ombudsman. Secondly, what will, in effect, happen is this; you will write to one member of parliament who will not refer your complaint to the ombudsman. Then you write to his opponent and tell him you wrote to so and so, who is a member of another party, and he would not handle your complaint. In this way you will immediately draw the ombudsman into the political arena, which is the very thing you want to avoid.

In respect of Professor Rowat I have only one exception, I am referring to his remark at page 479 of the transcript in which he suggested it would not be too serious a thing if by mistake the federal ombudsman occasionally would investigate provincial matters. Now, it might not be too serious a thing from a point of view of theory or from a point of view of effect on the political future of Canada, but I cannot see a man who the federal Parliament has appointed to administer the application of federal laws snooping around to see how some department of the province of Ontario or some department of the province of Quebec is carrying out its operations. I am sure that most of you who are present know this danger and, if necessary, I will later on return to the subject. We have to avoid creating constitutional problems with a method which ought to be designed to lessen them, and perhaps now that I have reached the last part of my remarks I can say a few words about the constitutional aspect.

There is no serious constitutional problem involved in Canada if you look upon the ombudsman as he really is; he is the man appointed by parliament to make sure the government and the executive carry out your laws the way you want them carried out. Consequently, your ombudsman can only look into the operations and the laws you have voted and, consequently, if we ever see that day we have to envisage the existence in Canada of at least 11 ombudsmen, one federal ombudsman and 10 provincial ones. And, to show you how flexible this institution is, in some countries, Holland for instance, and I think in the United States, there have been suggestions of municipal ombudsmen; in other words, a man appointed by a municipality to handle some types of complaint.

Where I can see a problem—and here I think we can follow the New Zealand suggestion—is where an ombudsman has to decide, first of all, whether a complaint falls within his realm or that of a provincial ombudsman, or where he is not too sure in cases where he is being asked to investigate a matter of administration whether it is within his proper jurisdiction or is a matter of policy. And, the way out, as indicated in the New Zealand bill, would be to allow him to refer the matter to the Supreme Court, and I think, as I suggested in my article in the *McGill Law Journal,* in view of the tremendous importance from the constitutional point of view of any such decision, in every instance he should call into the case the attorneys general of all the

provinces, in the case of provincial jurisdictions, and the federal attorney general, in case of the federal jurisdiction, to enable them to make their representations. Otherwise you could have a situation where, in effect, by a roundabout way, without realizing it, the Supreme Court might render a very important constitutional decision. But, you have to have a tribunal that will decide where the ombudsman might overstep his jurisdiction.

Now, you are considering a bill which, I think, contains the essential features of what a proper ombudsman should be. You should have either a single commissioner or, perhaps, as Professor Rowat stated, a commission, although I, personally, shy away from that idea. You should stipulate that because of the fact that this man will deal very often with matters of law he should have some type of legal qualifications, although I am not sure this is essential. In New Zealand it is not required although in fact it is always a jurist who is appointed. He should be given the right to hire and fire his own staff because you want to ensure his independence. This is a feature in every country where he exists. I would say the essential feature of the institution is that it should be a bipartisan appointment. I think that the ombudsman should be appointed as nearly as possible in a non-partisan manner. In fact, this has happened in New Zealand and everywhere else except in Finland. You should provide for tenure in the same manner as a judge. So, the selection of the man is a very important parliamentary function. He should really be a man you as a parliament rather than as members of any party trust. The minute you have a partisan ombudsman, a political ombudsman, you have done more harm than good, and I do not think I have to tell you what the result would be.

Now, in respect of money—and perhaps here I am talking out of bounds in view of the fact that private bills cannot deal with money matters—in New Zealand they provide that the number of personnel on his staff has to be approved by the prime minister and his budget has to be approved by the minister of finance. Now, to me this is giving the executive the kind of control that you do not want to surrender to the executive because it enables the government—and again I am speaking of no particular government—to destroy the institution by either limiting its staff or by reducing its budget to the extent that you will not be able to attract any competent individual to occupy the position. My suggestion is that you should have a budget submitted by the ombudsman directly to parliament and it should be voted upon by parliament, bypassing the executive because he is parliament's man.

So far as complaints are concerned, I would say that the one year limitation is not a bad idea because you do not want complaints that can be brought 50 years after the matter arose, but you should enable the ombudsman to waive it in cases where he deems it necessary. There should be no fee charged. As the New Zealand ombudsman told you, it is a nuisance more than a help. You should require that anyone complaining first should have exhausted all administrative recourse. I am not referring to legal recourses but he should at least have exhausted all the recourses which the administration gives him before he complains that the administration is not fair.

So far as inquiries are concerned—and I am summarizing what I said at length in the *McGill Law Journal*—I think it is important that all witnesses coming before the ombudsman should be given the protection of the Canada Evidence Act against self incrimination, to make sure that they are testifying willingly and, in respect of where a serious complaint is launched, he should be given the right to counsel. Even though these hearings are conducted in camera they should be given the right to be assisted by their attorney, who should be held to the same secrecy as are the ombudsman himself and his officials because we do not want the lawyers stepping out on the

street and giving press conferences on subjects which the ombudsman himself cannot discuss in public.

So far as the ombudsman's reports are concerned you know, yourself, that the ombudsman does not make decisions; all he can do is recommend and report. The usual steps are that he investigates, then recommends to the officials concerned redress if he thinks it is necessary. If the official does not comply with his recommendation he advises the minister and, in turn, may advise parliament. He also can advise parliament in most countries in respect of gaps in the law. He could, in effect, tell you that in his investigation he has found that such and such a feature in the law perhaps ought to be changed. He cannot change it himself. He is not a court of law or legislator, but he is your man to investigate how your laws operate. But, one important feature which exists in the Scandinavian countries, which I do not see in the New Zealand bill, and which I strongly suggest, is that the ombudsman should be entitled to recommend monetary redress where it applies in such cases as for instance, someone who is being illegally detained or who is condemned under the wrong type of circumstances and expects to get an *ex gratia* payment. In other words, in some cases the government may decide in its own kindness and absolutely in its own discretion to give him some sort of redress. This is arbitrary and I do not think it is fair, although the governments in Canada have tried to exercise it fairly. I do not think we can afford this kind of haphazard method, and perhaps the ombudsman is the right type of individual to tell the authorities what he thinks is the redress that should be given. It certainly would have the advantage of eliminating a feeling of injustice and perhaps it would eliminate law suits.

The last point would be that we should take a leaf from the other legislations to protect the civil servants against whom this legislation may seem to be directed. To summarize the measures that have been taken in other countries you have had, first of all, the right of a civil servant to state his case; in other words, he cannot criticize a civil servant without permitting him to make his defence. You should not name the civil servant in your report if you have absolved him of all blame, unless he insists upon it. And, anyone at whom the complaint is aimed should have the right to insist he be heard.

This sums up the general remarks that I would like to make. Naturally I shall be happy and honoured to answer any questions. There are fuller explanations of some of the points I have raised in this essay in the *McGill Law Journal* to which I think all of you have access.

(*Translation*)

The CHAIRMAN: Mr. Drouin.

Mr. DROUIN: Mr. Sheppard, first of all I would like to congratulate you and thank you for the talk you have given us this evening. I would also like to congratulate you on the splendid article you have published in the *McGill Law Journal*. You studied the situation in five countries that are a lot smaller than ours and I noticed, for example, that in Sweden, from 1956 to 1960 the ombudsman received from 598 to 983 complaints a year. In Finland, in 1960, the ombudsman received 1,050 complaints. In Denmark, he receives an average of 1,000 complaints a year. In Norway, he received 1,275 in 1963 and in New Zealand where they have had an ombudsman since 1962 he got 760 complaints in the first year. Here in Canada it would not surprise me if the ombudsman received thousands of complaints each year. I am thinking, for example, of the application of an Act like the unemployment insurance act. It might give rise to any amount of unsatisfied claims from the unemployed who, of course, can apply to the board of arbitration but quite often they are not satisfied with the board's decision. I might add that I understand them, for, as you

mentioned a moment ago, they may have used up all the administrative assistance provided them. They might apply to the ombudsman. I am sure he would receive a tremendous number of complaints just from the application of that particular act. I wonder whether it would not be preferable—it is just a thought I am throwing out and I would like to have your opinion on the matter—I wonder whether it would not be preferable to have a semi-judicial agency similar to the control boards we have in the province of Quebec among others. I do not know whether they have such boards in other provinces, I admit that I do not know whether there are any or not, but in the province of Quebec we have the power board and several similar judicial agencies to whom people can apply free of charge. I think they could cover a much wider field than an ombudsman even if the latter is provided with the necessary funds and staff to study complaints addressed to him.

Mr. SHEPPARD: Well it seems to me that in certain countries—you mentioned Sweden and the Scandinavian countries, for instance, who are highly socialized and whose social legislation is more highly developed than here in Canada—where there is far more paternalism on the part of the government than here where, as there are all kinds of contacts with the government, there have not been as many complaints. What happens is that, firstly, you must not think that every single person who is discontented is going to complain. Secondly, anyone who wants to complain must first have tried every other means and there are quite a number of means for administrative assistance. For my part I do not think there will be thousands of complaints. I am more or less of professor Howard's opinion that we could expect from 5,000 to 10,000 complaints a year. But it should be remembered that in Canada the federal and provincial ombudsmen would be separated. And I would say this: firstly, if there are so many reasons for complaints it would be either because something is wrong with the administration, in which case the number of agencies within the government would have to be increased and, secondly, that with an ombudsman you can also try to eliminate complaints that cannot be eliminated by a control agency. Surely you would not set up such an agency to complain that you wrote to someone in French and that he answered you in English or that a civil servant made you wait an hour while he had a game of cards. There are all kinds of small complaints, annoyances, small happenings in the administration that can be settled by an ombudsman. I fully agree with you that more control is needed, that more internal bodies are needed and in England, in the Whyatt report, not only an ombudsman was suggested but also the setting up of a general administrative court to deal with complaints about administrative decisions. But either the administration works properly and there are not too many complaints or else it does not work properly and there are a lot of complaints and it would be useless to know about them. I do not think Canadians grumble more than other people, so my reaction is that we shall not have too many complaints. It is rather difficult to estimate the number but I would say there would be between 5,000 and 10,000 not more, and a lot of them would be unfounded. We can see that at the present time. Not every person who can seek legal advice is going to appear before the courts.

Mr. DROUIN: I believe that France—you have just mentioned administrative courts—has such a system. Did you have an opportunity to study the system they have in France at the present time?

Mr. SHEPPARD: Not in depth, but I do not recommend the French administrative system. In the first place it does not apply to our constitutional structure. In France, for instance, judges are not as independent as they are here, the traditional division of powers is not the same. Some French institutions are worth studying but I have the impression that we should turn rather to

the Scandinavian democracies whose systems are of English origin. Even in the United States, their system of administrative law is better than ours. In the field of administrative law we are lagging behind here, but I do not think France can teach us anything in this connection.

The CHAIRMAN: Miss Jewett.

Miss JEWETT: My question was along the same lines, but perhaps I might just go a step further than Mr. Drouin. First of all, of the systems which you have given as examples, which ones have recourse to the courts? Finland, I think?

Mr. SHEPPARD: All the countries mentioned here have some sort of court system. It is a question of the adequacy of the system. I would say that Scandinavian countries have the fairly well developed systems of administrative courts. New Zealand excels in the type of system we have here, where you have some sort of regular courts, and boards, and a type of mixture of more or less satisfactory tribunals, quasi-judicial and judicial.

You cannot have a perfect structure, and the ombudsman is not designed to resolve disputes. He is not designed to be another court, but rather to take care of smaller annoyances. For example, you may go into a restaurant and say, "Bring me the manager". In fact he is the man that the citizen can go to and say, "I want to see the manager"; and he goes to see the manager and complains to him. He is not the man who will decide whether a pension is justified, or whether unemployment insurance should be granted. Do not think of him as a replacement for a court. We need more and better courts and faster justice. Many things can be done about the system of justice. What the ombudsman does is to add one tool to the many tools you have in a democracy to insure the protection of the rights of a citizen.

Miss JEWETT: We all realize that the ombudsman can only recommend. But in the illustrations which you have given in the McGill *Law Journal*, there are cases calling for impartial scrutiny of what are really serious matters, not just calling for better administrative manners.

As I read it, it seemed to me that most of these cases ought in the first instance to go through an adequate administrative appeal procedure. It seems to me that one cannot really discuss this question for Canada or for any province without a study along with it concerning the need for more effective administration, if not of administrative law, and adequate administrative procedure.

I think the shortcomings of this, as I read Professor Rowat's article is that there has not been clear enough study to show how the ombudsman would fit into a revised and reformed system of administrative appeal procedure within the administration. And the reason I asked about the other countries which you gave as illustrations was that it seemed to me that there must be a substantial difference between the role of the ombudsman in society, and an adequate system of appeals within the administrative branches of government.

Mr. SHEPPARD: You are right. Many of the examples which I cite in the McGill *Law Journal* are shockers, such as the fact that an individual may be committed under the Criminal Code at the absolute, untrammelled pleasure of the authorities without the right to habeas corpus. This should not be a matter for the ombudsman. But when you go to the other extreme in Denmark, they have administrative courts, but the ombudsman there will go to the prison to taste the coffee, to see to it that the prisoners have better coffee. You will not have this sort of thing done by the administrative tribunal.

Miss JEWETT: Is there not a substantial difference between the kinds of cases that go to an ombudsman, say, in Denmark, and those that go to him, let us say, in New Zealand, with the inadequacies?

Mr. SHEPPARD: I would say that my impression is that in the Scandinavian countries the kind of cases that the ombudsman deals with are of a less grave character. I want to say that in New Zealand the cases I have come across in the reports of Sir Guy Powles have been fairly small in scope. But once the citizen has the right to ask for better legal recourse, the better the system of administrative law, and the less need you will have to place this kind of investigation with the ombudsman. I would much rather have administrative recourses, but there are certain things which just do not lend themselves to judicial inquiry; they are too small, or they are matters with which you just cannot have a prolonged examination. I would gladly discuss with you from now until tomorrow morning what is wrong with our system of law. But unfortunately, the administration of law is a provincial matter.

Miss JEWETT: It is a question of providing adequate procedure.

Mr. SHEPPARD: Unfortunately, except in areas of strict administrative law the individual government sets up boards at one end and the ordinary courts come in under the B.N.A. Act at the other.

Miss JEWETT: We are talking about administrative courts.

Mr. SHEPPARD: I think we have, let me say, a scandalous system or lack of system in Canada, but we have begun to realize to what exent the rights of individuals can be infringed by this well meaning administration. In the civil servants I do not see people who want to menace my right or act in bad faith, but they are given a tremendous instrument which they cannot always wield properly. I could not agree with you more that we need a lot more efficient administrative tribunals.

Miss JEWETT: The ones to which you refer would not be the kind of things which would come before an ombudsman if both levels of government had adequate administration.

Mr. SHEPPARD: In a certain chapter I suggest that these are examples which should not be given to an ombudsman. You are going to cure ten problems, but you always have an eleventh one. What appeals to me in an ombudsman is that in spite of all its shortcomings it is a cheap medium of redress. In one case it operates at a maximum of $40,000. Even if it only solves 1,000 questions a year, I think that is a small price to pay, because people have the feeling that if something were to happen they could complain.

Mr. FISHER: I am interested in the matter of detention of insane criminals. That was brought to my attention in a matter of some publicity around Montreal, the Ripple case.

Mr. SHEPPARD: Yes.

Mr. FISHER: The thing which bothered me about it is that I could not see any approch to it from the point of view of a federal parliamentarian, except to change the Criminal Code. I thought of that particular case from the point of view of an ombudsman, and what I could do in that particular case. I am convinced it is a nasty thing for a federal agent or an agent of a federal department to get mixed up in.

Mr. SHEPPARD: He would go to the provincial ombudsman in that case, because he is the one who would have jurisdiction over the administration of justice which is granted, as you know, to the provinces.

However, if you will allow me to return to this subject of detention of insane criminals, as you know the Criminal Code says that anyone found insane, before or after trial, can be held at the lieutenant governor's good

pleasure. This literally is what it means. Time and again the courts have held that there is no habeas corpus; so technically any authority, no matter where could hold for 10 or 15 years a man who is no longer insane, and there is no habeas corpus. This is what the courts in Canada have held.

The case you mention, with which I happen to be familiar, is a case in which the courts really have no jurisdiction. In a case like that what you have to do is talk in an effort to convince an official who, assuming he wanted to be that way, could tell you to mind your own business.

Mr. FISHER: Let us look at another possible example. You have a reference here to censorship. One of the things which bothers me about our present laws in respect of censorship, particularly the amendments to the Criminal Code which were brought in four years ago, is that if a case is brought up in the magistrate's court about any particular publication and a finding is made that it is obscene or scurrilous then, as I interpret the legislation—although so far as I know it has not happened—once the decision is made, say in a municipal court, it is noted by the provincial attorney general and the information is forwarded to the Minister of Justice; then, that in effect becomes a censorship applied right across the board in the whole of the country. I have been waiting for this to happen as a result of that legislation in order to see what recourse then would be open to, say, the publisher or author of something like this. I am bothered here by this reference to the provincial censorship, because again I wonder how the federal agent is going to come into the matter.

Mr. SHEPPARD: Well, you have to distinguish between the judicial and administrative aspect of the government. When you, as a parliament, have legislated in a particular way and have given the courts certain power and the courts exercise that power, no ombudsman in the world should interfere with that, because you want to protect the independence of the courts. If there has been an administrative decision somewhere by some board of officials which has decided that a certain thing should be censored—and I think I covered it in my essay, but remember that my essay was written in a Quebec context with perhaps a national aspect to it because I wanted to cite examples close to home—I might mention the matter of the mails and censorship of materials coming through the mails. I am sure in most cases the officials who exercise that type of censorship are well meaning persons but persons who can make mistakes, and somebody should have the right to question the action and not necessarily by going to court. We should not have a society in which people are compelled to go to court every time they want recognition of their rights; but courts should be there and they should be permitted to go to court. However, many a time a legal recourse is absolutely useless; it takes too long, you are going to be taken to appeal, and it is too expensive. There is nothing more depressing than to have to tell your client, as any lawyer who is honest tells him all the time, it is too expensive, it will take too long, and you are wasting your time. I am sure most lawyers tell that to their clients to help them.

Mr. FISHER: I have one last question. You made a general reference to the fact that the ombudsman could be a means of reducing tension in a dual culture. Could you give a few more examples of that?

Mr. SHEPPARD: I cited some examples. All you have to do really is to open any Quebec newspaper over any length of time to see that. I am not saying this is peculiar to Quebec because I am sure that eventually the wheels are going to roll the other way. You already find English speaking people complaining about not getting their rights, at least in Quebec. You may have somebody who writes to the queen's printer. You know the example of documents and reports that appear in English and three or six months later in

French. This a matter of administration. It is maladministration or it is proper administration depending on your point of view. Perhaps a check by the ombudsman might lead to an explanation which is not going to be a defensive explanation which the minister in charge might give in parliament.

You may have the example of somebody who communicates with an official in Ottawa in French, let us say, and who either gets a reply in English or gets a reply two months later because of this process of translation about which you know. Again I am generalizing because I do not know the mechanics too well. You have complaints about promotion in crown corporations where people complain that they cannot get promoted because they are French Canadians, or you get complaints from people who say that you can only get promoted if you are bilingual, and English speaking people who are not bilingual do not get promoted as fast. This is the kind of complaint that I would prefer handled in a discreet manner. I do not mean that it should be handled in a secret manner because the ombudsman reports publicly to parliament but without naming names. He will report, as the New Zealand ombudsman reports, "This is what I found and this is what I recommended and this is what the official in charge did". I can visualize a man who feels "I am not French Canadian and here is Joe Gagnon who is not as qualified as I am but who got promoted only because he speaks French" or vice versa. The ombudsman will speak to the official in charge who may have a very good reason. These are the examples. I am not saying the ombudsman will solve all the problems we have, but you can see the possibilities. For instance I can see possibilities, at least from a provincial point of view, in certain matters of educational rights. The French and English are not the only minorities to which this could happen.

I suggest in my article that the ombudsman ought to be extended to all types of bodies. You could have other ethnic groups complaining about discrimination, and then there is the matter of immigration laws.

Mr. FISHER: The immigration laws perhaps account for the largest number of complaints. But, let us take the civil service matter, to which you have made reference. If it is an employee who is within the civil service and this individual is complaining about a competition he has the possibility of appealing. But, if you are an outsider trying to get in it is a different matter. I had a case of an individual who was applying for a job. He was an English speaking chap. He felt the reason he lost out was he was not bilingual and could not stay within the framework of the position in which there was a vacancy, and he had no possibility of appeal. I assume, with the particular grievance he had, that would be the kind of case he could take to an umbudsman and obtain a hearing.

Mr. SHEPPARD: Yes. Not only that, but an umbudsman receives complaints which he really has no jurisdiction over, but because he feels there is enough tension generated he will take it up informally, as Sir Guy told you. Sometimes he pokes his nose into things which are not his business and he succeeds in obtaining solutions which otherwise could not be obtained. That again, is another reason why you have to be so careful in whom you pick to hold that position. It has to be someone who is a diplomat, a man of courage, respected by all. It cannot be a plum or reward or a distinction. There are not very many in any country that deserve that position. In Finland they have had some very unhappy situations. But, I could not name more than three or four men in Canada as suitable ombudsman material.

The CHAIRMAN: Without wanting to limit our hearing I was hoping we might finish by 10 o'clock, if possible. We have Mr. Chretien, Mr. Leboe and Mr. Macdonald, and perhaps we should proceed with questions from someone else. I just wanted to draw the time to your attention.

Mr. FISHER: What about a group as distinct from an individual? For example, we have the Canada labour relations board, which is a federal agency, which rules upon the certification complaints within contracts that are held between, say, the Canadian National Railway, or the board of grain commissioners, and certain unions. Do you feel that the ombudsman would have the right to investigate a complaint from, say, a union? I will give you one example. I helped a small break away group within a major union bring an action or a complaint before the Canada labour relations board in order to get certification. The decision was not made on any real point of law; it was made by this group of people. Their main argument seemed to be against the wisdom of such a small group of people within a larger union entertaining the idea that they could break off from a crowd which in effect is an industrial union. At that time, after reflection, I felt that this particular decision was most unfair, particularly to them, and that they had a very poor hearing for their presentation. Is this the kind of thing you think an ombudsman could look at?

Mr. SHEPPARD: You have also the courts of law to look after that type of thing. If the decision of the labour relations board were completely unjustified, you could go to court. If it is more of an administrative matter, or if you can demonstrate that there has been some prejudice or some error, you might allow the ombudsman to intervene. However, you have to remember that you have set up these boards to render quasi judicial decisions, and you do not want somebody else to go and overrule them. You should never forget that the institution of the ombudsman, in its present formula is one appointed by parliament to look into how a law is administered, not whether justice is rendered. That is a distinction which at times even the ombudsman finds hard to make.

Mr. FISHER: The last case I wanted to mention is that of an individual who was sentenced by a court and has served his time in the penitentiary. He feels that throughout the whole process he was railroaded. He did not have the money or the facilities to appeal at the time. What he wants is a review of his case, and in effect he wants some kind of a statement to clear his name.

Mr. SHEPPARD: That is a hot potato for the simple reason that the fact that he had no money, the fact that he had no lawyer and the fact that he had no proper defence does not mean that objectively he has been improperly convicted. What I think we are going to move to—and this is where we can learn something from the United States—is that no one charged with a criminal offense should be undefended. You know the Gideon case in the United States which created a complete revolution in the legal world. Today you just cannot defend yourself, and you need a lawyer. I am not saying this to boost my profession, but you need a lawyer because of the intricacies of the laws of evidence. The problem to which you are directing your attention is more a matter of legislation than a matter of administration. You cannot blame the court for not providing attorneys when the courts have not got the funds. I hope one day to see in Canada not legal aid, or some sort of charity given by the bar, and generally given by the junior members of the bar or by the juniors of the senior members who get the credit, but a sort of public defender such as they have in the United States. In our province the new attorney general has spoken about it. Whether he is going to implement it is another matter. The trouble is that public defenders, and legal aid, and that kind of system, do not win many votes. You need money on many other top priority projects. In Los Angeles they have a public defender system with 60 or 65 full time attorneys and I do not know how many investigators and also lab specialists. The total cost comes to something like $2.50 per citizen. However, we are far away from that in Canada.

(*Translation*)

Mr. CHRÉTIEN: Just to get things a little clearer as we discussed the case of the decision of an administrative privilege like the board of arbitration of the Unemployment Insurance Commission a while ago, do you think the ombudsman would have jurisdiction to review decisions handed down by boards of arbitration when people have used up all the possibilities of resorting to semi judicial courts or—

Mr. SHEPPARD: No, you see all the laws governing ombudsmen require that the individual should have used up all the possibilities of assistance. Let us suppose that someone asked for unemployment insurance benefits and was turned down. That person can not apply to an ombudsman. He must first have gone through every level of administrative assistance. There may be several such levels. Let us suppose that in the end he does not obtain satisfaction. The ombudsman would not have jurisdiction to change the decision on its merits. According to the present principle—nothing would hinder us from changing them—he would have the right, for example, to establish that there has been discrimination or negligence or an act of omission but he could not say, in general: "You have made a mistake". In brief, he could not change the basis of the decision. But the form, and here again that would occur very rarely because most of our agencies are conscientious and if not brilliant at least competent but if it were a case of mismanagement he would have jurisdiction. But, as I said before, it is not a super court to which people can appeal the merits of a decision.

Mr. CHRÉTIEN: You said a while ago that you did not agree with Sir Guy regarding the possible limitation of jurisdiction. Do you think the Canadian ombudsman should have jurisdiction over Crown Corporations like the C.B.C., the C.N.R. and others?

Mr. SHEPPARD: Yes, as long as it is limited to cases of poor administration. I will give you an example of what happened in Scandinavia. In Canada such matters are settled in a slightly different way but in Scandinavia there was a question of the number of minutes granted the various political parties for the election campaign. This could be settled by law but frequently it is very difficult to do so. The ombudsman was called in and intervened amicably. He discussed the matter with the political parties and with the National Broadcasting Station. He reached a solution which was not a political solution, a solution that everyone accepted. I do not mean by that that the ombudsman can be used to inquire into decisions such as broadcasting one programme and not broadcasting another. But if, to use this example, a crown corporation decided to erect a building and received tenders for $10,000,000 and if the building actually cost $20,000,000 it might be made the subject of a royal enquiry, but the ombudsman or maybe the Auditor General could be asked: "What has happened, what act of misadministration has there been"? There is naturally a danger that in corporations and crown companies such as the C.N.R. or Air Canada there is so much commercial activity and so many possibilities of making mistakes that it is difficult to say where bad administration or merely bad luck begins. It is like when a product is launched on the market with every possible care, mistakes can nevertheless happen as they did with the Edsel car. Highly experienced people launched the car and they made a mistake; that is bad administration. With crown companies the field is somewhat different but I think there should be, as there is in New Zealand, a certain right to supervise because in the name of independence these companies may be allowed a little too much latitude and on the one hand there is the danger of political interference by, let us say, royal com-

missions and on the other hand there is a risk of total independence. After all, they are administering public property and should be responsible for it. In addition the minister who has the misfortune of being answerable to Parliament for certain crown corporations must feel sufficiently threatened to be constantly on the defensive. The physiological advantage of the ombudsman is that he is not an instrument to irritate, to advertise or to annoy an opponent but rather a means of conciliation, a means of solving problems. That is the advantage of an ombudsman and, in a democratic society, it is precisely such a compromise, it is not entirely perfect, not entirely ideal way—totalitarian countries criticize us for this—but that is the only way to operate.

Mr. CHRÉTIEN: Are you not afraid that the ombudsman, say in the case of the C.B.C., might in some ways be an obstacle to the corporation's freedom in programming.

Mr. SHEPPARD: But he has nothing to do with programming. The individual must be able to say that he has been personally wronged. In what circumstances could I say that I have been personally wronged by the C.B.C.? Cases where the public administration has wronged an individual are extremely rare. I could not complain because I would like to see a western programme or an hour and a half instead of one hour of Ed Sullivan. That is not a complaint against the administration. But if, for example, public money was being wasted or if mistakes were being made, the ombudsman could certainly be asked to investigate the matter. Now, it might be possible, and this is the solution I advocate by way of a compromise, begin by a limited number of crown corporations, see what happens and make the experiment.

You have an instrument but you must not use it fully right away. Moreover, and this is quite remarkable, the ombudsman was initiated in unified countries where there is no federalism. At first he only had powers over the central authority and they were extended little by little, and it was seen that the system functioned flexibly and efficiently without hindering the administration. That is precisely the advantage of an inquiry by an ombudsman, namely, that it does not hinder the operation of institutions.

(*Text*)

The CHAIRMAN: Mr. Leboe.

Mr. LEBOE: The only question I had to ask was whether or not the experience of the individual ombudsman did not prevent a lot of mistakes? In other words, from the fact that the man was there, and there were rules and regulations, silent though they may be, which never actually come into action, but the very fact that the man was there, the parliamentary commissioner or whatever you wish to call him, would this not prevent a lot of recurrences, let us say, of a similar type of mistake? In other words, I am thinking about the number of complaints which it was suggested could be handled. It seems to me that once a complaint is handled, then the administration is going to be very, very careful not to see that it happens again.

Mr. SHEPPARD: This is precisely the experience of the ombudsman in Europe. Even Sir Guy, if I recall it, stated that to this committee. The fact that there is a certain amount of publicity surrounding his report is not unimportant. He may say "I investigated such and such a situation and this is what I found." This has definitely an inhibiting effect not only on the administration but also I think, on the people, because once they feel that that is a type of trivial complaint which normally might not be dealt with, but which may now be dealt with—this also acts as a restraint upon people who might otherwise make complaints.

Many of us may feel that one wrong parking ticket is a small price to pay for ten times an amount of parking done illegally. A person may have a

small grievance, but if he knows that if he complains somebody will listen to him and try to do something about it, he may never press his complaint. It has a great psychological effect.

Mr. MACDONALD: In the example which you gave comparing the criminal who is incarcerated and the man who is prevented from having a driving licence, surely what you are suggesting is that the ombudsman is not so much examining procedure but really is going to have to go into the merits in connection with a particular individual case, be it one where the man is detained, or is prevented from having a driving licence. I wonder what criteria you suggest? Would he have in fact to go into the merits of these decisions, and thereby encroach upon the field of the courts?

Mr. SHEPPARD: I am not saving that the ombudsman should have anything to do about the court's decision in committing a criminal on the grounds of his insanity, and in saying that he should be held until cured. What I suggest is wrong with the Criminal Code is that one individual has been entrusted with the administration and there is no way for society or for the courts to look at him again. He could be held for 20 to 30 years even when completely cured and there is no way to get him out of the clutches of the administration.

Mr. MACDONALD: He himself must decide on the question of being cured, or on his continued insanity. He has to go into the merits of the question.

Mr. SHEPPARD: The merits of the validity of the administrative decision of keeping him there are not questions of policy. The question of policy should be whether or not to detain an insane criminal. Initially you have to have this man examined. But the officials may say is it better to have the man examined or to have better administration so as properly to determine whether or not the man should be held? This is not an exercise of the good pleasure of the Queen. I suggest it would be a question of maladministration. I suggest in my article that the ombudsman should look into it to see that the ordinary courts of law have the right to habeas corpus, and that they can say, "I want an examination by a psychiatrist." But at the present time you cannot just bring him back before you.

Mr. MACDONALD: In the case of the driving licence, let us say that a person does not get his driving licence. There is no policy set out in the statutes to this effect, but the ombudsman decides notwithstanding that it should be granted. Surely in such a case the ombudsman would be replacing the question of policy and going over the heads of government.

Mr. SHEPPARD: It is hard to separate them. Let us take your example. Let us say that the authorities refuse a driving licence to a person because of some information which they received from a third source that the man suffered an accident, and that is a case of mistaken identity; or perhaps, it is a matter of wrong information that the man is an epileptic. He wishes to correct the situation He writes them and says, "I never had that accident. I was not even in that place at that time." Or, here are three medical certificates to the effect that I do not have epilepsy, yet the authorities cannot do anything about it. He has no legal recourse. I think how you deal with the decision should be a matter of administration. That is the difference between the two types of inquiries.

Miss JEWETT: On the question of linguistic rights, one may get into the whole area of trying to differentiate between established policy and potential policy, or perhaps into areas between administration of established policy and potential policy. For example, if you had a linguistic grievance in relation to federal administration, there are two cases in law now which require French-English both to be used, and that is in parliament and in the courts. There is not even yet an established policy on this matter, I would judge. I do not think there

is yet established a policy by which the Civil Service Commission and other bodies are guided, but we are moving into it, I hope, and think. I think it would be pretty risky for an ombudsman to hear grievances in areas which perhaps I might say are non-partisan areas, where policy has been established.

Mr. SHEPPARD: Definitely. This was the very difference I was trying to make all this evening, that the ombudsman cannot be concerned with policy. He can only be concerned with how the law acts to express policy, or how policy itself is an expression of the power delegated by parliament to the administration, and as regards how it has been carried out.

To return to the driving licence example, if parliament has given to the director of motor vehicles the right to refuse a driving licence, then the ombudsman cannot interfere with this policy. What he can interfere with is how that policy is administered. If the British North America Act says that in all matters under the federal administration things are equal, then once this is decided, the ombudsman can step in to see if the law is carried out. But the ombudsman cannot rewrite the constitution or give rights where such rights do not exist.

Mr. STEWART: That is right.

Mr. SHEPPARD: I am sure that any ombudsman is going to be very careful not to become embroiled in matters of policy.

Miss JEWETT: I was just pointing out that it is in this area that the policy is not decided yet.

Mr. SHEPPARD: Well, there is article 133 of the British North America Act.

Miss JEWETT: That is what I was thinking of. It recognizes the use of both languages as official languages in the journals and proceedings of parliament and the courts.

The CHAIRMAN: I think we have one short question from Mr. Drouin.

(*Translation*)

Mr. DROUIN: Just one short question, Mr. Sheppard. Do you think the Canadian ombudsman could investigate the C.B.C. to find out whether socialists with communist tendencies are active there?

Mr. SHEPPARD: Well, that depends on your point of view. I do not know whether one can say that the presence of political personalities or of people with a certain political opinion are a matter of administration, they are rather a matter of policy.

(*Text*)

The CHAIRMAN: I would like to thank our witness for coming here. I am sure he has demonstrated he has a very informed opinion or the subject with which we are faced. On behalf of the members of the committee I would like to express our appreciation for his taking the time out of a very busy schedule, I am sure, to be with us here this evening.

There are two questions on which I would like an expression of opinion from the committee.

It is my feeling that unless there are other views from the members of the committee in respect of other withnesses whom they might like to hear, we should conclude this examination on this subject after we hear Mr. Henderson, the Auditor General. I would propose that we hear Mr. Henderson in about two weeks time. Unless I hear from other members of the committee concerning other withnesses whom they would like to have called before the committee, which I would take up with the steering committee, then our evidence would be concluded.

The other matter is the question of the time of our meeting. Again we had a little difficulty in forming a quorum tonight. However, I am sure you have looked at the schedule for Tuesday and Thursday and have seen as many as six and seven committies meeting. In addition, Wednesday is a day when caucuses are held, and it seems to me that Monday night still is the best time for our meeting. I would like an expression of views on this point.

Mr. CHRÉTIEN: Monday is a good night.

(*Translation*)

Mr. DROUIN: I am very much in favour of Monday evening.

(*Text*)

The CHAIRMAN: The matter of our report will be something we will work out in a meeting of the steering committee and then discuss in a meeting of the committee as a whole.

HOUSE OF COMMONS

Second Session—Twenty-sixth Parliament

1964

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: Mr. MAURICE-J. MOREAU

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 9

MONDAY, NOVEMBER 30, 1964

Respecting

Subject-matter of Bill C-7, An Act to establish the Office of Parliamentary Commissioner

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WITNESS:

Mr. A. M. Henderson, Auditor General of Canada.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

20990—1

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Maurice-J. Moreau

Vice-Chairman: Mr. Jean-Eudes Dubé

and Messrs.

Balcer,	Groos,	O'Keefe,
Beaulé,	Jewett (Miss),	Paul,
Cameron (*High Park*),	Lessard (*Saint-Henri*),	Rhéaume,
Chapdelaine,	Macdonald,	Rochon,
Chrétien,	Macquarrie,	Scott,
Drouin,	Martineau,	[1]Thompson,
Fisher,	Mullally,	Valade,
Francis,	Nielsen,	Vincent,
Grégoire,	Nugent,	Woolliams—29.

(Quorum 10)

Gabrielle Savard,
Clerk of the Committee.

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[1] Mr. Thompson replaced Mr. Leboe on November 27.

ORDER OF REFERENCE

FRIDAY, November 27, 1964.

Ordered,—That the name of Mr. Thompson be substituted for that of Mr. Leboe on the Standing Committee on Privileges and Elections.

Attest.

LÉON-J. RAYMOND,
The Clerk of the House.

20990—1½

MINUTES OF PROCEEDINGS

MONDAY, November 30, 1964.
(20)

The Standing Committee on Privileges and Elections met this day at 8.25 o'clock p.m. The Chairman, Mr. Maurice J. Moreau, presided.

Members present: Messrs. Cameron (*High Park*), Chrétien, Drouin, Dubé, Fisher, Francis, Lessard (*Saint-Henri*), Moreau, O'Keefe and Thompson—10.

In attendance: Mr. A. M. Henderson, Auditor General of Canada.

The Committee resumed consideration of the subject-matter of Bill C-7, An Act to establish the office of Parliamentary Commissioner.

The Chairman introduced Mr. Henderson, who made preliminary remarks and offered suggestions. He was questioned thereon.

During the course of questioning, he indicated the type of complaints handled by him at the present time.

The questioning concluded, the Chairman thanked the witness and proposed to have a meeting of the Steering Committee on Agenda and Procedure in the near future, to discuss further business.

At 9.35 p.m., on motion of Mr. Lessard (*Saint-Henri*), seconded by Mr. Dubé, the Committee adjourned to the call of the Chair.

Gabrielle Savard,
Clerk of the Committee.

EVIDENCE

MONDAY, November 30, 1964.

The CHAIRMAN: Gentlemen, would you please come to order. Although I do not see a quorum I intend to proceed. This is Mr. Henderson's second appearance at this committee. As you know, the first time we were unable to obtain a quorum. In view of this, I intend to proceed, and if we do not make up a quorum this evening we will have a motion to include the comments, questions and proceedings tonight in our next committee proceedings report. Perhaps we can get around it in that manner.

Without any further formality I would like to introduce Mr. Henderson. I am sure he is well known to all members of this committee. No doubt you all will realize that his office bears some relationship to the subject we are about to discuss this evening. May we have your reactions to this proposal, Mr. Henderson.

Mr. A. M. HENDERSON (*Auditor General of Canada*): Thank you, Mr. Chairman. I have not given much thought to any formal statement. As a matter of fact, I should say at the outset that it is not my function, neither have I any wish, to discuss or attempt to discuss matters in the area of government policy, as you well know.

Your Chairman explained to me quite clearly, when we first discussed this subject, that government policy as such is not involved here. He pointed out, as we know, that Bill No. C-7 was given first reading last February. This bill was introduced by Mr. Thompson, and I think it was talked out. Consequently, the proposition now, as I understand it, is an open one, always recognizing that the decision to establish this office rests with the members of the house and with parliament.

I have noted the list of previous witnesses who appeared before this committee, and I have endeavoured to sort out what they said. I was particularly interested in what Sir Guy Powles from New Zealand said. Also giving evidence were Professor Rowat from Carleton University and, your last witness, Claude-Armand Sheppard from Montreal.

Mr. Chairman, I thought if it commended itself to you, I perhaps might give you my thoughts on the subject quite frankly as I see it. I will make references to where, in my opinion, my own office would seem to fit with regard to the proposition of establishing the office of ombudsman. If you will forgive we I would like to approach it as an accountant would, that is to say, under certain headings, and in trying to examine the proposition on its merits I probably will say some things with which you may or may not agree, and I hope, sir, you will not hesitate to check me up.

First of all, I approach the idea and principle and, basically, I find it to be an eminently fair and reasonable one. Injustice, particularly as it can be inflicted on the average citizen or small businessman in his daily dealings with government at all its levels is to be deplored. Whether this is on the increase under today's complex conditions is something that you, as members of parliament, would know better than I do. My opinion, for what it is worth, is that it is not.

With respect of the adaptability of the idea to Canada, after reading through your past evidence and the statements made by Sir Guy Powles from

New Zealand along with the other witnesses, I question whether the conditions or the circumstances under which the office has been created in those countries are comparable to our Canadian conditions, we should need not only a federal ombudsman but, at the same time, one in each of our provinces. I notice that some of the speakers have gone further and suggested that we perhaps should have one in each of our larger cities. In any event, surely the average citizen has more daily dealings with the provincial and municipal authorities than he has with the federal authorities.

The federal areas which might be involved presumably would be—and I jotted down the ones that came to mind—immigration questions, customs, excise, sales tax queries, income and estates tax matters, and welfare payments. Others will come to mind but I tried to pick the four largest areas with which the average citizen or small businessman might be concerned.

Now, what would such a federal office entail? First of all it would require establishment by a statute similar to my own providing sections like those contained in part VII of the Financial Administration Act, in which you find definitions of terms of appointment, salary, definitions of duties, and bases of reporting. And, for the benefit of the ombudsman I could suggest two or three more which might be written into his act which are not in my own; for example, the right to recruit his own employees, although he would not have very many.

The CHAIRMAN: If I may interrupt you, Mr. Henderson, we do have a quorum now and, in order to regularize the proceedings, could I have a motion to include the remarks of our witness in our formal meeting?

Mr. FRANCIS: I move that the transcript to date be incorporated as part of the record of this meeting.

Mr. CAMERON (*High Park*): I second the motion.

Motion agreed to.

Mr. THOMPSON: May I apologize, Mr. Chairman, for being late. When one has two dates, one on top of the other, sometimes he has to compromise.

The CHAIRMAN: Would you proceed, Mr. Henderson.

Mr. HENDERSON: I was just mentioning the sections of the Financial Administration Act which establish my own office, and I was dealing with the matters which would need to be provided in respect of this office if one were created; I mentioned the terms of appointment and salary, duties and the other basic tools of office which are set out in part VII of the Financial Administration Act. I think Mr. Sheppard outlined them fairly well in his article in the McGill Law Journal. And, I mentioned the fact that there were one or two other provisions in any "ombudsman" statute which you might like to give him. I am thinking of the right to recruit his own employees, for example.

Having established that, my thoughts then turned to this man's relationship with the executive because surely this is basic and very important, just as it is extremely important in my own case.

First of all, it seems to me the ombudsman would have to have—and, indeed he must have—a full working knowledge of all federal statutes and regulations if he is to approach his job properly. Second, he must know the administrative methods and the practices followed. He should have knowledge of the type of dispensation or leeway currently being granted by the administrators within their regulations as they surround their statutes. For example, big business comes down here all the time with plenty of complaints. The average citizen or the small businessman knows little or nothing, I suggest, about the criteria of decision which can be and probably are extended to large businesses who come well equipped with competent legal talent, and so on. I think it would be of inestimable value if he understood the limits to which

some of the administrators are able to go in granting dispensation here or leeway there. At the same time, I think it is well to keep in mind the fact that our country—and this is based on experience as a businessman as well as the Auditor general—possesses what I think is an extremely competent and good senior civil service. It has been built up and it enjoys an excellent reputation among businessmen at home and abroad. I am referring to its reputation of keeping its doors open and willingly explaining its actions clearly and fairly.

Now, I would make the suggestion that in considering this matter you might care to call before this committee some of the deputy ministers of the departments that are likely to be involved. I could think of a number of questions you might wish to ask them. For example, they might be invited to outline how many problems and queries they receive and also tell you how they are handling them today. They might be asked to give their views on what they think an ombudsman could do and how they would equate this with our Canadian principle of ministerial responsibility.

Then, there is the question of what extent their departments are likely to be involved, and how each is organized today to deal with the average citizen's inquiries. There is the question as to what changes could or should be made to give more prompt and better service. It seems to me that if this matter were aired with some of them, perhaps some relatively slight changes within their own departments could result in giving much better service to the average citizen.

I can think of several cases where deputy ministers, realizing that perhaps they are not replying as adequately as they would like to the average citizen or small businessman, might be able to make some changes and thereby clear up misunderstandings by giving among other things much faster service than they have been in answering letters and queries. Sometimes when a person writes two or three times without receiving any reply, the problem develops into a much larger complaint than would otherwise be the case.

So far as the establishment of this office is concerned, quite frankly I have found myself stopped. What real need has been established for the office? Nowhere in the material I have read have I found any evidence. It is a good idea, but I do not think you would want to adopt the idea for the idea's sake. I have seen no evidence of pressure, or need, or public outcry. It seems to me that you, as members of parliament, might have the answer to this question, knowing what number of complaints you receive; I do not know what volume you have, but I know what volume I get and I have brought some samples with me, some type cases. On the average I receive two or three a week. I have been receiving more lately because the C.B.C. on its trans-Canada matinee program announced they were to be posted to me. I have some rather difficult ones which have come in during the past couple of weeks.

I have been trying to run down the source of the statement on the C.B.C., but despite the best efforts of the corporation I have not learned who said what or when. In any event, they are coming in, and that is said to be the source. My practice in dealing with them perhaps is overly simple. I make it a practice always to go into action on them right away. I investigate them promptly and reply promptly in an effort to get back the answer to the question because it seems to me nothing is more important to the writer of a letter with a complaint than to receive a reply indicating that somebody at least is thinking about it or trying to do something about it. Sometimes I hold them for a few days in the hope I can perhaps get the matter cleared up, and in that event the reply can go back in definite terms. Otherwise we send out an acknowledgement and in the meantime look into it. My offices take up these mat-

ters in the normal course of their work in the various departments, and try to clear them up. I have brought some samples with me which illustrate the sort of thing we get.

Mr. Chairman, those are pretty rambling notes, but that is about the way I see this proposition. I think I can probably be of more use to you under questioning. However, I thought I should say what I think, and I hope I have not been too provocative on the subject.

The CHAIRMAN: I would like to thank you, Mr. Henderson, for being here. I am sure the members would like to ask some questions, and in particular they might like to ask you why you feel this is your role or why you are handling these complaints.

Mr. FISHER: I am intrigued with the last point about the nature and number of cases. Would it be possible for members of the committee to present some sample cases to the committee; that is, bring in two or three, or maybe four or five samples to give some indication of what we receive. We might have a special discussion or hold a meeting in camera, because I can think of at least one case on this subject on which I would like the opinion of my fellow members, but which I would not necessarily want to get abroad. I mention this in terms of perhaps having the members of the committee at a future meeting bring their files on a few of these cases, and let us chew those over among ourselves, because I think this is a very tough point.

I am all for the ombudsman, but I do question one thing about some of the matters Mr. Henderson raised. In effect, there is not a great public demand for an ombudsman. I think I have been following this subject as closely as anyone for four or five years. It always has been an intellectual exercise, and an intellectual popularization of the concept is appealing, particularly today when we feel the state is tending to be an encroaching matter. I just leave it up to you to consider this as a possibility for some future special meeting.

The CHAIRMAN: I intended calling a steering committee meeting following this meeting, and certainly this is a suggestion we might consider. Also, within the last day or so, some interest has been expressed that others might appear before us. I believe we have hit, shall we say, a popular chord. In any event, we seem to have struck a chord with the legal profession. Recently there has been a fair amount of material concerning this from the Canadian Bar Association, and we had a gentleman up here on Friday. I think we might consider at a meeting of the steering committee what we might do next. However, at this point I suggest we might explore our questions with Mr. Henderson.

Mr. FISHER: I just wanted to leave this as a suggestion, because it is the one part that bothers me. I would like to find out from other members of parliament whether they have the same kind of a problem I have. A man was in my office this morning with a large file on the matter of workmen's compensation and unemployment insurance. He had a letter from Judy LaMarsh, three or four other members of parliament, Premier Robarts, and five or six provincial members of parliament. This thing has been going on since 1958. He is still all worked up over it. It is the kind of a case which makes you realize that here is a case in which no politician has been able to say no strongly enough to convince the man he does not have a case. It has reinforced my belief that we should consider seriously an ombudsman, but I would like to know whether or not many other persons are receiving cases like this.

Mr. FRANCIS: I think we receive some, but frequently when you look into it you have a real reservation about the motivation of the person presenting the case. Sometimes you say no and he does not accept the answer.

I had some questions related not entirely perhaps to the ombudsman matter. Mr. Henderson mentioned the recruitment of staff. Would you elaborate on this, Mr. Henderson? I believe it was with reference to an ombudsman

and also with reference to your own activities. I am wondering why Mr. Henderson feels so strongly about this?

Mr. HENDERSON: This has been discussed in the public accounts committee, as you know. The committee has recommended, when the Financial Administration Act is opened up, that consideration be given to giving its officer of parliament that right. I am operating now under what I regard as a not unsatisfactory arrangement, but the principle enunciated in the public accounts committee still stands. If you are going to create a parallel office, I think consideration should be given to this, because if this man is going to be an officer of parliament, should he be dependent on the executive for his staff? This is the principle with which we have dealt in the public accounts committee at some length. I merely throw that out in the best interests of this officer.

Mr. Chairman, I would like to say one thing in response to a remark you made a few moments ago. By no stretch of the imagination do I envisage that my office would or should handle work of this type. If such an office were to be established, it should be quite distinct and separate from mine. I can tell you I have been handling such cases as this in the past and I continue to handle them, but it is only because the letters come to me, apparently because there is no one else. As a public official, I conceive it as my duty to expedite replies within the limitations of my facilities, and to contact a deputy minister to see that the matter comes to his attention. If I were to run over these cases with you, you would see precisely how I have done this in practice.

I have no wish at all to add a task like this to my present office. I wish to be perfectly clear on that. I think this man should have different qualifications to those of a chartered accountant. In the first place, I think he should be a lawyer.

Mr. FRANCIS: I would like to develop another thing with Mr. Henderson. In speculating on what an ombudsman might do, he mentioned that one of the categories would be immigration cases. Do you ever receive anything like that; have you ever had immigration problems?

Mr. HENDERSON: No, I do not think I have an immigration case here.

Mr. FRANCIS: Perhaps Mr. Henderson might give us some examples of the kind of case that has come to him which, perhaps because of his capacity as Auditor General, is the kind of thing he has been passing on to deputy ministers. I will be interested to hear of some examples.

The CHAIRMAN: I would too. Perhaps Mr. Henderson might consider—apart from the fact that complaints come and he feels he should do something about them—whether he feels that perhaps this is a burden he should not be expected to bear. I think it might be pertinent to the number of cases and the type of cases he receives.

Mr. HENDERSON: Two or three a week are not very burdensome. I wonder how it would be if I were to run through 14 or 15 which I have brought with me, omitting names or identification. I have some notes on them here. The first one I have is from an architect in Montreal who wrote to me complaining very bitterly that he had been overlooked in the matter of not being given an opportunity to tender on some plans for the Department of Public Works. He said that details had been sent to his competitors, but that it appeared to him that his name had been removed from the list. I turned this over to my officer in charge of our work in the Department of Public Works to take it up with departmental officials, and it was directed to the attention of the deputy minister with the result that the architect was sent tender details by special delivery and was able to submit his tender

within the time specified. The department's deputy minister wrote him a letter apologizing, and it was all cleared up in a matter of three days.

The next one is a case of a lady pensioner who wrote to me at great length regarding her pension, claiming that it had been improperly calculated, and stating that there had been some serious arithmetical errors made in the calculation. She sent this to me two years ago. This is fairly routine as far as I am concerned, because as you know, we spend quite some time on this sort of work.

We studied her case and looked up the file, because we felt she had a good case, and I forwarded it with a covering letter to the deputy minister for his attention. No action was taken. She followed it up with me regularly, and I asked the deputy minister to reply to her directly and send me a carbon copy. Two years later he did so.

The CHAIRMAN: You say two years later?

Mr. HENDERSON: Yes. Justice was done, and the matter was corrected. It was obviously a distressing two years for the lady.

Veterans' groups send me complaints that they have regarding treatment received in connection with various matters. These I acknowledge and pass over to the deputy minister and I invariably find that the deputy minister is very prompt in replying and answering the questions raised.

Another case has to do with charges of payroll mismanagement and discrimination against a man in the air force. This was closely related to my own work. In fact, when I receive questions like that we are sometimes successful in turning up something, and I want them pursued in terms of my own responsibilities. This was pursued and over a two week period we were able to clear it up. A statement was obtained and the matter straightened away.

Another case involved a man in the country who wrote to me about the non-receipt of a cheque due to him. He had been waiting about seven months for it from the Department. It was of some importance to him, and his letter indicated that it was causing him some hardship. I turned it over to my officer in charge of our affairs in the Department and we were able to straighten it out within 10 days, and the cheque was sent to him.

Mr. O'KEEFE: In these cases had letters previously been referred to the deputy minister concerned?

Mr. HENDERSON: In some cases, but not in all. I think that the lady with the pension problem had been writing to the deputy minister for some years. They had a big file on it. When we checked it in detail we felt it had merit, and we invited the department to follow it through, and they were good enough to do so. The fact that it took two years was due as I recall, to the ramifications of her case history.

Another letter involved a motor car dealer in British Columbia who took a very serious view of the fact that the cars that he handled seemed to be excluded completely from any consideration by the R.C.M.P. in the area. They bought everybody else's models except his. He sent down specifications and his files. Without replying to him immediately we passed it over to the proper people in the R.C.M.P. It took a period of four and one half months before we were able to clear it up.

You may be interested in the reply which I sent to this man apologizing to him for the delay in replying because it took four and one half months to sort it out:

> I am sure you will appreciate that it is not my function to interfere in the administration of any department of government, least of all to express views on their individual choices of purchase. Nevertheless, I am pleased to do what I can towards expediting informative replies in instances where they are overdue or not clear.

> My officers have discussed your letter and its attachments with the procurement officials of the R.C.M.P. These officials have now informed us that discussions concerning the vehicles for which you have the dealership have been held with representatives of the manufacturer who, we understand, are aware that they do not meet the requirements of the force at this time. You have doubtless heard from the manufacturer direct in this connection.

And he wrote me back to say the matter had been cleared up.

The next case had to do with a lady who had strong views concerning action over a ditch which had been created by Central Mortgage and Housing Corporation and which was causing damage and destruction to her property and the property of others in the vicinity. We passed this over to the office of the president of Central Mortgage and Housing Corporation and he was good enough to write her a very informative letter and to send me a copy. In each case I have written to the people and said that I was in communication with the deputy minister.

The next one has to do with a particularly sad case of a lady who wrote to me concerning her difficulty in obtaining information about her deceased brother's insurance position. This is one of those distressing types of letters which come in this sort of operation, and I frankly did not know what to do with it so I wrote to her member of parliament as follows:

> I receive letters of this nature periodically. Although I can render no assistance directly in cases of this kind, I do seek to reply to each as helpfully as I can. As I am sure you would wish to do the same, I am taking the liberty of passing on this correspondence to you with the hope that you could perhaps contact (Miss so and so) and give her the benefit of your advice.

It was impossible to take any other course in a case like that. It did not involve any federal department and was a difficult matter.

The next letter I have came from the vice-president of a parking company who, having read newspaper accounts of the public accounts committee's proceedings, sat down and wrote to me about the beating that he was taking on the submission of a tender to the Department of Transport. He sent me reams of plans and details to show that he was the lowest tenderer in the case but did not get the business. I had this matter looked into at some length in the Department of Transport because again it could have had some bearing on my auditing responsibilities. I replied to him finally, after a three week study, that I had noted the information contained in his letter and appreciated the trouble he took to forward the material in such detail. However, I said I was not prepared to recommend to him what further action he should take in a case of this kind because it is not my practice or function to interfere in matters of this nature. Nonetheless, I said to him that "if, in due course, my audit of the activity in question shows that there has been some failure to comply with the statutory requirements which are designed to protect the public interest, my obligation is to take whatever action is appropriate in the circumstances".

I have been having some correspondence with a veteran in a veteran's hospital who told me that his condition was the result of medicine that he had been given in the veteran's hospital and he was seeking redress from the government in the form of damages. He indicated to me the size of the damages that he wished paid. This has been a rather continuing matter and it has been under attention by the Department of Veterans Affairs for sometime. They have a file on this man, and accordingly we examined the file. I wrote and told him quite frankly that I felt the department was giving him perfectly sensible reasons and answers, as indeed they were. In fact, they were going to extreme

pains to set it out. Perhaps it is understandable that a person who is suffering like this showed become so exasperated.

Another gentleman wrote to me about Canadian government annuities. He entered into an argument as to the unsoundness of the propositions that had been put forward by the annuities branch. However, as I analyzed his replies, it seemed to me that what he was really saying was that hindsight was the best foresight, and that if he had invested his money in equities instead of buying annuities he would have done a lot better. I therefore wrote to him to that effect, and that closed the file.

The next gentleman sent me a telegram, followed by a long letter, expressing his annoyance over the alleged failure of the Crown Assets Disposal Corporation to notify everyone concerned of the full facts surrounding the sale of a motor vessel on which he had his eye. We followed that up, but I must say that we were not successful. I think he was disappointed that he did not get it at a bargain price.

I have a letter from a man who runs a flea market. That is a sort of modernized type of antique market. His problem was that he was trying to get a trade mark established for his operation and he could not get any answers at all out of the trade mark office. Following receipt of the trade mark he had an expectation of attracting some non-resident money to his operation, and consequently the expansion of his operation was suffering and the influx of non-resident money he was hoping to attract was being delayed until he got his trade mark through. He actually telephoned me about this, and I discovered, in conversation with him, that he had a legal firm handling his trade mark problems. I suggested they should set down the problem, which they did, and my director in charge of that particular work passed it along to the office. It was mislaid or put at the bottom of a file as I recall but they got it out, and put it through for him in a week. Presumably the trade mark was issued and his problem was solved, at least his reply here indicates that was done. It was a matter of expediting things.

The last one I have here is a sample of letters which I get complaining about the operations of the Civil Service Commission. As I have a sort of fellow feeling for these, I send them over to the chairman of the commission and ask him if he would reply directly. I then drop a line to the writer, and so far I have found that that has been the best way to deal with this type.

Mr. Chairman, this is just a quick run down of the type of thing that crosses my desk. I have some other letters with me but unfortunately I have not dealt with these cases yet so perhaps I should not mention them. These are distinct from the letters I get from the public on waste and extravagance. That is a considerably larger mail. They relate directly to the work of my office, and I exclude them entirely from the "ombudsman" type. They are from people who wrap government mailings in envelopes and parcels, and not knowing what to do with them they send them to me. When they have five or six envelopes addressed to them containing handouts, or else if they see other examples of public waste going on, or things they think are a waste, they write to me. Those, of course, are run down, whether they are anonymous or direct, and I do so in every case. That is part of my audit work. It is hard to judge the treatment to give them, and that is the reason why my officers and I seek to reply to them along these lines and to deal with them as expeditiously as we can. I think that in the absence of anything else they are entitled to that.

The CHAIRMAN: It sounds remarkably like mail that Members of Parliament get.

Mr. DUBÉ: I am a little surprised that these people would send their complaints to you as the Auditor-General, and even more surprised that you

would entertain their complaints. Is it part of your official duty to handle these matters?

Mr. HENDERSON: I do not think it is, but what should I do when they write in with their griefs? I do not know where to send them. If I can give them any comfort by sending the letter in the right direction, it seems to me that that is a constructive thing to do. It is not my job, but I cannot help it if people write to me.

Mr. DUBÉ: How did they discover where to write?

Mr. HENDERSON: The C.B.C. put it on their Trans-Canada Matinee program, as I said earlier. They tagged me on that. That is one of the reasons for this. Be that as it may, there are always people who will address letters in the wrong direction.

Mr. FISHER: If we have a reporter here I imagine you will be getting a lot more!

One other point I would make may be involved with Mr. Dubé's question.

I have found a certain number of people and a certain kind of person who would prefer to write to a public official than to a member of parliament because they see a member of parliament as a politician—and there are some who are cynical enough about all politicians to think it is better to deal with a government official. It seems to me that this would be one of the advantages of an ombudsman.

Mr. O'KEEFE: Not in Newfoundland!

The CHAIRMAN: Are there any more questions?

Mr. FRANCIS: Mr. Chairman, again it seems to me that Mr. Henderson has demonstrated the need for something like this and as much as anything else by the letters about which he has told us.

I would like to ask Mr. Henderson whether he feels his office affords any method of putting pressure on a department to expedite a decision.

Mr. HENDERSON: I do not think it is unreasonable that I should put pressure on a department to expedite an answer to a letter, but not to expedite a decision. It seems to me there is a difference. This is where I have sought to put the accent, and if you do not agree with that I would like to know because it certainly is their prerogative to do that. In the case of that two year delay my officers pointed out that we certainly did not wish to interfere in the decision. They arrived at that themselves. In fact, I may say that we had practically written it off in our own thinking. The decision is not a matter for us, but I think the lady pensioner was entitled to know that the matter was on track and that someone was looking at it.

The CHAIRMAN: Perhaps I may ask a supplementary question, Mr. Henderson.

What access does your department have or what means would your department use for getting information with regard perhaps to a wrong administrative decision that did not involve expenditure of money and so on? Would you call for the files on the matter? Would you be able to require that the information be placed before you?

Mr. HENDERSON: No, if it were something which might be contained in files which my officers were seeing in the regular course of their work, then they would ask the man on the job and he would say, "Oh, yes, we have a big file from that person"; or they might just pull it and look at it. We hand it over clean to the administrative man in charge even if it happens that we go to the deputy minister. From my point of view the prerogative of the administrative decision is theirs not mine. I am acting rather like a post office in this connection, I do not

think the ombudsman would act in that way; he would go into the merits of it, as I see it.

Mr. FRANCIS: Again, I keep asking myself what are the limits of the kind of questions which Mr. Henderson would take on or take under investigation. Just the general problem of waste and extravagance in government operations is very broad.

I want to throw out one kind of problem which I have received as a member and to which I have had no satisfactory answer, and I would like him to say whether he would feel that this is the kind of thing he would undertake to look at. For example, I am thinking of the ceiling on earnings for retired members of the armed forces who undertake public service. Their pensions plus earnings in public service cannot exceed their previous earnings in the armed forces under the Pensions Act. Then what about a salary revision? When you get a salary revision it goes on for a while and then the chap gets some back pay less income tax withholding. Then about two or three weeks later he gets a demand for a cheque for payment to the pension fund, but the amount demanded is the gross sum not the net sum after income tax. So every salary revision has the effect of making these people finance the government of Canada until the time when they can file their income tax returns in the following year. They suffer by a salary revision; they do not gain. They are actually obliged to finance the government by the amount of withholding in income tax. It seems to me this is manifestly wrong and unfair.

I have written to the department about this matter and I have not had any answer yet. Would you look at a problem such as that and consider it part of your department's duty to decide? I have had 15 or 20 of these.

Mr. HENDERSON: On the auditing side?

Mr. FRANCIS: If someone wrote to you and said, "Everybody else gets an increase in salary but look what happens to me, I am obliged to file an income tax return and finance the government until next year when I can get my money back."

Mr. HENDERSON: I have not received a letter like that at all, Mr. Francis, but if I were to receive one I would certainly check into the workings of it for my own edification.

Mr. FRANCIS: Then I can assure you, Mr. Henderson, that you will get a letter tomorrow from me.

Mr. HENDERSON: That is all right; I will be only too happy to reply to you.

Mr. FISHER: I am going to refer this matter to you in your function as Auditor General; I have never thought of this before.

I received a complaint from an identifiable source but someone who would not make a charge either publicly or within the agency in which he works about the fact that a certain executive in the agency was receiving clothing and other perquisites through the facilities of the organization. I took it up with the organization and they are checking into it. So far the indications are that they have not found anything, but it suddenly struck me that this might be the kind of thing that you would not mind hearing about from a member of parliament.

Mr. HENDERSON: I do not want to invite any more work, Mr. Fisher, but I would consider if I received information like that it would be my duty to look into it.

Every case that I receive alleging waste or extravagance in the handling of public money—malfeasance or anything else that goes with it—whether it is unsigned or signed, I conceive it as my duty to deal with as best I can because of the directions in which it can lead and because of the assistance which it can

give, whether we are dealing with the Glassco Commission's findings, which we have discussed in the public accounts committee, or whether we are down to the anonymous letter that comes in about the number of trucks parked outside a project, or something like that.

Mr. FISHER: Let me give one example—and Mr. Francis may know something about this. I think Mr. Francis received as I did a number of complaints about the way tenders were being carried out in the public printing bureau.

Mr. FRANCIS: Yes.

Mr. FISHER: I never even thought of taking that to you; I took it to the government department concerned. I am not suggesting that I received the brush-off but I was not completely satisfied with the explanation, and I just let it go.

Mr. FRANCIS: There was an improvement brought into effect in the procedures.

Mr. FISHER: That may well have been the case, but I can see now that probably in some ways the most efficient kind of examination of the procedure might have been effected by referring it directly to the Auditor General.

Mr. HENDERSON: It probably would have complemented or supplemented information I already had or was building up, or it may have corroborated information that I was putting together. To that extent it would be quite helpful.

Mr. CAMERON (*High Park*): I have just one or two comments.

I take it that your approach to the matters of complaint you have been receiving is that they are extracurricular; they are not part of your regular work and there is no responsibility upon you to do anything about them. It is because you wish to please the public—and I think you should be congratulated for what you do—that you have dealt with these.

Mr. FRANCIS: Yes, I agree.

Mr. CAMERON (*High Park*): The government of Canada is fortunate that it has an official who will do these things. However, I take it following from the fact that it is not a responsibility that you cannot do more than you do, which is to refer it to the deputy minister or the department concerned. If they choose to co-operate with you, then that is fine. If it comes within your jurisdiction in the department, you may be able to find out something about it by inquiry, but that is the end of it and all you can do is keep the taxpayer or the resident of Canada reasonably happy, and in that you are doing a very good job.

I take it when matters concerning waste and extravagance and so on are referred to you, on the other hand, those are within a different category and that is your job.

Mr. HENDERSON: It may give me a good lead.

Mr. CAMERON (*High Park*): It gives you a handle to operate and make your investigations. Generally, I personally have appreciated very much hearing from you and I have appreciated the way in which you are dealing with these things and, as Mr. Francis says, it does indicate that there is a field in which an ombudsman could operate with a great deal of benefit to the people of Canada. Just whether we have enough volume at the present time is another matter.

Mr. HENDERSON: That is the point.

Mr. CAMERON (*High Park*): I think if it were advertised and the ombudsman handled it in the way you do, then soon he would be having a very great many matters to look after.

Mr. HENDERSON: Yes, I think he would. I said that I receive on an average two or three a week. There has been a little influx lately on account of the broadcast to which reference has been made in the letters. The volume I receive, coupled with the average volume that you receive as members of the house should, it seems to me, give some idea of how much is abroad at the present time. I do not know, but I saw some figures, I think in Professor Rowat's testimony, which showed that he was speculating that there would be a very large figure per annum. I did not quite understand that, Mr. Chairman, because it does not seem to me that as large a number as that is being generated. Was it 30,000 a year?

The CHAIRMAN: If I may comment, I think Professor Rowat was basing his remarks partly on the experience, on a per capita basis, of other countries and also on a questionnaire in connection with a thesis that a student at Carleton University was preparing. I understand that thesis is now complete. One suggestion that has been made to me is that we might hear from the student who sent the questionnaire to members and who had compiled some statistics in regard to this problem so we might be able to throw a little light on it.

I have Mr. Dube on my list for questioning.

Mr. DUBE: Do you know of any other civil servant in your position or in a parallel position who would be receiving complaints as you do and who would be answering them?

Mr. HENDERSON: No, I do not, Mr. Dube. I think we should realize that the deputy ministers themselves are handling a number of these. I am quite certain that is the case.

That is why I made the suggestion that I thought you should have one or two of them before the committee to tell you how they operate.

Mr. FISHER: Mr. David Sim would be a very good choice.

Mr. HENDERSON: Yes, he would be able to give very good examples of the type of complaints that come in under the custom and sales tax heading.

Mr. DUBE: But, they would be specific to the one department?

Mr. HENDERSON: Yes.

Mr. DUBE: Whereas the ones you receive would not?

Mr. HENDERSON: These are generally across the board, you mean?

Mr. DUBE: Yes.

Mr. HENDERSON: Well, I do not know. I have not heard of anyone else in quite the same position. But, of course, they read about the discussions we have in the public accounts committee and they read about the statements that you make, and because of my independent position they feel perhaps they will receive a quicker reply or that my reply will be impartial, so they write to me. But, I do know that the writer of a letter like this which, often as not in these cases, may be run of mine to me is a very important thing to him as the writer. It seems to me that half the battle is to get an answer back into his hands. In this way at least he feels someone is interesting himself in his problems. I have a most tragic one which was written to me and signed by what I believe are three maiden ladies in connection with an extremely unfortunate chain of events, and they enclosed copies of letters to various ministers and other people. Obviously this is something that was very upsetting to those people. We do not have any answer for them yet but I think we will get something away soon. It may not be the kind of thing they are looking for, unfortunately, but it is better than nothing.

Mr. THOMPSON: I find it interesting in the cases you have outlined, Mr. Henderson, that there are none which would come in the category of pension

complaints, particularly military and veterans' pensions complaints. I believe that the largest single classification of letters which I receive would be in respect of that. And, repeatedly, as I go over the more critical cases I feel that justice is not being done to a good many people, who find themselves in the position of having no recourse. Do you not get these letters?

Mr. HENDERSON: No, I do not. But then, the war veterans' allowances and the pensions are a subject on which I deal in my report in the public accounts committee. We had the chairman of the Canadian pension commission at one meeting, followed by Mr. Cromb, chairman of the war veterans' allowance board. At that time the members raised a number of these cases with these officials, as well as the criteria of judgment which they are employing. These were very useful meetings.

I can understand the nature of the problems on which you would be receiving letters because a number of the members of the public accounts committee spoke about their own problems. That is a very involved and difficult piece of legislation to administer and, of course, in the case of veterans' allowance I have been indicating in my report that I thought the legislation should be strengthened if we are going to avoid these continued cases of deception that are being practised. The committee has in mind making some concrete recommendations on these points as a result of its discussion. But, curiously enough, I have not had such letters.

Mr. THOMPSON: I had a case last week of a young lady who served in the air force during the war. Apparently her health was damaged by lead poisoning which came about through the use of paints and sprays in the type of repair work she was assigned to. This produced a condition, which in lay terminology, is called sleeping sickness, which is almost beyond control at the present time. And, because she wanted to get out of the service in the last months of the war, when there was not too much to do for a lot of people, she did so, when probably she should have still remained in hospital. To me it is a very sad case. I cannot go any further. So far as I am concerned it is blocked.

Mr. HENDERSON: I do think if there were some kind of a survey made, either through talks with some of the key deputy ministers or maybe something a little broader, possibly emanating from this committee, to find out the kind of machinery the departments have for disposing of queries of this nature, that it would prove very beneficial. It might be that it would lead to a number of them making quite simple improvements in their procedures whereby they could give faster and more effective service in handling their complaints as well as the complaints they receive direct. In other words, we might have the solution in our own government administrative machinery. Too often they take two or three weeks to deal with something. Perhaps they do not have the answer; perhaps letters get lost or something like that, and all this breeds discontent.

Mr. THOMPSON: The particular case to which I made reference has been going on for approximately 15 years.

Mr. FRANCIS: I believe the department to which you are making reference is attempting to set up machinery with which to deal with this kind of complaint.

Mr. THOMPSON: But, apparently, there is no regulation which covers this person. Everyone admits there should be a regulation but, as I say, there is not, as a result of which the person is being left out in the cold.

Mr. FISHER: Mr. Henderson made a suggestion in respect of the immigration department.

The CHAIRMAN: If I may interrupt, Mr. Fisher, have you completed your questioning, Mr. Thompson?

Mr. THOMPSON: Yes, I have.

Mr. FRANCIS: I am sorry if I interjected a comment when Mr. Thompson was putting a question.

The CHAIRMAN: Would you proceed, Mr. Fisher.

Mr. FISHER: I am thinking of the immigration department above all others. I would like to have the deputy and the head of the branch come before us because, in my opinion, that is the department where the delays really pile up. Sometimes it will be six or eight months before one receives a reply to a query in connection with an immigration matter.

Mr. HENDERSON: That is the kind of thing which, to me, should be easily straightened out.

The CHAIRMAN: If I might comment at this time, I think Mr. Henderson has made a very useful suggestion, and this is something which we might consider. Perhaps we should have some of the deputy ministers attend before this committee to speak of problems in connection with their own departments. At this time we could discuss the matter thoroughly and after hearing such suggestions which might be forthcoming we would be in a position to make certain recommendations. But, perhaps we are straying somewhat from our terms of reference, even though this is related to the subject.

Mr. FISHER: I think if we studied some of these problems very carefully we would be in a better position to state our feelings in respect of the position of ombudsman. But, if you invite some deputy ministers I suggest it would be well to discuss with their ministers the possibility of holding a meeting in camera so that we would be able to have a free and open discussion on these matters.

The CHAIRMAN: This is something we can look at and give consideration to.

If there are no further questions to be directed to Mr. Henderson, I indicated at the last meeting that perhaps this would be our last meeting before trying to draft a report.

However, I have received in the last week a number of suggestions with regard to people we might hear and in view of this. I propose that we call another steering committee meeting, and take a direction from that meeting. Perhaps it would be agreeable if we held one or two more meetings before we draft our report. But, if there is no further business this evening I would ask for a motion to adjourn.

Mr. LESSARD (*Saint-Henri*): I so move.

Mr. DUBE: I second the motion.

Motion agreed to.

HOUSE OF COMMONS

Second Session—Twenty-sixth Parliament

1964-1965

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: MR. MAURICE-J. MOREAU

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 10

THURSDAY, FEBRUARY 25, 1965
FRIDAY, FEBRUARY 26, 1965

Respecting

Subject-matter of Bill C-7, An Act to establish the Office of Parliamentary Commissioner

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Including Third Report to the House

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

21582—1

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Maurice-J. Moreau

Vice-Chairman: Mr. Jean-Eudes Dubé

and Messrs.

Balcer	Greene	Nugent
Beaulé	Jewett (Miss)	O'Keefe
Cashin	Lessard (*Lac-Saint-Jean*)	Peters
Chrétien	Macdonald	Rhéaume
Drouin	Macquarrie	Rochon
Émard	Marcoux	Scott
Francis	Martineau	Valade
Girouard	Mullally	Vincent
Grégoire	Nielsen	Woolliams—29.

(Quorum 10)

Gabrielle Savard,
Clerk of the Committee.

Mr. Peters replaced Mr. Fisher on February 17;

Messrs. Cashin, Marcoux and Girouard replaced Messrs. Mullally, Thompson and Paul on February 22;

Mr. Fisher replaced Mr. Peters on February 23;

Messrs. Émard and Thompson replaced Messrs. Lessard (*Saint-Henri*) and Chapdelaine on February 24;

Messrs. Lessard (*Lac-Saint-Jean*) and Mullally replaced Messrs. Thompson and Groos on February 25;

Messrs. Greene and Peters replaced Messrs. Cameron (*High Park*) and Fisher on February 25.

ORDERS OF REFERENCE

WEDNESDAY, February 17, 1965.

Ordered,—That the name of Mr. Peters be substituted for that of Mr. Fisher on the Standing Committee on Privileges and Elections.

MONDAY, February 22, 1965.

Ordered,—That the names of Messrs. Cashin, Marcoux and Girouard be substituted for those of Messrs. Mullally, Thompson and Paul on the Standing Committee on Privileges and Elections.

TUESDAY, February 23, 1965.

Ordered,—That the name of Mr. Fisher be substituted for that of Mr. Peters on the Standing Committee on Privileges and Elections.

WEDNESDAY, February 24, 1965.

Ordered,—That the names of Messrs. Émard and Thompson be substituted for those of Messrs. Lessard (*Saint-Henri*) and Chapdelaine on the Standing Committee on Privileges and Elections.

THURSDAY, February 25, 1965.

Ordered,—That the names of Messrs. Lessard (*Lac-Saint-Jean*) and Mullally be substituted for those of Messrs. Thompson and Groos on the Standing Committee on Privileges and Elections.

THURSDAY, February 25, 1965.

Ordered,—That the names of Messrs. Greene and Peters be substituted for those of Messrs. Cameron (*High Park*) and Fisher on the Standing Committee on Privileges and Elections.

Attest.

LEON-J. RAYMOND,
The Clerk of the House.

REPORT TO THE HOUSE

MONDAY, March 1, 1965.

The Standing Committee on Privileges and Elections has the honour to present its

THIRD REPORT

Your Committee has met and considered the subject-matter of Bill C-7, An Act to establish the Office of Parliamentary Commissioner.

After due consideration the Committee recommends that the Government consider the establishment of an office, like that of an ombudsman, for the purpose of investigating and reporting on administrative acts of the Government of Canada complained of by members of the public.

The Committee recommends also that the Government of Canada should take an early opportunity to urge the establishment of a similar institution by each of the provinces, for scrutinizing in the same way administrative action under provincial jurisdiction.

A copy of the relevant Minutes of Proceedings and Evidence is appended.

Respectfully submitted,

MAURICE J. MOREAU,
Chairman.

MINUTES OF PROCEEDINGS

THURSDAY, February 25, 1965
(21)

The Standing Committee on Privileges and Elections met this day at 10.15 a.m. The Chairman, Mr. Maurice J. Moreau, presided.

Members present: Miss Jewett and Messrs. Balcer, Drouin, Emard, Francis, Groos, Macdonald, Macquarrie, Marcoux, Moreau, O'Keefe (11).

The Chairman presented the *Fifth* Report of the Subcommittee on Agenda and Procedure as follows:

Your Subcommittee met on February 22 and presents the following as its Fifth Report:

Your Subcommittee recommends:

1. That the Committee meet *in camera* at 10.00 a.m. on Thursday, February 25, to further consider the subject-matter of Bill C-7, An Act to establish the office of Parliamentary Commissioner.
2. That the Committee hear Dr. Ollivier Friday, February 26, describing the following terms: "The Precincts of Parliament"; "Privileges of Members of Parliament"; "Immunity from arrest"; and points relevant to the arrest of Mr. Grégoire, M.P., so that the Committee can examine the witnesses in that context. Dr. Ollivier was also requested to prepare a list of precedents covering similar events.
3. That on Tuesday, March 2, the R.C.M.P. officers involved in the arrest of Mr. Grégoire, M.P., be called as witnesses.

On motion of Mr. Macdonald, seconded by Mr. Francis, the said report was carried unanimously.

The Committee then met *in camera* to consider a draft report to the House on the subject-matter of Bill C-7, An Act to establish the office of Parliamentary Commissioner.

Following discussion, the Committee decided to further consider this matter *in camera* at its next meeting.

At 10.55 a.m. the Committee adjourned to 10.00 a.m. Friday, February 26th.

FRIDAY, February 26, 1965
(22)

The Standing Committee on Privileges and Elections met this day at 10.15 a.m. The Chairman, Mr. Maurice J. Moreau, presided.

Members present: Miss Jewett and Messrs. Cashin, Chrétien, Drouin, Dubé, Emard, Francis, Girouard, Greene, Grégoire, Lessard (*Lac-Saint-Jean*), Macdonald, Macquarrie, Marcoux, Moreau, Nugent, O'Keefe, Rhéaume, Rochon—(19).

In attendance: Dr. Maurice Ollivier, Q.C., Parliamentary Counsel.

As agreed at Thursday's meeting, the Committee first met *in camera* to consider a draft report on the subject-matter of Bill C-7, An Act to establish the office of Parliamentary Commissioner.

On motion of Mr. Macdonald, seconded by Mr. Greene, the draft report was adopted on the following division: YEAS, 14; NAYS, 1. The Chairman was instructed to present the said report to the House as the Committee's Third Report. (*See this Issue*)

At 10.20 a.m the Committee continued in open session and proceeded to consider its order of Reference of February 16, "the circumstances relating to the arrest on February 12, 1965, of the honourable Member for Lapointe."

(*See Committee proceedings Issue No. 11*)

Gabrielle Savard,
Clerk of the Committee.

EVIDENCE

THURSDAY, February 25, 1965.

The CHAIRMAN: Gentlemen, I see a quorum. The steering committee met on Tuesday, February 23, and we have a report from it which reads as follows:

1. That the committee meet in camera at 10.00 a.m. on Thursday, February 25, to further consider the subject-matter of Bill No. C-7, An act to establish the office of Parliamentary Commissioner;
2. That the committee hear Dr. Ollivier Friday, February 26, describing the following terms: "The Precincts of Parliament"; "Privileges of Members of Parliament"; "Immunity from arrest"; and points relevant to the arrest of Mr. Grégoire, M.P., so that the committee can examine the witnesses in that context. Dr. Ollivier was also requested to prepare a list of precedents covering similar events.
3. That on Tuesday, March 2, the R.C.M.P. officers involved in the arrest of Mr. Grégoire, M.P. be called as witnesses.

May I have a motion for the adoption of the steering committee's report?

Mr. MACDONALD: I so move.

Mr. FRANCIS: I second the motion.

The CHAIRMAN: It has been moved by Mr. Macdonald and seconded by Mr. Francis that the report of the steering committee be adopted. Is there any discussion? If not, we are agreed?

Motion agreed to.

Miss JEWETT: Is that meeting for 10 o'clock tomorrow morning?

The CHAIRMAN: Yes. Now, the remainder of this committee meeting will be held *in camera* to consider the subject matter of Bill C-7, An Act to establish the Office of Parliamentary Commissioner.

(The committee then went into camera).

HOUSE OF COMMONS

Second Session—Twenty-sixth Parliament

1964-1965

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: MR. MAURICE J. MOREAU

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 11

FRIDAY, FEBRUARY 26, 1965

TUESDAY, MARCH 2, 1965

Respecting the circumstances relating to the arrest on February 12, 1965, of the honourable Member for Lapointe (Mr. Grégoire)

WITNESSES:

Dr. Maurice Ollivier, Q.C., Parliamentary Counsel; Mr. John Cassells, Crown Attorney for the County of Carleton (Ont.); Mr. Marc Lalonde of Montreal, Counsel for the Royal Canadian Mouned Police; Constable R. T. Stamler and Constable J. R. M. Délisle, both of the R.C.M.P.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

21584—1

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Maurice J. Moreau

Vice-Chairman: Mr. Jean-Eudes Dubé

and Messrs.

Balcer	Lessard (*Lac-Saint-Jean*)	O'Keefe
Beaulé	[1]Lessard (*Saint-Henri*)	Peters
Cashin	Macdonald	[2]Prud'homme
Chrétien	Macquarrie	Rhéaume
Francis	Marcoux	Rochon
Girouard	Martineau	Scott
Grégoire	Mulally	Valade
Greene	Nielsen	Vincent
Jewett (Miss)	Nugent	Woolliams—29.

(Quorum 10)

Gabrielle Savard,
Clerk of the Committee.

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[1] Mr. Lessard (*Saint-Henri*) replaced Mr. Émard on March 1st.
[2] Mr. Prud'homme replaced Mr. Drouin on March 1st.

ORDERS OF REFERENCE

TUESDAY, February 16, 1965.

Ordered, That the circumstances relating to the arrest on February 12, 1965, of the honourable Member for Lapointe be referred to the Standing Committee on Privileges and Elections.

MONDAY, March 1, 1965.

Ordered, That the name of Mr. Lessard (*Saint-Henri*) be substituted for that of Mr. Émard on the Standing Committee on Privileges and Elections.

MONDAY, March 1, 1965.

Ordered, That the name of Mr. Prud'homme be substituted for that of Mr. Drouin on the Standing Committee on Privileges and Elections.

Attest.

LÉON-J. RAYMOND,
The Clerk of the House.

21584—1½

MINUTES OF PROCEEDINGS

FRIDAY, February 26, 1965
(22)

The Standing Committee on Privileges and Elections met this day at 10.15 a.m. The Chairman, Mr. Maurice J. Moreau, presided.

Members present: Miss Jewett and Messrs. Cashin, Chrétien, Drouin, Dubé, Émard, Francis, Girouard, Greene, Grégoire, Lessard (*Lac-Saint-Jean*), Macdonald, Macquarrie, Marcoux, Moreau, Nugent, O'Keefe, Rhéaume, Rochon (19).

In attendance: Dr. Maurice Ollivier, Q.C., Parliamentary Counsel.

As agreed at Thursday's meeting, the Committee first met *in camera* to consider a draft report on the subject-matter of Bill C-7, An Act to establish the office of Parliamentary Commissioner.

On motion of Mr. Macdonald, seconded by Mr. Greene, the draft report was adopted on the following division: YEAS, 14; NAYS, 1. The Chairman was instructed to present the said report to the House as the Committee's Third Report. (*See Committee Proceedings No. 10*)

At 10.20 a.m. the Committee continued in open session and proceeded to consider its order of reference of February 16, "the circumstances relating to the arrest on February 12, 1965, of the honourable Member for Lapointe."

The Chairman read the order of reference and invited the Clerk of the Committee to read the Fifth Report of the Subcommittee on Agenda and Procedure adopted unanimously on Thursday.

Mr. Girouard raised a point of order regarding the propriety of Mr. Grégoire remaining a member of the Committee. Discussion ensued whereupon Mr. Girouard, seconded by Mr. Lessard, made the following proposal:

> "Il est suggéré par le Comité que M. Grégoire devrait, pour des raisons de décence et d'équité, se retirer de la table des délibérations, étant donné qu'il est impliqué et témoin principal dans l'affaire présentement sous étude."
>
> (*Translation*)
>
> "It is suggested by the Committee that Mr. Grégoire, for reasons of decency and fair play, should leave the discussion table, since he is involved and is also a key witness in the matter under consideration."

The Chairman indicated that he did not believe that this proposal was in order, whereupon Mr. Girouard withdrew his proposal.

The Chairman introduced Dr. Maurice Ollivier, Parliamentary Counsel.

The witness read part of a prepared statement as requested by the Committee; at 11.00 a.m. the Members being called to the House, Mr. Francis moved, seconded by Mr. Marcoux, and agreed that the remaining part of the statement be taken as read. (*See Evidence March 2*)

On a point of privilege, Mr. Greene requested that copies be made available to the Committee before its next sitting, whereupon Mr. Girouard requested that a translation be also made available to the French-speaking members.

At 11.05 a.m. the Committee adjourned to 11.00 a.m. Tuesday, March 2nd.

TUESDAY, March 2, 1965.
(23)

The Standing Committee on Privileges and Elections met this day at 11.00 o'clock a.m. The Chairman, Mr. Maurice J. Moreau, presided.

Members present: Messrs. Beaulé, Cashin, Chrétien, Dubé, Francis, Girouard, Grégoire, Greene, Lessard (*Saint-Henri*), Lessard (*Lac-Saint-Jean*), Macdonald, Marcoux, Moreau, O'Keefe, Peters, Rochon, Scott, Valade (18).

In attendance: Dr. Maurice Ollivier, Q.C., Parliamentary Counsel; Mr. John Cassells, Crown Attorney for the County of Carleton, (Ont.); Mr. Marc Lalonde, of Montreal, Counsel for the Royal Canadian Mounted Police.

Dr. Ollivier read the last part of his memorandum presented to the Committee on Friday, February 26th, relating particularly to the "Precincts of Parliament", and was questioned thereon.

The Chairman thanked the Parliamentary Counsel, and Mr. Cassells was called.

The witness dealt with the charges in regard to parking and speeding and relevant government legislation and regulations; he read the charges laid, explained the procedure followed, jurisdiction practice in serving summons, and the use of English in the courts of Ontario.

During the course of his presentation, Mr. Cassells tabled as *Exhibits 1 and 2* Information and Complaint of the R.C.M.P. vs. Gilles Grégoire of Quebec, taken on the 11th and 16th of December respectively; it was agreed that these documents be printed as appendice to this day's proceedings. (*See Appendices "A" and "B,"*)

On motion of Mr. Greene, seconded by Mr. Scott,

Resolved,—That Government Property Traffic Regulations and any sections of regulations or orders in council which relate to service of documents for offences under such regulations or orders be tabled.

Mr. Cassells also tabled:

1. Affidavit of Constable J. R. M. Délisle of the R.C.M.P., stating that summons was served to Mr. Grégoire on the 14th of December; (*Exhibit 3*).
2. Summons to Defendant upon Information or Complaint to Gilles Grégoire, dated December 16, 1964 and Affidavit (*Exhibit 4*).
3. Warrant of Commitment for illegal parking dated February 8, 1965 (*Exhibit 5*).
4. Warrant of Commitment for speeding dated February 8, 1965 (*Exhibit 6*).

The Committee agreed that the original court documents be returned to Mr. Cassells and photostat copies filed as exhibits.

The examination of the witness continuing,

On motion of Mr. Scott, seconded by Mr. Cashin,

Agreed,—That the Committee meet again this afternoon.

At 1.15 p.m. the Committee adjourned until after the Orders of the Day.

AFTERNOON SITTING
(24)

The Standing Committee on Privileges and Elections reconvened at 4.20 o'clock p.m. The Chairman, Mr. Maurice J. Moreau, presided.

Members present: Miss Jewett and Messrs. Beaulé, Cashin, Chrétien, Dubé, Francis, Girouard, Grégoire, Greene, Lessard (*Lac-Saint-Jean*), Lessard (*Saint-Henri*), Macdonald, Macquarrie, Marcoux, Moreau, O'Keefe, Peters, Prud'homme, Scott, Valade (20).

In attendance: Dr. Maurice Ollivier, Q.C., Parliamentary Counsel; Mr. Marc Lalonde of Montreal, Counsel for the Royal Canadian Mounted Police and Constable R. T. Stamler, of the Royal Canadian Mounted Police.

Constable Stamler was called.

On motion of Mr. Lessard (*Lac-Saint-Jean*), seconded by Mr. Lessard (*Saint-Henri*),

Resolved,—That the witnesses give their testimony under oath. The Committee also agreed that Mr. Lalonde, Counsel for the R.C.M.P., be allowed to conduct the examination.

Constable Stamler was sworn and examined.

Mr. Lalonde tabled a copy of all court documents relevant to the original summonses and the arrest of Mr. Grégoire, also copies of the parking tickets. The court documents had already been tabled by Mr. Cassells at the morning sitting and identified as Exhibits 1 to 6 inclusive; the copies of the parking tickets are filed as Exhibits 7 and 8. Each of these documents was properly identified by Constable Stamler.

On a point of order Mr. Scott questioned the relevancy of some of Mr. Grégoire's questions; the Chairman ruled that the circumstances relating to the conviction of Mr. Grégoire were not relevant to the Order of Reference.

The examination of the witness continuing, the Committee discussed the time of its next sitting.

Whereupon Mr. Cashin moved, seconded by Mr. Lessard (*Saint-Henri*) that the Committee meet at 8.00 p.m. this evening. The question being put on the said motion, it was resolved, by a show of hands, in the affirmative: YEAS, 14; NAYS, 1.

At 6.15 p.m. the Committee adjourned to 8.00 o'clock p.m. this day.

EVENING SITTING
(25)

The Committee reconvened at 8.10 o'clock p.m. The Chairman, Mr. Maurice J. Moreau, presided.

Members present: Miss Jewett and Messrs. Beaulé, Cashin, Chrétien, Francis, Grégoire, Greene, Lessard (*Lac-Saint Jean*), Lessard (*Saint-Henri*), Macdonald, Macquarrie, Marcoux, Moreau, O'Keefe, Prud'homme (15).

In attendance: Same as at afternoon sitting.

Also Constable J. R. M. Délisle, of the R.C.M.P.

The Committee resumed the examination of Constable Stamler.

The second witness, Constable Délisle, was then called, sworn and examined, mostly in French, by counsel Mr. Marc Lalonde, and by the Committee. His examination being concluded, the witness withdrew.

It was agreed that Constable Miller be the first witness at the next sitting and that Constable Délisle remain at the disposal of the Committee.

At 10.15 p.m. the Committee adjourned until Thursday, March 4, 1965.

Gabrielle Savard,
Clerk of the Committee.

EVIDENCE

FRIDAY, February 26, 1965.

(All the evidence adduced in French and translated into English was recorded by an electronic recording apparatus, pursuant to a recommendation contained in the Seventh Report of the Special Committee on Procedure and Organization, presented and concurred in, on May 20, 1964.)

(*Text*)

The CHAIRMAN: Order. Miss Jewett and gentlemen, the order of business for the committee this morning is the order of reference which was given to us by the house, and which I shall read as follows:

TUESDAY, February 16, 1965.

Ordered,—That the circumstances relating to the arrest on February 12, 1965, of the honourable member for Lapointe be referred to the standing committee on Privileges and Elections.

Your steering committee met last Tuesday and our method of procedure in this matter was agreed upon. The report of the steering committee was passed and adopted by the full committee at our last meeting, and I shall now ask our clerk, Miss Savard, to read the procedure that we are going to follow.

The CLERK OF THE COMMITTEE: The method of procedure reads as follows:

1. That the committee meet in camera at 10.00 a.m. on Thursday, February 25, to further consider the subject matter of Bill No. C-7, an act to establish the office of parliamentary commissioner.

2. That the committee hear Dr. Ollivier, Friday, February 26, describing the following terms: "The Precincts of Parliament"; "Privileges of Members of Parliament"; "Immunity from arrest"; and points relevant to the arrest of Mr. Grégoire, M.P., so that the committee can examine the witnesses in that context. Dr. Ollivier was also requested to prepare a list of precedents covering similar events.

3. That on Tuesday, March 2, the R.C.M.P. officers involved in the arrest of Mr. Grégoire, M.P., be called as witnesses.

On motion of Mr. Macdonald, seconded by Mr. Francis, the said report was carried unanimously.

The CHAIRMAN: Dr. Ollivier, our parliamentary counsel needs no introduction to the members of the committee. I am sure you have all met him before. So I shall now ask Dr. Ollivier to proceed with the request we have made upon him.

Mr. GIROUARD: On a point of order, Mr. Chairman?

The CHAIRMAN: Yes?

(*Translation*)

Mr. GIROUARD: I rise on a point of order. I think it is a matter of elementary decency for all the people implied in this affair, that Mr. Grégoire should leave the committee table during these discussions because if he sits here as a member when he is involved in this affair, I think it would be unfair to the other people who are involved. We do not have to move it. Mr. Grégoire must realize

that he should leave the room and not vote on a matter in which he is involved. If Mr. Grégoire does not retire I shall move to that effect.

Mr. CHRÉTIEN: I am not Mr. Grégoire's counsel.

(*Text*)

The CHAIRMAN: I would like to say that this matter did come up at our steering committee when it was suggested or proposed that perhaps Mr. Grégoire might like to withdraw from the committee. I am not at all sure that there are any precedents which would indicate that he must withdraw. But certainly I would be happy to entertain any argument that any member might care to make on the point.

Mr. MACDONALD: As a preliminary question, may we call upon Dr. Ollivier to advise us on that particular point; that is, on the propriety of a member remaining.

Mr. NUGENT: I do not think any of us have any doubts about the propriety. I think it is more a question of the legality.

Mr. GREENE: Do we have anything on record to the effect that Mr. Grégoire does not wish to withdraw? It may be that he wants to withdraw, and that would be the end of it. If not, let us head him say so.

Mr. MACDONALD: Maybe he would like to make a statement before the sentence is pronounced.

Mr. GRÉGOIRE: I have no comments to make.

The CHAIRMAN: I have looked at some of the precedents. There was one referred to in May which I shall read, dealing with personal interest other than pecuniary. It reads as follows:

> Personal interest other than pecuniary.—Disallowance of a vote on the score of personal interest is restricted to cases of pecuniary interest and has not been extended to those occasions when the dictates of self-respect and of respect due to the house might demand that a member should refrain from taking part in a division. (Sir T. Erskine May's Parliamentary Practice, 16th edition, p. 443).

The only other reference is to standing order No. 30 which deals with the conduct of a member. However, I have the terms of reference that we received from the house and they do not refer in any way to Mr. Grégoire's conduct, although perhaps some argument could be made that his conduct was involved. I do not see a very clear connection here. I do not know if we can compel him to leave, but if any members have any argument to make before a decision is reached, I would be glad to hear from them.

(*Translation*)

Mr. MARCOUX: Mr. Chairman, I recall that you yourself, when you were incriminated in a certain way, resigned from the committee so that your case could be studied; you gave your place to someone else. So I am wondering if that does not constitute a precedent which could be used.

Mr. CHRÉTIEN: I object to the term "incriminated".

Mr. MARCOUX: Involved, them.

Mr. CHRÉTIEN: He was only a witness.

(*Text*)

Mr. P. M. OLLIVIER (*Law Clerk and Parliamentary Counsel, House of Commons*): May I say something at this point?

The CHAIRMAN: Yes.

Mr. OLLIVIER: At the moment I am not sure that it is necessary to consider the point. The main thing is whether or not it comes to a vote. I do not propose to give any opinion or to ask for any vote. I am just appearing as an expert witness, if I may use that term, in this case. Therefore I see no reason why Mr. Grégoire should have to leave the room.

(*Translation*)

Mr. GIROUARD: Mr. Chairman, if I may answer that question. Suppose Mr. Ollivier were to express opinions, Mr. Grégoire who, like the officers of the R.C.M.P., will be a witness, will have every opportunity to ask questions, to express his opinion and to make objections, whereas the other witnesses who should be on an equal footing with him will not have that advantage and will not have the right to speak here. I think it would be elementary decency for Mr. Grégoire to withdraw voluntarily. Otherwise, I shall ask the committee to decide on the matter. I regret that decision because, as a gentleman, he should withdraw so as to be on an equal footing with the other witnesses who will appear in this case.

(*Text*)

The CHAIRMAN: Now, Mr. Cashin.

Mr. CASHIN: Dr. Ollivier is drawing a distinction between this morning's proceedings and when there was a vote to be taken. It seems reasonable that at some time, as a result of the hearings commencing today, there will be a vote. Therefore is not all the discussion which precedes such a vote the same? Can we really make a separation? Would you say from that there is some precedent in the case of a particular vote?

Mr. OLLIVIER: If you interpret the law very strictly it is purely a pecuniary interest. What I am going to do this morning is merely to quote the law. I am not even going to give you my own opinion. I do not see why Mr. Grégoire should not be present to listen to it, as well as the other members who will have to consider his conduct.

The CHAIRMAN: The point is not that Mr. Grégoire should not be present. He would be present in any case, whether a member of the committee or not. The point is whether he should or should not participate in the deliberations of the committee, and in questions that might be raised.

Mr. GREENE: I think there are two problems involved. First of all, there is the right of Mr. Grégoire as a member of parliament, and on the other side of the coin there is the question that here we have an issue which involves a difference of opinion between the two parties who are essentially the R.C.M.P. and Mr. Grégoire. Whether or not Mr. Grégoire should be given an undue advantage in the quarrel between them by virtue of his being a member of parliament is the question.

In similar circumstances not too long ago—it was earlier brought out by you yourself, Mr. Chairman, and possibly by other members of the committee as well—Mr. Girouard, I believe quite properly, withdrew from the committee, so that he would have no undue advantage.

If Mr. Grégoire insists upon having that undue advantage over the R.C.M.P. by virtue of his being a member of parliament, the committee might consider whether or not the R.C.M.P. should be allowed to even up the game by having the right to cross-examine Mr. Grégoire, or to have their counsel do so, if they have one. I refer to whether or not they might have the right to counsel to cross-examine Mr. Grégoire; or, on the other hand, whether they themselves should not be permitted to cross-examine Mr. Grégoire when he goes on the stand. So I suggest that if we cannot fry the fish, maybe we could bake it.

(*Translation*)

Mr. LESSARD (*Lac-Saint-Jean*): Mr. Chairman, it would be establishing a precedent if we admitted the representative of another group as a member of the committee. If I understand rightly, Mr. Greene suggests that the R.C.M.P. could be represented at this table by counsel who would defend their position. In that case he would be neither more nor less than a member of the committee. In that case, are we entitled to admit a person from outside the House of Commons as a member of the committee? I do not think so. We might perhaps allow, for instance, a counsel representing the R.C.M.P. to be present and to question the witnesses occasionally, but not on the same grounds as a member of the House of Commons.

(*Text*)

Mr. CASHIN: He should not question the witness at all.

(*Translation*)

The CHAIRMAN: If I understand your suggestion rightly, Mr. Lessard, you suggest that one of our members could take his place.

Mr. LESSARD (*Lac-Saint-Jean*): Not exactly.

Mr. CHRÉTIEN: Mr. Chairman, in my opinion Mr. Grégoire should withdraw of his own accord because there are insinuations regarding him to the effect that he is merely looking for publicity in this affair. So it would be an excellent opportunity for him to show that he is not looking for publicity by taking part in the discussions merely as a witness. Do you not agree, Mr. Grégoire?

Mr. DUBÉ: Mr. Chairman, I would like to ask Mr. Ollivier for a legal opinion. If Mr. Grégoire decides not to withdraw and if a resolution of the committee is suggested and passed to the effect that he should withdraw, can the committee oblige Mr. Grégoire to withdraw without going through the House of Commons?

Mr. OLLIVIER: In the first place, we shall not go through the House of Commons. But, you are speaking of Mr. Grégoire as if he were the accused. It is a funny thing, but I cannot share the same opinion and I think what prevails is the opinion mentioned again a moment ago rather than the rule of the House which, in my opinion, does not apply.

(*Text*)

It is well known that a vote on the score of personal interest is restricted to cases of pecuniary interest and that it has not been extended to those occasions when the dictates of self-respect, or respect due to the house require that the member should refrain from taking part in the discussion. That means that it is up to Mr. Grégoire then to respect the House and not to act as a member of this committee. That is what I would do if I were in his place. As to the committee, they can force him to do it, and they do not have to appeal to the House; but I do not think it would be normal procedure.

Mr. MACDONALD: I would like to dissent from the suggestion that there is a difference of opinion between Mr. Grégoire and the R.C.M.P. which is going to be tried by this committee. What is involved here is the privilege of members of the house, not the particular rights of Mr. Grégoire. We are not here to accord praise or blame to the R.C.M.P. for the manner in which they proceeded to act. The suggestion has been made that because Mr. Grégoire is at this table it should not be necessary to have counsel present for the R.C.M.P. I would like to call attention to citation No. 309 of Beauchesne which reads as follows:

> Every witness attending before the house or any committee thereof may claim the protection of the house in respect of the evidence he is called upon to give and also ask leave to be assisted by counsel.

I take it that it is confirmed that if the individual officers or the R.C.M.P. wish to obtain counsel and have counsel appear here, there would be no question about it. But whether or not they have the right to appear in he deliberations of the committee, I do not think this is so. Therefore, I would dissent from any suggestion that there is an individual dispute here.

The CHAIRMAN: I think we have had sufficient discussion. I would certainly not make any ruling that Mr. Grégoire must leave, although I would agree that the dictates of self-respect and of respect to the House would suggest that he should. However, that being the position, I think we may now proceed.

Mr. GRÉGOIRE: On a point of order, I do not think I have any lesson on self-respect to receive from you.

The CHAIRMAN: I am not suggesting that you have.

Mr. GRÉGOIRE: I know it, and you know it too. I am not obliged to receive it from you.

(*Translation*)

Mr. GIROUARD: Mr. Chairman, I have a motion. Of course, I am not going to ask that Mr. Grégoire be expelled. He would be only too pleased to pass for a victim. I am now moving that:

> *The Committee suggests* that Mr. Grégoire should, on the grounds of decency and fairness, withdraw from the discussions since he is involved, and is the principal witness in the matter now being considered.

That is what I move seconded by Mr. Lessard.

(*Text*)

The CHAIRMAN: What does it suggest? It does not do anything now. Well, Mr. Girouard, if I may say so, I do not think your motion does anything.

Mr. GIROUARD: It expresses a general opinion, if we suggest that Mr. Grégoire should retire.

Mr. GREENE: You are appealing to his better instincts.

Mr. GRÉGOIRE: It does not influence me.

Mr. MACDONALD: It may not mean anything in law, but it does mean a great deal in politics.

Mr. OLLIVIER: You have to move something, not merely suggest it.

Mr. GIROUARD: I move that we suggest to Mr. Grégoire that he retire.

Mr. GREENE: I suggest that it be moved.

The CHAIRMAN: I do not think I could accept that motion. I do not feel that it really does do anything. It does not change the situation at all.

Mr. NUGENT: I think Mr. Grégoire is hep by now.

Mr. GREENE: Has he caught the message?

Mr. GRÉGOIRE: Yes, I have caught it. But I think it is one of my privileges, as I have been named and pointed out. It is not up to the committee, but up to the house to move my expulsion from this committee. But I feel that it is my duty to remain on the committee and to have an opportunity to question the witnesses and to examine the problem which is involved before the committee.

(*Translation*)

Mr. GIROUARD: In that case, Mr. Chairman, I shall withdraw my motion since I see that it is useless to appeal to decency.

Mr. GRÉGOIRE: It takes a decent man to appeal to decency.

Mr. GIROUARD: I appealed to decency.

(*Text*)

The CHAIRMAN: Order, I now call upon Dr. Ollivier to give us some of the legal points concerning the precincts of parliament.

Mr. OLLIVIER: May I remain seated?

The CHAIRMAN: Yes, certainly.

Mr. OLLIVIER: Mr. Chairman, I must say at the beginning that these are simply notes for the guidance of the committee. I have refrained as far as possible from expressing my own opinions. I shall try to show the origin of privileges, generally, and then I shall go into a little more detail on the question of freedom from arrest. I shall also have something to say finally about the precincts of parliament and some conclusions which will happen naturally.

The matter, I understand, is now properly before the committee on privileges and elections. Therefore, it might be of some advantage to the hon. members of this committee if I were to make a general review firstly of privileges generally; secondly, of freedom from arrest; and thirdly, of what constitutes the precincts of parliament.

Now, on privileges generally:

1. Privileges, generally:

Section 18 of the British North America Act, 1867, as repealed and re-enacted by the Parliament of Canada Act, 1876, reads as follows:

> 18. The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by act of the parliament of Canada, but so that any act of the parliament of Canada defining such privileges, immunities or powers exceeding those at the passing of such act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the Members thereof.

In the very first parliament of Canada, 1867-68, an act was passed "to define the privileges, immunities, and powers of the Senate and House of Commons, and to give some protection to persons employed in the publication of parliamentary papers."

As stated by Bourinot (page 39) "these privileges are deemed a part of the general and public law of the country and it is not necessary to plead the same but they shall be judicially noticed by the courts."

This act of the first parliament of confederation has remained substantially unchanged and is found in sections 4, 5 and 6 of the Senate and House of Commons Act, Chapter 249 of the revised statutes 1952, and sections 4 and 5 read as follows:

> 4. The Senate and House of Commons respectively, and the members thereof respectively, shall hold, enjoy and exercise,
>
> (*a*) such and the like privileges, immunities and powers as, at the time of the passing of the British North America Act, 1867, were held, enjoyed and exercised by the Commons House of parliament of the United Kingdom, and by the members thereof, so far as the same are consistent with and not repugnant to the said Act; and
>
> (*b*) such privileges, immunities and powers as are from time to time defined by act of the parliament of Canada, not exceeding those at the time of the passing of such act held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom and by the members thereof respectively.

5. Such privileges, immunities and powers are part of the general and public law of Canada, and it is not necessary to plead the same, but the same shall, in all courts in Canada, and by and before all judges, be taken notice of judicially.

To quote Bourinot further, this author states at pages 37-38 that—

In any constitutionally governed country the privileges, immunities and powers of its legislature as a body and the rights and immunities of the members of such bodies are matters of primary importance. It is obvious that no legislative assembly would be able to discharge its duties with efficiency or to assure its independence and dignity unless it had adequate powers to protect itself and its members and officials in the exercise of their functions.

The privileges of parliament include such rights as are necessary for free action within its jurisdiction and the necessary authority to enforce these rights if challenged. These privileges and powers have been assumed as fundamental and have been insisted upon by custom and usage, as well as confirmed and extended by legal enactments. Their extent and nature have frequently been subjects of controversy but in the main they are decided by the legislature itself and its decisions, speaking generally, cannot be called into question by any court or other authority.

At page 40, the same author dealing with the extent and nature of privileges, remarks:

Both houses of parliament will declare what cases, by the law and custom of parliament, are breaches of privileges and will exercise inquisitorial powers to protect themselves from imposition and vindicate their proceedings from being obstructed or their orders treated with contempt.

Beauchesne in his introduction states that:

Section 18, whether in its original form, or as amended, does not confer upon the Canadian Senate and House of Commons any privileges, immunities and powers, but merely declares that these shall be such as the dominion parliament may define, provided that they shall not exceed those held, enjoyed and exercised on the date of their definition by the Commons House of Parliament of the United Kingdom.

I am of opinion, however, that in the case where those privileges have not been defined, the common law of the United Kingdom would apply by virtue of the preamble of the British North America Act which refers to our constitution as a constitution similar in principle to that of the United Kingdom.

At page 48 of the introduction, Beauchesne states:

The privileges of parliament are based on the fact that members of both houses must be untrammelled in the performance of their legislative duties.

Again, later on he states:

The members elected and senators appointed as dominion legislators have the inherent right to perform with independence all the work required for the supervision of government activities and passing of legislation; they possess the power to remove all impediments in the performance of their duties and may entertain the following subjects as matters of privilege: the right to attend unmolested the sessions of parliament . . .

And again:

> Senators and members of the House of Commons are exempted from the observance of certain laws in order that they may fill their parliamentary duties in absolute freedom.
>
> These exemptions are called "immunities"—they are of ancient usage.

To complete these considerations on privileges, generally, I may perhaps refer to two quotations from May's Parliamentary Practice, 16th Edition, page 42:

> The particular privileges of the commons have been defined as: "The sum of the fundamental rights of the house and of its individual members, as against the prerogatives of the crown, the authority of the ordinary courts of law and the special rights of the House of Lords."
>
> (This is taken by May from Redlich, Vol. 1, p. 46.)

Another quotation from May (this taken from Hatsell):

> The distinctive mark of a privilege is its ancillary character. The privileges of parliament are rights which are absolutely necessary for the due execution of its powers. They are enjoyed by individual members because the house cannot perform its functions without unimpeded use of the services of its members.

Now I shall go a little more into detail, because I shall refer to freedom from arrest.

2. Freedom from arrest.

Dawson in his book The Government of Canada, at pages 401-2 refers to the privileges of the individual member:

> Some of these are designed to enable the member to attend to his parliamentary duties without interference. He cannot be arrested or imprisoned under civil process while parliament is in session or within a reasonable time going to and returning from the session. This gives him no protection against arrest in any criminal action or for any indictable offence, although, if he should be arrested, that fact must be at once reported to the Speaker of the house. A "reasonable time" in England has traditionally been considered to be forty days, which, with existing transport facilities, would appear more than adequate.

Bourinot, at page 43, states that:

> The privilege has been always held to protect members from arrest and imprisonment under civil process, whether at the suit of an individual or of the public; but it is not claimable for treason, felony, breach of the peace, or any indictable offence.

The following is found at page 45 of Bourinot:

> A member may be committed for contempt of court where the contempt is of *quasi* criminal nature, but the courts would not sanction any more than parliament itself would sanction a commitment as part of a civil process, for the recovery of a debt.

As this committee is aware of, members of the house cannot be compelled to attend as jurors. On the other hand, the commons has sometimes given leave of absence to members to attend elsewhere as witnesses when it is shown that public interests would not suffer by their absence. In the case of exemption of members from serving as

jurors, or even attending as witnesses during a session of parliament, precedents are found of the British commons having punished persons for serving subpoenas upon members. This is also reported in Bourinot who reminds us that a committee of privileges having considered such a matter, reported "that it is amongst the most ancient and undoubted privileges of parliament that no member shall be withdrawn from attendance on his duty in parliament to attend any other court."

Anson in his Law and Custom of the Constitution, Vol. 1, at pages 163-4, refers to the privileges of the house demanded by the Speaker, and he is of the opinion that the first of these is freedom from arrest for the persons of members during the continuance of a session and for forty days before its commencement and after its conclusion. He quotes the case of Mr. Wilks in 1763, and says that in consequence of that case the rule has been considered settled that privilege is not claimable for any indictable offence, nor does it protect a member from being committed to prison for contempt of court.

Beauchesne in his introduction, 3rd edition, at page xxxi, states that:

> The privilege of freedom from arrest is not claimable for any indictable offence and cannot be allowed to interfere with the administration of criminal justice.

In citation 103(1), at page 93, Beauchesne writes:

> The privileges of parliament were first demanded as a protection against outside interference. Members insisted upon freedom from arrest for themselves and their servants . . . The origin of that privilege has been traced back to the Saxon rule; but freedom from arrest at no time in the history of the English house protected members from the consequence of treason, felony or breach of peace.

In citation 109, he states:

> Service of a criminal process on a member within the precincts of parliament, whilst the house is sitting, may be a breach of privilege.

The following quotation is from An Encyclopedia of Parliament by Norman Wilding and Philip Laundy, pages 498-9:

> Freedom from arrest. This privilege has ceased to be of any great importance as it does not confer immunity from arrest on any criminal charge; the commons themselves had always excluded "treason, felony and breach of peace" from their claim for this privilege. Until comparatively recent times, however, it was a very necessary protection in view of the frequent use made of imprisonment in cases of debt and other civil actions. A member is immune from arrest for the duration of a session and for forty days before and after, this period having its origin in the ancient protection which the king extended to persons travelling to and from his court. By ancient custom a peer enjoys immunity at all times, his person being "for ever sacred and inviolable".

In the United Kingdom, in the case of Bradlaugh v. Gosset, Mr. Justice Stephen said that "he knew of no authority for the proposition that an ordinary citizen committed in the House of Commons would be withdrawn from the ordinary course of criminal justice." I might say here perhaps to explain this decision that a distinction is made between criminal acts and the ordinary proceedings of the house. In other words, a criminal act committed in the house by an individual member is not

part of the proceedings of the house, and is not, therefore, outside the course of criminal justice.

The following is quoted by May from Hatsell:

> The members who compose the court of parliament, the first and highest court in the kingdom, should not be prevented by trifling interruptions from their attendance on this important duty, but should, for a certain time, be excused from obeying any other court, not so immediate necessary for the great services of the nation.

May, at page 68, recognizes that:

> The privilege has been defined negatively in the claim of the commons in 1429, which specifically excepted treason, felony and surety of the peace.

And he adds:

> But there was later found to be a debatable intermediate region, including cases of commitment for contempt. . . . In order to draw the line between what was privileged and what was not privileged, it became necessary for the house or select committees of the house, to decide in each particular case of arrest whether it was for an offence of a *quasi*-criminal character or whether the offence was purely civil . . .

And he adds further:

> Freedom from arrest has lost almost all its value since, as a result of the Judgments Act, 1838, and subsequent legislation, imprisonment in civil process has been practically abolished.

At page 78 I find the following:

> The privilege of freedom from arrest is limited to civil causes and has not been allowed to interfere with the administration of criminal justice or emergency legislation.
>
> In early times the distinction between 'civil' and 'criminal' was not clearly expressed. It was only to cases of treason, felony and breach (or surety) of the peace that privilege was explicitly held not to apply. Originally the classification may have been regarded as sufficiently comprehensive. But in the case of misdemeanours, in the growing list of statutory offences, and, particularly, in the case of preventive detention under emergency legislation in times of crisis, there was a debatable region about which neither house had until recently expressed a definite view.
>
> A review of the development of the privilege reveals a tendency to confine it more narrowly to cases of a civil character and to exclude not only every kind of criminal case, but also cases which, while not strictly criminal, partake of more of a criminal than of a civil character. This development is in conformity with the principle laid down by the commons in a conference with the Lords in 1641: 'Privilege of Parliament is granted in regard of the service of the Commonwealth and is not to be used to the danger of the Commonwealth'.

On the following page May states:

> These being the general declarations of the law of parliament, one case will be sufficient to show how little protection is practically afforded by privilege in criminal offences, and that the house will not allow even the sanctuary of its walls to protect a member from

the process of criminal law; though, as is mentioned later, a service of a criminal process on a member within the precincts of parliament, whilst the house is sitting without obtaining the leave of the house, would be a breach of privilege.

Under the heading "Obstructing Members of either House in the discharge of their duty" and the sub-heading "Arrest of Members", May, at page 120 has this to say:

> It is a contempt to cause or effect the arrest, save on a criminal charge, of a member of the House of Commons during a session of parliament, or during the forty days preceding, or the forty days following a session.

On page 121 referring to some ancient cases, the same author remarks that, although the privilege of freedom from arrest does not extend to criminal charges, it is the right of each house to receive immediate information of the imprisonment or detention of any members, with the reason for which he is detained.

I know of no cases in recent years where members have been arrested within the walls of parliament. Of course, there have been a number of members arrested such as, for instance, Fred Rose, Auger and others but they have always been arrested not only outside the walls of parliament, but even outside the immediate precincts of parliament. There have been in the earlier times arrests of members which were declared breaches of privilege. For instance, according to the Journals of the Legislative Assembly and Council of the Parliament of Upper Canada in 1812, Mr. William Baldwin who had arrested Mr. Alex Macdonnell, the Member for Glengary, was pronounced guilty of a breach of privilege and dismissed from his office as Master of Chancery. Mr. Baldwin was later reinstated. There is also the case in the province of Lower Canada in 1794; in that year on the 7th of January, the House resolved that the person of John Young, a member of the assembly, was arrested on the 23rd November in direct violation of the undoubted rights and privileges of this house.

On the next day, the house in a series of resolutions, found guilty of a breach of privilege, James Hunt who instituted the suit against Mr. Young, J. A. Panet, the Speaker of the House who acted as advocate for Hunt; and Sheriff Shepherd who authorized the bailiff to serve the writ and also the bailiff for making the arrest.

In that case the Speaker himself had to apologize and his apology was accepted so that no further proceedings were taken on the resolution which concerned him. Hunt was taken into the custody of the Sergeant-at-Arms there to remain until he had caused the bail given to be discharged. The others, the sheriff and the bailiff appeared at the Bar of the House, apologized and were discharged.

But, of course, in those two cases these arrests were purely civil proceedings as the arrests were made upon writs of *capias ad respondendum,* which is, of course, a civil procedure, and in that case it is certain that they could not be arrested.

This completes my notes on the second point, Freedom from Arrest.

The CHAIRMAN: I wonder if we might perhaps adjourn at this time, having completed that point, and take up Dr. Ollivier's third point on Tuesday, and then proceed with the witnesses that we have requested to attend, the R.C.M.P. officers?

Mr. GREENE: On a point of privilege, is there any possibility of getting the transcript before Tuesday, because I think all of us, due to the limitations of this inquiry, will be guided by the opinion that our counsel has given to us. It would be extremely useful to have the transcript, if at all possible.

Mr. GRÉGOIRE: May we have this mimeographed for Tuesday?

The CHAIRMAN: I understand we can get copies of Dr. Ollivier's remarks, but we shall not be able to get the complete printing of our minutes of proceedings.

Mr. MACDONALD: Presumably we could get Dr. Ollivier's brief.

The CHAIRMAN: Yes, that could be done.

(*Translation*)

Mr. GIROUARD: Mr. Chairman, so that everyone can read it, including Mr. Grégoire, could we have it in both languages?

The CHAIRMAN: Yes, Mr. Girouard.

(*Text*)

Mr. OLLIVIER: May I say something? What I have to say about the precincts of parliament is not very long, and if the committee is agreeable, it might take it as read, so that you would have the whole thing before you.

The CHAIRMAN: Is that agreeable.

Mr. FRANCIS: I so move.

Mr. MARCOUX: I second the motion.

Motion agreed to.

(See Evidence March 2.)

The CHAIRMAN: On Tuesday we shall proceed with an examination of the R.C.M.P. officers.

Mr. FRANCIS: Possibly we might have a question or two to ask Dr. Ollivier on the basis of his brief.

The CHAIRMAN: I should point out to the committee that we were not trying to decide at this stage of the proceedings what the precincts of parliament were. We were just going to have an exposé by Dr. Ollivier as a basis for cross-examination of the witnesses. Dr. Ollivier could be recalled later to bring out certain points after we have heard the witnesses.

Mr. OLLIVIER: I can read the balance of my brief when I return on Tuesday, but you will have it in typewritten form in the meantime before I read it. I do not want to get away from it.

TUESDAY, March 2, 1965

The CHAIRMAN: Will the committee come to order. We have a quorum.

At the adjournment of our last meeting we were hearing from Dr. Ollivier concerning issues on which we may want to examine witnesses. I think you have all received a copy of his memorandum.

We will proceed with that immediately this morning.

We have a number of witnesses here and I hope, without in any way wanting to limit members in questions, that we may move along fairly quickly.

Dr. P. M. OLLIVIER (*Parliamentary Counsel and Law Clerk, House of Commons*): Mr. Chairman, I have very little to add. If you will recall, my third point was about the precincts of parliament.

There is a reference in Beauchesne's third edition, at pages 820-23, which is more interesting in that it reports a decision of Mr. Speaker Wallbridge in the journals of the legislative assembly of the province of Canada on the 1st of August, 1866, where the assistant librarian was reprimanded and committed to the custody of the Sergeant-at-Arms during the pleasure of the house, for a breach of privilege which consisted in an assault *in the library* upon the person of a member of the house. The reprimand was in part as follows:

> Mr. Gérin-Lajoie, it is a power incidental to the constitution of this house to preserve peace and order within the *precincts* and protect members of it from insults and assault. This power is necessary, not only to insure the freedom of action of members, but that freedom of discussion which is one of their fundamental rights.

It seems clear that the speaker at the time must have thought that the precincts extended further than the house itself.

It has been at different times declared by the courts that the term "precinct" in its general sense, indicates any district marked out and defined. For instance, it was decided in the United States in a case of *Hix v. Sumner* (50 Me.290,291) that:

> The "precincts of the prison", within the meaning of a statutory provision that the warden and deputy warden of the State Prison may serve legal processes within the precincts of the prison, embraces not only the prison building but the grounds connected therewith.

To add another reference, Anson in Law and Custom of the Constitution (4th ed., p. 176) states amongst other things that:

> The point at which courts of law will enter upon a discussion as to the limits of privilege and the effect of resolutions of the house outside its walls is a matter for separate consideration.

From all this I would conclude that the word "precincts" comprises, or should comprise, if my assumption is incorrect, all the territory over which the speaker has jurisdiction, whether it be the chamber of the House of Commons itself, or the corridors, or committee rooms, or members' rooms, and even the restaurant, the library and the parliamentary grounds, the press gallery and those quarters in other government buildings such as those parts of the east block and the west block where are housed members and employees of the House of Commons.

I have just mentioned the parliamentary grounds—these, of course, would include all of parliament hill bordered by Wellington street on the south, Bank street to the west, the Ottawa river to the north, and the Rideau canal grounds to the east, otherwise, a member coming to the House of Commons to vote from the west block would, in some cases be protected if he travelled by the tunnel and not if he decided to walk outside from the west block to the centre block, that protection would cease which is, on the face of it, an absurdity.

Perhaps I may be allowed before closing this part to refer to the Government Property Traffic Act, chapter 324 of the revised statutes of Canada, 1952, as amended by chapter 34 of the statutes of 1960-61.

Section 2 of the act authorizes the governor in council to make regulations for the control of traffic upon any lands belonging to or occupied by Her Majesty in right of Canada, and more particularly to regulate the speed and parking of vehicles, prescribing routes of travel, authorizing officers to enforce the regulations, prescribing fines not exceeding $500 or a term of imprisonment not exceeding six months, or both such fine and imprisonment would be imposed upon summary conviction as a penalty, etc., and for prohibiting persons who have violated any regulation from driving a vehicle on such lands for any period not exceeding one year.

At the moment, the management, charge and direction of the grounds and property is vested in the Minister of Public Works, pursuant to section 9 of the Public Works Act and the National Capital Act, chapter 37 of the statutes of 1958, providing for the maintenance and improvement of the grounds, pursuant to paragraph (d) of subsection (2) of section 10. An order in council dated May 21, 1934 is the authority for the national capital commission to maintain the grounds at parliament hill.

Conclusion

Following what I have already said about the provisions of the Senate and House of Commons, it is evident that the offences against the Canadian House of Commons are the same as those against the House of Commons in the United Kingdom at the time of the passing of the B.N.A. Act.

Although the parliament of Canada has been given by section 18 of the British North America Act the right to define its privileges, immunities and powers, parliament has not done so in any detail and, for this reason offences against parliament stem from the ancient custom of parliament as that body of doctrine had developed in England in 1867 and also from our own precedents.

I might mention in passing that if an action by an outside person is found to be a breach of privilege, it is for the house itself to declare what the punishment might be. The mildest punishment is a simple declaration that an act done or an article published constitutes a breach of the privileges of the house. In more serious cases, a reprimand may be delivered to the offender personally at the bar. In still more extreme cases, the offender may be delivered to the town or county jail for a specified term.

By delegation the maintenance of order on the grounds of the parliament buildings is the primary responsibility of the Royal Canadian Mounted Police. Beyond this area the responsibility rests with the ordinary or municipal police of Ottawa, the capital city of Canada, but also a city in the province of Ontario.

Under the division of legislative powers, criminal law and procedure is assigned to the federal parliament but, "the administration of justice in the province, including the constitution, maintenance and organization of provincial courts, both of civil and criminal jurisdiction, and including procedure in civil matters in those courts, is assigned to the provinces." In other words, the criminal law is administered by provincial courts. As we have said earlier, parliamentary privilege is part of the law of the land, in some cases it may even be an exemption from ordinary law and, to a certain point, what parliament decides it should be.

I have not dealt in this opinion with offences under the motor vehicle law or with the administration of that law in the courts of Ontario, and especially in the courts in Ottawa. Mr. Cassells is better qualified than I to deal with those questions, Mr. Chairman, if it is your desire that he should be heard.

Mr. CHAIRMAN: Thank you, Dr. Ollivier.

Before members direct any questions to Dr. Ollivier, for clarification I should remind them that the steering committee has outlined a procedure which was that we should hear some of the precedents and some of the arguments, some of the issues involved, from Dr. Ollivier, without in any way trying to decide the issues of immunity, precincts of parliament and so on. The procedure as outlined was that we should hear these points and come to a decision later. At this point we do not want the committee to make a decision about the precincts of parliament or to define the immunities of members.

Perhaps our discussion on these points need not be very deep at this stage.

Mr. FRANCIS: Mr. Chairman, I have some questions I would like to ask Dr. Ollivier.

I note from Dr. Ollivier's statement that the procedure for criminal matters is in the hands of the province. In an offence under the special legislation dealing with traffic offences on parliament hill the prosecution would be at the initiative of the province of Ontario. Is this right?

Mr. OLLIVIER: Yes, except we would define the offences.

Mr. FRANCIS: Presumably the government of Canada has done so.

Mr. OLLIVIER: It would probably be a violation.

Having done that, we would refer jurisdiction to the Royal Canadian Mounted Police acting in some ways as officers of the provincial courts.

Mr. FRANCIS: Documents which would be served on someone guilty of an offence would be documents raised at the instance of the province of Ontario; and it would be the normal procedure under any violation.

Mr. OLLIVIER: I understand it would be the normal procedure. Apart from that, you would have nothing to do with the drafting of those documents. They would be documents issued under the authority of the province of Ontario.

Mr. FRANCIS: We would not specify the language that would be employed?

Mr. OLLIVIER: No.

Mr. FRANCIS: This would be for the decision of Ontario?

Mr. OLLIVIER: That is right.

Mr. SCOTT: The reference to the committee, Mr. Chairman, talks about two warrants for traffic offences. Do we have those warrants before us at this time?

The CHAIRMAN: May I say something by way of explanation? Mr. Macdonald has communicated with me, and certainly Dr. Ollivier has raised the same point. I think those documents will be produced later on, and we might hear from Mr. Cassells, who is a crown attorney for the County of Carleton, to indicate precisely the nature of those documents. I think we could clarify that point at that stage.

Mr. SCOTT: Dr. Ollivier, is there any specific legislation that places parliament hill under the jurisdiction of the Provincial Highway Traffic Act?

Mr. OLLIVIER: No, there is no legislation that does that. I think there is an understanding—and I am not sure that it is even a written understanding; I have never seen it myself—between the Speaker or his representatives and the Royal Canadian Mounted Police on what they can do and what they cannot do on Parliament Hill. Personally, I have never seen the agreement.

Mr. SCOTT: What would be the effect of such an agreement even if it exists?

Mr. OLLIVIER: I suppose it could be done under the act to which I referred at the end of my testimony, the act about traffic on government property.

Mr. SCOTT: Is there a form of delegation under that act?

Mr. OLLIVIER: It would be a form of delegation for the reason that the precincts of parliament have never been defined by an act of parliament. Therefore we must have not exactly a secret agreement but at least a verbal arrangement with the Royal Canadian Mounted Police.

Mr. SCOTT: Are those arrangements to which you refer arrangements only with the Royal Canadian Mounted Police?

Mr. OLLIVIER: I would think so.

Mr. SCOTT: There is no arrangement with the province of Ontario?

Mr. OLLIVIER: I do not think so.

Mr. SCOTT: In those circumstances would parliament hill be exempt from the provisions of the Highway Traffic Act?

Mr. OLLIVIER: They would not come under the Highway Traffic Act; they would still come under the Government Property Traffic Act.

Having said what the offences would be, we then use the provincial laws and the provincial methods of enforcement. We cannot arrest people and send them to the tower; we have no tower that provides for imprisonment!

Mr. SCOTT: You mentioned at the end of your statement that parliament has not spelled out these rights and privileges in any detail.

Mr. OLLIVIER: Not only have they not done so in any detail, but sections 3, 4 and 5 of the Senate and House of Commons Act are practically only a repetition of section 18 of the British North America Act. To my mind, they really do not define anything.

Mr. SCOTT: Is the only way we could define these adequately and specifically to draw up a particular act covering these points?

Mr. OLLIVIER: I think that would be ideal except that parliament has always found it more advantageous not to have things in black and white but to define things as they go along. The privileges of members are liable to vary and to change, and once you have them in a statute you probably would be bound to a certain extent—and to an extent to which you do not want to be bound.

Mr. SCOTT: Taking into account the present state of the amending procedure of the constitution, is there any constitution at the moment that parliament enacts such a law?

Mr. OLLIVIER: No, I do not think so, not any more than the case of barring expropriation. The courts would have to decide whether you were on your own territory; that is all.

Mr. PETERS: I would like to ask whether the Royal Canadian Mounted Police have been asked to table the document setting forth their authority on parliament hill?

The CHAIRMAN: I am sure that request can be made.

Mr. PETERS: I understood it was made at the steering committee.

The CHAIRMAN: It was my recollection—and I may be in error there—that the documents we referred to in the steering committee were the summons, the bench warrant and that sort of document. I do not recall the agreement as such being spelled out, but certainly we would be quite prepared to take the responsibility to see if the document can be produced, if it exists.

Mr. PETERS: It exists because I was one of the people who sat in on the discussions of the particular rights of the Royal Canadian Mounted Police. There is such a document which has been agreed to by the Senate, the House of Commons, the Royal Canadian Mounted Police and, I believe, other interested parties. It may have been agreed to by the Ottawa Police Department at the time.

I move that this document be requested.

The CHAIRMAN: Before I put that motion I would like to introduce to you Mr. Marc Lalonde, who has been sitting at the end of the table. Mr. Lalonde is acting here as counsel for the Royal Canadian Mounted Police. I would like to ask Mr. Lalonde before I put the motion whether he has such a document which could be produced here.

Mr. MARC LALONDE (*Counsel for the Royal Canadian Mounted Police*): Mr. Chairman, I have with me the documents relating to the particular incidents which this committee is investigating, but I do not have with me any documents relating to general agreements or policy on what should be done or should not be done with cars parked on parliament hill.

The CHAIRMAN: You have no documents or agreement outlining the delegation of authority to the Royal Canadian Mounted Police from the House of Commons?

Mr. LALONDE: No, I have not, but I might investigate and let you know about it in a few minutes.

Mr. FRANCIS: Mr. Chairman, may I ask if the inspector of Division "A" is here.

Mr. CHAIRMAN: I am not too sure who is here. I have a list of names but I am not too sure who they are.

Mr. PETERS: May I ask counsel to make inquiries?

Mr. LALONDE: You mentioned the inspector of "A" division?

Mr. PETERS: Yes, the traffic division.

Mr. LALONDE: The man responsible for traffic is here and he will be available.

Mr. PETERS: Will you consult with him and ask whether this document is available.

Mr. LALONDE: That is what I plan to do.

The CHAIRMAN: Are there any other questions for Dr. Ollivier while we are waiting for this consultation?

Mr. GREENE: I would like to clarify something in my mind, Dr. Ollivier. I am not too clear about this. I take it from your evidence that there is no statutory authority creating rules a breach of which is an offence on the precincts of parliament hill. Is that correct?

Mr. OLLIVIER: That is correct.

Mr. GREENE: In the normal course of events, it cannot be an offence against the fundamental rules of our jurisprudence unless there is a statutory enactment and a breach of it. In this case you say there is no statutory enactment and yet there can be an offence. Am I correct?

Mr. OLLIVIER: I am not quite sure if I understand the purport of your question. I said under the Government Property Traffic Act we have the right to make crimes—that is by virtue of legislation—for speeding or parking and things of that sort.

Mr. GREENE: These offences, then, are created by what act?

Mr. OLLIVIER: They are created by virtue of the Government Property Traffic Act, which gives power to the government to make rules and regulations creating offences and providing for fines.

Mr. GREENE: Are such rules and regulations passed by order in council?

Mr. OLLIVIER: Yes, there are regulations passed by order in council.

Mr. GREENE: Are those regulations tabled before us?

Mr. OLLIVIER: I have not seen them.

Mr. SCOTT: They should certainly be brought in.

Mr. MACDONALD: I think it should be pointed out that it is for the purpose of defining this part of the legal question that we have Mr. Cassells here. He is here to give testimony on traffic offences on federal government property. If you wish to pursue this point you could call Mr. Cassells now, and he could fill in this background also.

The CHAIRMAN: Perhaps you can complete Dr. Ollivier's testimony first. There do not seem to be many more questions for him.

(*Translation*)

Mr. MARCOUX: I would like to ask Mr. Ollivier if the committee has the right to make recommendations to the house with regard to defining immunity from arrest?

Mr. OLLIVIER: I think that would fit in with the recommendations made to the committee to study certain matters. So if the circumstances call for such a recommendation I think the committee could do so.

Mr. MARCOUX: That does not mean that we should depend on precedents and everything that has happened since the advent of British royalty. We can establish new principles on the basis of our present considerations.

Mr. OLLIVIER: You can establish new principles but you certainly cannot create new privileges. If such privileges have not existed up to now, you cannot render a decision retroactively and create new privileges.

Mr. MARCOUX: But without creating new privileges we can define them more accurately or eliminate some of them.

Mr. OLLIVIER: Yes. But if a privilege does not exist you cannot just create a new one by submitting your report. But you can, for example recommend to the government or to the crown that certain privileges that have not been very clear up to now should be clearly defined.

Mr. LESSARD (*Lake St. John*): Mr. Chairman, could the House of Commons not create these new privileges since it is supposed to be sovereign?

Mr. OLLIVIER: The House of Commons having sovereignty in its field it can create new privileges but there are nevertheless the limitations of section 18 of the British North America Act which indicates to what extent new privileges can be created.

(*Text*)

The CHAIRMAN: Does that complete the questions for Dr. Ollivier?

I might remind members of the committee that Dr. Ollivier will be in attendance at most of our meetings, and certainly he could be re-called to clarify any points that might develop later on.

Thank you very much, Dr. Ollivier.

If it meets with the wishes of the committee, we might hear from Mr. John Cassells, the crown attorney for the county of Carleton, to perhaps give us some of the authorities and some of the legal precedents and to tell us under what authority and how the offences are handled in the province of Ontario.

Does that meet with your wishes? If so, I think Mr. Cassells is here now and will be prepared to testify right now.

Is that agreed?

Agreed.

I do not know if Mr. Cassells has prepared any memorandum or any document for us, nor do I know how he wishes to proceed.

Mr. JOHN CASSELLS (*Crown Attorney for the County of Carleton*): Perhaps you would like to go directly to questions.

The CHAIRMAN: Do you have some outline of the precedents and authorities?

Mr. CASSELLS: What I have done is to put together some notes of my own which have not been reduced to any formal memorandum. Frankly, I did not have the time to do that, but if the committee wishes I can do it at a subsequent stage.

What I propose to do now is this. I have extracted from various statutes the wording of different sections which I think may be germane to some of

the questions which may be asked. I would be happy to proceed by way of question and answer if that would meet the wishes of the committee.

The CHAIRMAN: Will you outline some of the statutes and these areas first, and then proceed with questioning?

Mr. CASSELLS: As I understand the position, Mr. Grégoire was charged with two offences arising out of violations which occurred at the airport. These were embodied in charges which were issued by a Justice of the Peace in the County of Carleton, Mrs. Laughlin.

The summonses following upon the issue of these charges were served, I understand, by the Royal Canadian Mounted Police, but I have no doubt you will get that direct evidence from the officers who took the action.

The charges were laid under federal statutes.

I would like to deal first of all with the charge which occurred in regard to parking. This was laid under regulations known as the Airport Vehicles Control Regulations. These regulations followed relevant government legislation. Actually, I have not the body of the regulations with me but I imagine Mr. Lalonde has the statute. I am referring to the federal statute under which the charge was originally laid.

Mr. LALONDE: No, I do not have the statute here.

Mr. CASSELS: In any event, they were laid under the regulations which provide first of all that you shall not park in certain areas designated. There is a penalty carried in the regulations for a contravention of that.

Mr. GREENE: May we have the statutory authority and the regulations thereunder tabled at some time?

The CHAIRMAN: I think perhaps we might ask Mr. Lalonde to have that tabled for us.

Mr. LALONDE: Yes.

Mr. CASSELLS: If I actually read the charges laid in each case it might be of assistance to the committee.

First of all, I will read the charge.

> The information and complaint of Rodney Thomas Stamler of Ottawa of the said county.

—in this case the county of Carleton.

> —a member of the Royal Canadian Mounted Police acting for and on behalf of Her Majesty the Queen, duly authorized for the purpose of these presents taken the eleventh day of December in the year of Our Lord one thousand nine hundred and sixty-four before the undersigned, one of Her Majesty's justices of the peace in and for the said county of Carleton who saith that he has reasonable and probable grounds to believe and does believe that Gilles Grégoire of the City of Quebec in the province of Quebec did, on or about the 26th day of October 1964, at upon the property of Her Majesty at the Department of Transport airport, the township of Gloucester in the said county and province, unlawfully drive a motor vehicle bearing Quebec licence number 3A3-533 on a road at a greater rate of speed than 35 miles per hour, indicated for that road by a sign, namely at about 55 miles per hour, contrary to section 19 of the Airport Vehicles Control Regulations.
>
> (signed) R. T. Stamler.
>
> Sworn before me the day and year first mentioned above at Ottawa in the said county of Carleton.
>
> Elsie M. Laughlin (signature of J. P. or magistrate).
> J. P. for the county of Carleton.

Mr. PETERS: What was the designated speed limit?

Mr. CASSELLS: The designated speed limit was 35 miles an hour.

In the case of the parking offence the charge reads as follows:

> The information and complaint of R. P. Stamler of Ottawa in the said county, a member of the Royal Canadian Mounted Police acting for and on behalf of Her Majesty the Queen, duly authorized for the purpose of these presents, taken this 16th day of December in the year of Our Lord one thousand nine hundred and sixty-four before the undersigned, one of Her Majesty's justices of the peace, in and for the said county of Carleton who saith that he has reasonable and probable grounds to believe and does believe that Gilles Grégoire of the City of Quebec in the province of Quebec did on or about the 4th day of October 1964 upon the property of Her Majesty at the Department of Transport airport, the township of Gloucester in the said county and province, pursuant to section 3 subsection (1) of the Government Property Traffic Act, being the registered owner of a motor vehicle bearing Quebec licence number 3A3-533 unlawfully cause or permit the said vehicle to be parked in an area designated by a sign as being a no parking area contrary to section 13 of the Airport Vehicle Control Regulations.
>
> Signature of complainant: R. T. Stamler.
>
> Sworn before me the day and year first above mentioned at Ottawa in the said county of Carleton (signed) Elsie M. Laughlin (signature of J. P. or magistrate). J. P. for the county of Carleton.

Mr. LALONDE: Mr. Chairman, I have the act for the control of traffic on government property. It is chapter 324 of the Revised Statutes of Canada as amended on June 22, 1961, by chapter 34. The offences referred to before by my colleague concern the Government Property Traffic Act and, first of all, the Government Property Traffic Regulations. That is PC 4076 of September 17, 1962 with amendments of November 16, 1961. The regulations under which the speeding offence was charged were those respecting the control of vehicles and equipment at airports. They are reported at volume 98 of the *Canada Gazette*, Part II dated September 9, 1964.

The CHAIRMAN: Thank you, Mr. Lalonde.

Mr. GREENE: Can those orders in council be tabled and made part of the report of this committee interrogation?

The CHAIRMAN: They are already public documents, but if members of the committee feel they should be incorporated as part of our proceedings I am sure there would be no serious objection.

Mr. FRANCIS: I would like them to be included.

Mr. SCOTT: I would suggest that we should particularly ask to have tabled any sections of regulations or orders in council which relate to service of documents for offences under such regulations or orders.

Mr. FRANCIS: Surely documents could be tabled without too much trouble.

Mr. GREENE: Do you need a motion to that effect?

I move that such documents be tabled.

Mr. SCOTT: I second.

The CHAIRMAN: You have heard the motion. All in favour? Opposed?

Motion agreed to.

Would you care to proceed, Mr. Cassells.

Mr. CASSELLS: Those were the charges which I understand were laid against Mr. Grégoire.

I should explain, gentlemen, that I am in no sense testifying to what factual action was taken. The Royal Canadian Mounted Police will require to do that as they were the officers who actually executed the necessary processes. But so far as the informations are concerned, I am also Clerk of the Peace for the County of Carleton, and therefore I am the authority for the custody of the documents. I assume your order is for the originals to be filed. I understand the Royal Canadan Mounted Police have made photo copies of these documents and I hope, gentlemen, if you wish to have the originals they will be returned to me when you have finished with them or, in the alternative, that the copies will be filed rather than the originals.

The CHAIRMAN: Are these the originals?

Mr. CASSELLS: They are the originals.

Mr. FRANCIS: I think a photostatic copy will be sufficient for our requirements.

Mr. SCOTT: We may want to look at the originals but they can then be handed back.

The CHAIRMAN: Yes, I think that is a good procedure.

I suggest that these appear in our proceedings as an appendix. The original documents may be returned after members have looked at them.

Agreed.

Mr. CASSELLS: I have had an opportunity of examining the photo copies prepared by the Royal Canadian Mounted Police and I can say that they are exact copies of the documents which I have produced.

In this situation, the summonses were issued and I understand served by the Royal Canadian Mounted Police on Mr. Grégoire. These summonses were in terms described as being charges which were embodied in the original information. As is normal in Ontario, these were served in English. The R.C.M.P. themselves will require to tell you about any other procedure adopted by them. I understand I will be asked to deal with the subject of proceedings in Ontario and in particular with the language in which the processes of the court are served. Does anyone wish me to answer that now?

Mr. GREENE: Before you get to that, Mr. Cassells, can you tell us something of the procedures? We now have defined the offences which you have so ably outlined to us. A federal offence being created by these regulations, why do the Royal Canadian Mounted Police effect service and under what authority; and, secondly, at what stage do the provincial authorities take over the constitution and under what authority does this happen?

Can you help us with that?

Mr. CASSELLS: I think there may be a little difficulty in explaining this clearly. As I understand it, there are Federal and Provincial Statutes in Ontario. These are enforced by various police departments which have apparent jurisdiction over the different areas. This is merely a matter of convenience in most cases.

It is usual that statutes affecting government property are enforced and policed by the Royal Canadian Mounted Police. It is my understanding that the statute referred to by Mr. Lalonde—"an Act for the Control of Traffic on Government Property"—is entirely enforced by the Royal Canadian Mounted Police. Now, I do not believe that that in any sense removes authority from the jurisdiction of the provincial courts; they are still amenable to laying charges and proceeding before provincial courts. There is no federal court in existence which could deal with this type of offence. This is a court which is created by the province under its prerogatives and, in this case, it is the Magistrate's Court for the county of Carleton.

Mr. SCOTT: Would this be analogous to the service of a summons to appear under the Highway Traffic Act or under a municipal parking bylaw?

Mr. CASSELLS: Not quite. There is a most important distinction in that in the Province of Ontario we have a statute known as the Highway Traffic Act, and the corollary to this statute is the Summary Convictions Act. Under the Summary Convictions Act special procedures are laid down regarding the service of papers in respect of traffic violations. Remember, there are special procedures laid down which can be used in respect of parking violations but they are generally known as "non-moving" offences. However, in this case we are dealing with a federal statute and, as you have observed from the reading of the federal statute, the offence here is described as an offence of a "summary conviction" nature. Therefore, you do not refer to the procedural aspects of the provincial Highway Traffic Act; you refer to the Criminal Code—that is the "Summary Conviction" part of the Criminal Code—which deals with service of papers. In this case they were served under the "Summary Convictions" part personally on the accused. As I understand it, they were not served by mail. And, that is perfectly within the provisions of the part of the Criminal Code which deals with service. Does that help you?

Mr. SCOTT: Yes. What you are saying is that the regulations prescribed for service of the summons is in accordance with the Summary Convictions part of the Criminal Code.

Mr. CASSELLS: Yes, or the regulations in effect, by use of certain words, import the Criminal Code.

Mr. GREENE: And, the provincial Summary Convictions Act is not applicable.

Mr. CASSELLS: No.

The CHAIRMAN: Have you a question, Mr. Peters?

Mr. PETERS: Suppose this speeding occurred on the township road in Gloucester Township and you had to make service of a summons. However, I think there is something else you do before you serve a summons; I think in Ontario you normally send a letter, or the police do, saying that you have violated such and such a section and that the fine will be so and so. I believe that is sent usually to the address indicated on the licence of the car involved.

Mr. CASSELLS: Well, here again, we are getting into the special provisions of the Ontario legislation, with particular reference to the Highway Traffic Act. To my recollection, the Summary Convictions Act lays down specific places to which you may send the document for service, but I think we are going to have problems if we try to make a parallel.

Mr. PETERS: Normally you do not send it to a place of business but, rather, to the address. The laws of Ontario require that you must register your change of address within seven days of such change.

Mr. CASSELLS: Yes.

Mr. PETERS: In other words, at all times your licence plantes must indicate where your residence is.

Mr. CASSELLS: As I understand it, and again I am quoting from memory, so do not expect me to give chapter and verse, under the Summary Convictions Act service may be effected, so far as the type of offence you have described is concerned, at the address shown on the licence and, it must be given exactly as it is on the licence or, in the alternative, at the last or usual place of residence of the person. There are the two ways. If service is by mail and they do not answer then they must be served personally. Once they are served personally and do not appear then a warrant may proceed.

Mr. PETERS: But, this is done at the place of residence.

Mr. CASSELLS: Well, as I said.

Mr. PETERS: But, there is no alternative; it is the only way it can be done.

Mr. CASSELLS: I thought I explained the two ways you could do it. It could be served at the address shown on the licence, which is supposed to be his normal residence.

Mr. PETERS: But if it is not his normal place of residence he has committed an offence.

Mr. CASSELLS: In effect, yes. The idea is to accomplish service in one of two ways. I may say that I have had occasion to use the alternative, where we had served at a particular address and there was a slight mistake in that address and then we proceeded by saying this was, in fact, his last or usual place of residence. As I say, there are two ways of doing it.

Mr. PETERS: But, that is how it is done in Ontario. Suppose there is a speeding offence in Gloucester Township in the county of Carleton, and the licence plate indicates this is a Quebec vehicle? Do we not have a reciprocal agreement with the Province of Quebec? Because we live close to the border of Quebec there must be several such offences. We also have the airport which is used by many people from both sides of the border and the committing of offences by persons living within a radius of 100 miles must be a common occurrence.

Mr. CASSELLS: If I could revert for a moment, we were talking earlier about mailed service. As I said, that is one way of doing it. But, you do not have to serve by mail. This is a convenience not only for the accused person but for the officers who are conducting the investigation. But, you may serve personally; you may serve a person by delivering the summons to him personally. You do not have to send it by mail. I believe you are discussing the relationship between the provincial legislation of the two provinces. I think there should be a clear distinction drawn in that regard. What we are dealing with here is federal government legislation and, as I understand it, that legislation applies to government property. Now, unless I am incorrect, you were asking me what the relationship is between the Highway Traffic Act in the Province of Ontario and similar legislation in the Province of Quebec; in other words, what the reciprocity of enforcement is? There is no doubt but that there are some problems in that connection, and I would not like to make any public statement in regard to that at this time because I do not feel it would assist the administration of justice to do so in this public forum.

Mr. PETERS: Of course, we do not want to get into the B and B Commission report but it always has seemed to me that in respect of speeding offences—and I have had my share of them—service is made at your home rather than your place of business. In my opinion, it is not normal to serve a summons at any address other than your place of residence, which is set out in your licence. Am I correct in this assmuption?

Mr. CASSELLS: Well, Mr. Chairman, the whole object of service is to ensure the attendance of the accused person in the court, and there are certain stipulated ways of doing this. For convenience, a way has been set up for service by mail either to the place shown in the licence or the last or usual place of residence. But, as I said, the whole object of this is to obtain the attendance of the person before the court. You do not have to do it this way.

The CHAIRMAN: Mr. Peters, on a point of order, I think I have given you a fair amount of latitude. I do not think that the procedures used under the Ontario Highway Traffic Act and the means of serving a summons in Ontario are particularly relevant to our terms of reference.

Mr. PETERS: I am asking if there was a specific reason why this should have been processed in the way it was.

The CHAIRMAN: Surely your question should be directed in such a way as to find out whether or not the summons was served proprely and under the proper authority?

Mr. PETERS: I am trying to ascertain what the normal procedure would be if it had been someone else.

The CHAIRMAN: But what the normal procedure is for Ontario and what would be normal in this particular circumstance may be quite different, and I would suggest that perhaps you pursue the latter point rather than the former.

Mr. GREENE: Mr. Cassells, what are the provisions for mailed service under the Summary Convictions Act? Am I not correct that there is no such provision?

Mr. CASSELLS: There is no such provision under the summary convictions part of the Criminal Code; it is personal service.

Mr. PETERS: I am still not clear, Mr. Chairman. If this person had an Ottawa address, under the federal regulations that we have now—leaving out the summary conviction part of it; I presume that is a provincial statute—where would the summons have been delivered?

Mr. CASSELLS: If the offence is committed on government property the summons, as I understand it, would be served personally upon him wherever he could be found within the area of the police force involved in the investigation.

Mr. PETERS: But, these things must have happened to everyone and people do overpark their motor vehicles at the Uplands Airport.

Mr. CASSELLS: Yes.

Mr. PETERS: In these cases what do you do? How is it processed? Suppose this vehicle bears an Ontario licence plate and comes from the city of Ottawa; what service do you recommend?

Mr. CASSELLS: Quite frankly, as far as the method used is concerned I think you would be better to ask the officers whose normal function is to process these; but in this case the proper method under the "Summary Convictions" Part was used, personal service, and that is the way it can be done.

Mr. FRANCIS: Mr. Chairman, I have a question to put on this point. Is it not normal to bring personal service on any one when he is not a resident of the Province of Ontario? Is that not the usual way?

Mr. CASSELLS: You endeavour to do what is necessary to ensure the person's attendance in court.

Mr. FRANCIS: This is the usual procedure used for non-residents.

Mr. PETERS: But is that always done?

Mr. CASSELLS: We attempt to do this. Obviously if the officer cannot testify to the personal delivery of the document there is going to be considerable difficulty in getting a bench warrant issued.

Mr. PETERS: But, say, the car has a Quebec licence plate; do you still use the same procedure of personal service.

Mr. CASSELLS: Again, the object is to obtain the attendance of the accused before the court and any procedural method used is directed toward that end. If it becomes evident that in order to obtain his attendance, due to the fact that he is a resident of the Province of Quebec, you should endeavour to serve him personally, you do so. This is just common sense.

Mr. VALADE: Perhaps what I have to say will clarify this whole point. As a lawyer you certainly would have noticed that when the summons was made

out there was nothing attached to it which indicated that Mr. Grégoire was a member of parliament.

Mr. CASSELLS: No.

Mr. VALADE: There was no reference to that at all.

Mr. CASSELLS: No.

Mr. VALADE: And mention was made in the summons that this car bore such a number licence plate and was from the Province of Quebec.

Mr. CASSELLS: Yes.

Mr. VALADE: Now, how could you have served it anywhere else when, in the summons, there was only the indication of an address.

Mr. CASSELLS: With the greatest respect, I do not think the description of the address of residence of the province in the summons is a real factor. The object of the whole procedure is to get the man before the court. Even assuming you met him in Toronto and he lived in Quebec city, if you served him personally that would be the end of the matter; he knows he has to be in the Ottawa court at a certain time.

Mr. VALADE: But my question pertained to something else.

Mr. CASSELLS: Let me put it another way so that you will understand. In traffic cases of this calibre I personally am seldom involved in examining the charges. What happens is this; the officer considers the evidence and he then goes to the Justice of the Peace and presents the evidence to her. The Justice of the Peace, in her discretion, may issue an information on which to proceed with a summons. He is then commanded to go ahead and execute the service of that document which has been signed by the Justice of the Peace. Now, as a lawyer, you asked me if I could arrive at any conclusion. At this stage, I am really not involved.

Mr. VALADE: But, as crown attorney for the county of Carleton you certainly must be aware of the procedure which must be followed so that an individual could be located at any point or place at any time. It must be a part of your duties to supervise the location of an accused person. I will put this question. How did the Justice of the Peace know where to find Mr. Grégoire, in spite of the fact that he is such a celebrity.

Mr. CASSELLS: I have no doubt that at the time the summons was issued there may have been some inquiries made of the officer by the Justice of the Peace, but it is not for her to determine whether or not service can be effected. What the Justice of the Peace has to determine is whether or not a crime has been committed or apparently has been committed, and then she issues the document. Service of the document is the responsibility of the officer, and that is his problem.

The CHAIRMAN: It is my feeling that I have allowed considerable latitude in these matters. The whole question which has to be determined is whether or not the summons was served within the confines of the authority granted and I do not feel that pursuing this point further is going to be very helpful. I would ask for the co-operation of all members in this connection. So far as I am concerned, the only relevant point is whether or not the summons was legally served.

Mr. VALADE: On a point of order, Mr. Chairman, may I say that the crown attorney for the county of Carleton has left with us the originals of the complaints against Mr. Grégoire, and this forms a part of the introduction to this situation. In asking these questions our only thought is to obtain the pertinent explanations that were given and are being given now as to why these summonses were served either in the House of Commons or on government property, when Mr. Grégoire's address does not appear on the summons

as being anywhere else but Quebec city. This is my basic argument, and I would like to know how the crown attorney made service of this summons in the way he did.

The CHAIRMAN: On a point of order, Mr. Valade, would it not be more proper to direct that question to the serving officer rather than the crown attorney? Perhaps you have a relevant point but I do not feel this comes within the ambit of Mr. Cassels' testimony.

Mr. VALADE: Mr. Chairman, with your permission I would like to ask this question. Was any indication given to the officer where to serve the summons, rather than sending the summons to Quebec city?

Mr. CASSELLS: Mr. Chairman, before answering any further questions I wonder if I could ask if this committee intends to review the decision of a court of the land? It would appear to me that the parliament of Canada, in it's wisdom, and the Province of Ontario, in it's wisdom, has enacted appeal legislation in respect of proceedings in this case which would have been used by the person who was convicted.

The CHAIRMAN: No, it is not our intention to review the decision of a court of the land. The terms of reference we have are to investigate the circumstances relating to the arrest on February 12th of the hon. member for Lapointe, and at this point all we are trying to do is to establish the circumstances surrounding his arrest.

Mr. MACDONALD: Mr. Chairman, if I might make an attempt to clarify this one point, it is the responsibility of the peace officer, to whom the summons is issued, to find the individual, wherever he may be found in the country, and what his occupation is, his registered automobile address is, is relevant if, in fact, they know he is more likely to be found in one spot than another.

Mr. CASSELLS: That is right.

Mr. MACDONALD: And, at that point, you do not direct the police officer to where he is likely to be; that is a matter of police enforcement.

Mr. CASSELLS: That is correct.

The CHAIRMAN: Have we clarified this point now?

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Are there any other questions, Mr. Grégoire?

Mr. PETERS: Mr. Chairman, I have a short question. Suppose I live in the Province of Ontario and I have an Ontario car licence. I am speeding at the airport, which is federal property and, therefore, I come under this particular regulation. In this case would you initially mail a summons?

Mr. CASSELLS: Do you mean do I personally direct it?

Mr. PETERS: Well, it is your office. It is a very simple question. Is it the responsibility of the officer whom you charge with proceeding with this matter to send the original registered letter indicating such an offence? Is this done by your office or is it done by the officer who is charged with sending the summons?

Mr. CASSELLS: There is a difference in the method of service. You are talking about service by mail. In this case the service was personal. But, in cases of service by mail, as I understand it, the Justice of the Peace is supplied with the necessary information, and all they do is send a registered letter to the person at the address set out in the licence or such other address as the officer has with him, which may be his last or usual place of abode.

Mr. PETERS: So, in respect of a normal offence under the Highways Traffic Act in Ontario the issuing officer or the Justice of the Peace actually does the mailing.

Mr. CASSELLS: That is right, but in the case of personal service it is handed to the officer and he goes out to inform him on behalf of the court.

Mr. PETERS: But, in Ontario this is stage 2.

Mr. CASSELLS: In most cases, yes.

Mr. PETERS: But, you say that mailed service is not allowed under the regulations, as you interpret them. Therefore, under the regulations by order in council there is really only stage 2.

Mr. CASSELLS: Well, the summary convictions provision of the Criminal Code do not provide, as I explained, for mailed service. Now, I have not studied the regulations in detail but I assume they do not have that. In fact, I am positive of it. The words "summary conviction" put it into the Criminal Code and, therefore, you serve personally, or you can.

Mr. MACDONALD: Mr. Cassells, I would like to follow through with you the procedure followed under government property traffic regulations, particularly in respect of airports. You said that the actual enforcement at the airport is policed by the R.C.M.P. for the government of Canada.

Mr. CASSELLS: That is my understanding.

Mr. MACDONALD: And if the officer feels that an offence has been committed he lays an information before a Justice of the Peace for the county of Carleton?

Mr. CASSELLS: Yes.

Mr. MACDONALD: And, the Justice of the Peace is a provincially appointed officer and has a provincially established office?

Mr. CASSELLS: That is correct.

Mr. MACDONALD: And then the Justice of the Peace, on the basis of that information, will issue a summons under the summary convictions provisions of the Criminal Code?

Mr. CASSELLS: She will issue an information under the summary convictions provisions of the code and set out the offence as alleged in the regulations, and after that a summons is issued, there are two documents, the information and the summons and, at that point these are delivered to the peace officier. One is delivered.

Mr. MACDONALD: And, the peace officer has the responsibility of serving this personally upon the accused.

Mr. CASSELLS: In this case, that is correct.

Mr. MACDONALD: And, the justice of the peace is acting as a provincial officer when she issues such a document.

Mr. CASSELLS: Yes.

Mr. MACDONALD: She is, in fact, an officer of the court and she is acting under the provisions of provincial law.

Mr. CASSELLS: Yes.

Mr. MACDONALD: In this case, the law of Ontario.

Mr. CASSELLS: Yes.

Mr. MACDONALD: What provision does the law of Ontario make in respect of the carrying on of court proceedings in Canada's two official languages? Does the law of Ontario make any exception in the way English court proceedings are carried out?

Mr. CASSELLS: There are two situations, the first situation involving the Criminal Code and the second the civil law. So far as the civil law is concerned and certain aspects so far as they relate to appeal matters are dealt with by

the Judicature Act of Ontario, dealt with in the Revised Statutes of Ontario, 1960, chapter 197, section 124, which states:

> Writs, pleadings and proceedings in all courts shall be in the English language only, but the proper or known names of writs or other process, or technical words, may be in the same language as has been commonly used.

So, as far as the civil side is concerned, they are in English. Now, from the criminal standpoint, we have section 7 of the Criminal Code which reads in sub-section 1:

> The Criminal Law of England that was in force in a Province immediately before the coming into force of this Act continues in force in the Province except as altered, varied, modified or affected by this Act or any other Act of the Parliament of Canada.

In effect that means that the residual law that still exists and existed prior to the coming into effect of the Criminal Code obtains. So, we go back to the statutes of Upper Canada; I am referring now to the statute of 1859, and this is "An Act respect the criminal law of Upper Canada," and I am quoting from page 928:

> Whereas the Criminal Law of England was, by an Act of the Parliament of Great Britain, passed in the fourteenth year of the reign of King George the Third, intituled, an Act for making more effectual provision for the Government of the Province of Quebec, in North America, introduced and established as the Criminal Law of the Province of Quebec, which Province was afterwards divided into the Provinces of Upper and Lower Canada; And whereas the said Criminal Law, as it stood on the day hereinafter named, was afterwards established as the Criminal Law of Upper Canada; And whereas divers amendments and improvements were afterwards made in the same by the Mother Country, some of which it has been deemed expedient to introduce and adopt in Upper Canada; Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: 40 G. 3 c.l. (1) The criminal law of England, as it stood on the seventeenth day of September, in the year of our Lord, one thousand seven hundred and ninety-two, and as the same has since been repealed, altered, varied, modified or affected by any act of the Imperial Parliament having force of law in Upper Canada, or by any act of the Parliament of the late province of Upper Canada, or of the province of Canada, still having force of law, or by the consolidated statutes relating to Upper Canada exclusively, or to the province of Canada, shall be the criminal law of Upper Canada.

May I paraphrase? That simply means that the law and procedure that existed in England in 1792 is the law and procedure of the Province of Ontario. We can take judicial notice of the fact that the courts in England conducted their procedure in English and their processes in English. In Latin too.

The CHAIRMAN: Mr. Grégoire has some questions.

Mr. MACDONALD: Perhaps it would be useful for me to finish my line of questioning.

Mr. PETERS: May I ask a supplementary question before you leave that point?

Can we establish if this process is considered to be a criminal charge? I am a layman in this field.

Mr. CASSELLS: The definition of a crime—

Mr. PETERS: No, do not go into all that.

Mr. FRANCIS: I would like Mr. Cassells to put that on the record.

Mr. PETERS: In layman's language is it considered to be a criminal offence or a civil offence?

Mr. CASSELLS: It is a criminal offence, and if I may I will give you the definition. A crime is an act or omission which is prohibited by law under penalty of fine, imprisonment or other punishment. There is a prohibition and there is a penalty.

The CHAIRMAN: Mr. Macdonald has embarked upon a line of questioning and then I have on my list of members who are wishing to speak both Mr. Grégoire and Mr. Scott.

Mr. MACDONALD: May I continue now we have heard the summation of the relevant law?

The information and the summonses were both issued in the English language in this case, as in all cases, because the law of Ontario which relates to this particular part of the legal procedure requires that English and English only be used.

Mr. CASSELLS: That is correct.

Mr. MACDONALD: I believe we will have later testimony establishing that there was no response to the summonses. What was the nature of the second document, the bench warrant or warrant for arrest, which was issued by the court?

Mr. CASSELLS: May I intervene one little comment so this can be clarified? When the person named did not appear the court proceeded *in absentia*, as they can under the provisions of the Summary Convictions Part. The evidence was heard and a conviction was recorded. A fine was imposed and, in alternative, a period of imprisonment was fixed for non-payment.

Mr. SCOTT: Was this in the absence of actual service?

Mr. CASSELLS: Service was made.

Mr. SCOTT: Prior to the hearing *in absentia*?

Mr. CASSELLS: Yes, personal service was made. The accused person did not appear and the magistrate proceeded *in absentia* according to the Criminal Code.

Mr. GREENE: How was the document served?

Mr. CASSELLS: There is an affidavit on the back showing that the summons was served. This is the Summons to the Defendant upon Information and Complaint. I will not read it all, but the first one refers to the speeding offence under section 19. On the back there is an affidavit of the serving officer sworn before the justice of the peace indicating that personal service was made in in the City of Ottawa.

Mr. PETERS: Where?

Mr. MACDONALD: Surely it is up to the officer who served the document to say where.

Mr. CASSELLS: I will file this.

Mr. MACDONALD: I would like to ask for the indulgence of the committee. I would ask the committee to assume these facts so that Mr. Cassells can explain the process and we can ask the officers later if the facts are correct.

The CHAIRMAN: We should hear from the officer himself as to where he served the summons.

Mr. CASSELLS: May I produce the second affidavit?

The CHAIRMAN: The summons I have been handed now is the summons for the parking offence.

Mr. CASSELLS: Following upon that, I understand—and I will preface by the words "I understand" any remarks when I am not giving evidence but am quoting from information received—I understand the justice of the peace sent a letter written in English to the accused advising him of the decision of the court and of the fine and of the consequences of non-payment. There may be evidence from the Royal Canadian Mounted Police officers of the fact that Mr. Grégoire acknowledged that he received that letter.

Subsequently, in view of non-payment of the fine, the court issued a warrant of commitment. This warrant was issued on each charge. I will produce these warrants to the chairman. They are directed not to the accused person or, in this case, the convicted person, but to the "Peace Officers of the county of Carleton and to the Keeper of the Common Jail in the County of Carleton in the City of Ottawa". That in effect means that they were commanded, the officers were commanded to obey on order of the court to arrest this person if he did not pay the fines. So they were bound to act on this order in each case.

Mr. SCOTT: What do you mean by the term "Carleton peace officers"?

Mr. CASSELLS: I am referring to officers enforcing the law in the county of Carleton.

Mr. SCOTT: Does that include the Royal Canadian Mounted Police?

Mr. CASSELLS: Yes.

Mr. MACDONALD: You referred to a letter sent to Mr. Grégoire and you referred to the warrant of commitment. Both those were in the English language?

Mr. CASSELLS: Correct.

Mr. MACDONALD: Was it in accordance with the law of Ontario that they were in the English language?

Mr. CASSELLS: That is correct.

Mr. MACDONALD: And in the English language only?

Mr. CASSELLS: That is correct.

Mr. GRÉGOIRE: Can you tell me who received the fee of $42 which I had to pay? Was it the government of Ontario or the government of Canada?

Mr. CASSELLS: As I understand it, the fees that are collected, that is the costs—

Mr. GRÉGOIRE: There is a fee and a fine.

Mr. CASSELLS: In one case there was the sum of $3.50 for costs and in the other there was the sum of $3.50. These are costs which are awarded for witness fees paid for persons who attended to give evidence and for the clerk in the process. As I understand it—and I have not my authorities here—both go to the community which is enforcing the law. In other words, any of these costs which were collected would, as I understand it, go to the County of Carleton.

Mr. GRÉGOIRE: The fine?

Mr. CASSELLS: I am talking about the costs.

Mr. GRÉGOIRE: I am talking about the fine.

Mr. CASSELLS: I would say the same thing there too because I know, for instance, with regard to traffic offences the moneys are paid either to the county authorities or the city authorities, as the case may be, whose responsibility it is to enforce the law, and I am referring to provincial legislation. They have to pay the costs of the administration of justice, which are rather large. These in effect are used to assist them to defray the costs of the administration of justice.

Mr. GRÉGOIRE: When it is an offence committed on airport grounds which are under the jurisdiction of the Minister of Transport, will the fine also go to

the County of Carleton? I am not referring to the costs of the service of the warrants; I am referring to the fine itself. If the grounds are under the jurisdiction of the Minister of Transport and if all the papers are served by the Royal Canadian Mounted Police will the fine go to the Ontario government or to the federal government.

Mr. CASSELLS: May I have a moment to check this please?

Section 626 deals with fines and penalties.

> 626. (1) Fines and penalties go to provincial treasurer. Where a fine, penalty or forfeiture is imposed or a recognizance is forfeited and no provision, other than this section, is made by law for the application of the proceeds thereof, the proceeds belong to Her Majesty in right of the province in which the fine, penalty or forfeiture was imposed or the recognizance was forfeited, and shall be paid by the person who receives them to the treasurer of that province.

Then the act goes on to give a whole series of provisions, the main one of which states, and I quote:

> (4) Province of Ontario. Where the proceeds of a fine, penalty, forfeiture or recognizance belong, by virtue of this section, to Her Majesty in right of the Province of Ontario, but a municipal or local authority in that province bears, in whole or in part, the expense of administering the law under which the fine, penalty or forfeiture was imposed or the recognizance was forfeited, the proceeds shall, notwithstanding anything in this section, be paid to that authority.

In this case, the County of Carleton bears the cost of administration of the court. Does that answer your question?

Mr. GRÉGOIRE: Therefore it would mean that for an offence on federal ground the cost of all papers and expenses—or at least a large part of the expenses—for making and serving documents by the Royal Canadian Mounted Police would be paid to the County of Carleton even if the offence comes within a federal regulation and is committed on federal ground and the documents are served by federal agents.

Mr. CASSELLS: May I give an analogy? Let us assume that a man commits a crime in Ontario but is a resident of the province of Saskatchewan. His trial will take place in Ontario. The object of this section, I would assume, is to assist in defraying the costs of the area for the administration of justice. It is not really a case of a distinction, as I understand it, such as you are trying to draw; it is a question of the actual cost of the full proceeding.

Mr. GRÉGOIRE: Attached to the summons on information of complaint sent to me there was a French translation. Was that translation made by the personnel of the county of Carleton or by the personnal of the Royal Canadian Mounted Police?

Mr. CASSELLS: I think you should direct that question to the Royal Canadian Mounted Police.

Mr. GRÉGOIRE: Was it done by your personnel?

Mr. CASSELLS: I do believe that in this case the Royal Canadian Mounted Police accompanied your papers with a translation. If they wished to do that, it was purely a convenience for you and a courtesy to you. They do not have to do that.

Mr. GRÉGOIRE: It was not done by the county of Carleton? It was not done by personnel or employees of the county of Carleton?

Mr. CASSELLS: I do not believe so, but I am sure the Royal Canadian Mounted Police will be able to answer that question.

May I make a correction? Dr. Ollivier has very kindly drawn something to my attention and I think I should make this correction now. Section 626 also contains this provision:

(2) Exception. Where

(a) a fine, penalty or forfeiture is imposed

(i) in respect of a violation of a revenue law of Canada,

(ii) in respect of a breach of duty or malfeasance in office by an officer or employee of the Government of Canada, or

(iii) in respect of any proceedings instituted at the instance of the Government of Canada in which that government bears the costs of prosecution; or

—and then the other alternatives. So I stand corrected. It may well be that the fine in this case could have been paid to the government of Canada. If it had not been paid to the government of Canada it could well be paid to the government of Canada under that section. I will find out from Mrs. Laughlin what she did with the money.

Mr. GRÉGOIRE: According to that, if it was paid to the government of Canada everything was done by the government of Canada or, as you said in the last paragraph "for the government of Canada"? All procedures were taken for the government of Canada?

Mr. CASSELLS: The administration of law in any country as I understand it is for the benefit of the community, and although it may be started or initiated by a particular organization, the purpose of it is to gain compliance in criminal cases to the law of the land.

In these cases I understand that the laws that were violated were laws that had been passed by federal parliament and regulations made thereunder.

The fact that the prosecution may have been instituted at the instance of a Royal Canadian Mounted Police officer surely makes little difference. The object of the proceeding is to enforce the Acts which exist for the benefit of the community.

Mr. GREENE: On a point of order, Mr. Chairman, the ambit of the inquiry being the arrest of Mr. Grégoire, does it go to the disposition of fines subsequent to his arrest?

The CHAIRMAN: I think, Mr. Greene, in reply to your question I may say that Mr. Grégoire is seeking to establish some connection with the authority granted to the officers, and I feel it is pertinent to the circumstances.

Mr. FRANCIS: I would like Mr. Grégoire to feel free to ask whatever he wants. I think the committee would give him the discretion he feels he needs.

Mr. GRÉGOIRE: I would like to know this. Was it through your department or through the judge who signed the summons that the translation was made? Was this translation made by your department or by the judge's personnel?

Mr. CASSELLS: My understanding is that in this case no translation was made by the court officials. If they had made a translation, even if they had, there is really no authority for them to do so.

Mr. GRÉGOIRE: But you cannot say that they did not?

Mr. CASSELLS: No. The officers will be able to tell you about that, I am sure. It certainly was not done with the knowledge of my office, if that is what you are interested to know.

Mr. GRÉGOIRE: Nor the judge?

Mr. CASSELLS: I cannot speak for the judge. I assume not, but perhaps the Royal Canadian Mounted Police will be able to tell you whether they did inform the magistrate.

The CHAIRMAN: Perhaps you can reserve questioning on that point, Mr. Grégoire.

Mr. GRÉGOIRE: Can you refer to the letter which deals with the payment of the fine after judgment *in absentia*? Do you know to which address it was sent?

Mr. CASSELLS: I have seen a copy, but frankly I did not see the address. I think it was sent to Quebec city. I think you have a copy there.

The CHAIRMAN: Would you like to table that document?

Mr. GRÉGOIRE: You have the original; I just have the copy.

You do not know to which address it was sent?

Mr. CASSELLS: It would have emanated from Mrs. Laughlin, who is the clerk of that magistrate's court and it would have been sent on the direction of the magistrate to inform you of the fact of the decision of the court so you would be aware of it and would be enabled to make such arrangements to comply with the order of the court as were necessary.

I cannot tell you of my own knowledge what address it was sent to. I think you are the best person able to answer that because you have the document itself. Does it not bear an address on it?

(*Translation*)

Mr. GRÉGOIRE: The address on the letter is 837, Père Albanel. Mr. Chairman, I do not think that is what Mr. Valade meant, because supposing my address on the warrant for arrest had been 837, Père Albanel, the R.C.M.P. were obliged to arrest me at 837, Père Albanel and so, to arrest me at that place, the police was acting on behalf of Carleton County and had to ask the attorney general of Quebec's authorization if they wanted to arrest me in that province. Did they ask for that authorization? If not, did they just wait until I was in Ottawa? In that case they paid absolutely no attention to the fact that I had a residence, an address on my driver's licence and on all my papers, and they did not even try to arrest me at my residence first. That is what Mr. Valade wants to know, I think the question is—

(*Text*)

The address in the letter is 873 Père Albanel.

Mr. MOREAU: Is that the original?

Mr. GRÉGOIRE: Yes. I will have a copy made and give you the original at the next sitting. It was sent to 873 Père Albanel and it arrived in the House of Commons here in Ottawa. Perhaps that is because it was sent to the wrong number.

Mr. CASSELLS: I think the best person to answer that question is Mrs. Laughlin. I would not like to speak of the matter from my own knowledge.

The CHAIRMAN: I suggest that now you have raised the document it should be made available to the committee, and the decision whether we should call Mrs. Laughlin can be made at that time.

Mr. GRÉGOIRE: I will table it, Mr. Chairman.

Mr. CASSELLS: Is Mr. Grégoire in effect disputing having received the document? The whole purpose of sending it is the receipt of it, of course.

Mr. FRANCIS: I think it is clear that Mr. Grégoire received the document.

The CHAIRMAN: I do not think that point is in dispute, Mr. Cassells. In any case, by producing the document we will have had some evidence on that point.

Mr. PETERS: This may be an unfair question, but perhaps the witness can tell me if any difference is made in procedure because of the degree of a criminal offence. If a Pole were accused in Ontario of murder, to protect his interests the court supplies him either with an interpreter or translates

into Polish the documents that are put in evidence. I have seen this done many times. I have seen cases conducted in Yiddish and in a number of languages in the north. Where does the degree come in?

Mr. CASSELLS: I think we are talking about two different things. I understood the questions were directed to the proceedings, that is to say the documents, the warrant, the summonses. They are in English. However, the accused person is perfectly entitled to attend before the court and ask, if he cannot speak the language in which the proceedings are tried, for the services of an interpreter to explain the proceedings. He can proceed right through the trial with the services of an interpreter who will translate the evidence to him. He may give his evidence in his native tongue and it will be interpreted for him. I am sure you are familiar with the Bill of Rights in that regard. That has been the law of Ontario from time immemorial. A person must know what evidence is being given and he must understand the proceedings.

Mr. PETERS: In this regard, does not the degree of criminal offence come into play? Is there a degree at which this applies and another degree at which it does not?

Mr. CASSELLS: No, it applies throughout. The whole object of the proceedings is that the person being tried must understand the nature of the proceedings.

Mr. PETERS: This is normally the nature of court procedure in Ontario?

Mr. CASSELLS: Within the confines of the proceedings in court, giving evidence, taking of the plea, the explanation to the court—these things are done. The object is that the person is able to make full answer and defence, that he is not lost because he does not understand what is going on.

Mr. GRÉGOIRE: You said that this is a criminal offence.

Mr. CASSELLS: Yes.

Mr. GRÉGOIRE: So if there are some people within the car who see the crime committed without protesting or without trying to avoid such a crime being committed, would they become accomplices?

Mr. SCOTT: There must be some relevance to the question.

The CHAIRMAN: I do not think that is germane. Perhaps you could ask that question of Mr. Cassells after the meeting if you wish to get an opinion. I do not think it is relevant to the arrest on the 12th.

Mr. GRÉGOIRE: It is a case of whether it is a criminal or civil offence. If it is a criminal offence, anyone who sees the offence committed without protesting then becomes an accomplice.

Mr. CASHIN: I think you should seek legal opinion on that matter.

Mr. GRÉGOIRE: That is what I am thinking.

Mr. VALADE: When a criminal offence has been committed in one province by a person who is resident in another province, is the authorization of the attorney general of that province required before you can prosecute? Do you require special authorization from the attorney general of that other province before you can take any action against that person who may be in Quebec, for instance.

Mr. CASSELLS: No. I take it you are talking about a federal statute. If a man is charged in this province for committing a murder it is not necessary to obtain the authorization of the attorney general of the province in which he is resident in order to prosecute.

Mr. VALADE: If a traffic offence is committed in Ontario by a person living in Quebec and this person does not pay the fine, then you have to remit a mandate of arrest against that person. To do this, you require the authorization of the attorney general of the province of Quebec in order to prosecute or to force this accused to come to the province of Ontario?

Mr. CASSELLS: I think you are referring to the procedure of "backing" warrants of arrest. If an officer crosses to another province he would need to have a "backing" from a justice of the peace in the province of Quebec for the warrant in order that he may use it in that area.

The CHAIRMAN: I hope you are not going to pursue that point because I do not think it is relevant.

Mr. VALADE: This is relevant and I will explain why later.

In any of these procedures, is it necessary to acquire the authorization of another province to arrest someone from that province for the province of Ontario, for example?

Mr. CASSELLS: Not that I am aware of, no.

Mr. CASHIN: Mr. Valade's questions are certainly not relevant here because the accused was apprehended in the province of Ontario. If his line of questioning had any validity, it would only be in a case where the courts of Ontario wanted to get someone from Quebec. In this case, the fact that he was a resident of Quebec was purely an accident.

The CHAIRMAN: I do not see the relevance of the question.

Mr. VALADE: I am going to state my point in this way. If such a procedure has to be taken, then certainly the province of Quebec will be required to give authorization and then such documents will be issued in French. My question is relevant because this is the basis of a personal privilege. Mr. Grégoire was not served the summons in French.

The CHAIRMAN: I might read the reference to you. I think you are basing your argument on something that is not really before the committee, or at least it has not been established.

> The circumstances relating to the arrest on February 12 of the hon. member for Lapointe be referred to the standing committee on privileges and elections.

These are our terms of reference, and only these. I fail to see how the point you have raised relates in any way to the circumstances concerning the arrest of Mr. Grégoire, who was in Ontario when arrested, and the arresting officers were acting under the authority of an Ontario court. I do not see where the conflict in jurisdiction comes into this case at all.

If you have some argument to make on that, we would certainly be glad to hear it.

Mr. PETERS: On the point of order, Mr. Chairman, as I understand it, the letter Mr. Grégoire quoted, the summons, was mailed to an address in the province of Quebec. This normally is followed by an order to take into custody the person failing to reply to that letter.

The CHAIRMAN: For clarification, Mr. Peters, the letter was a warning as I understand it; it was a notice that he had been convicted *in absentia*. It was not a summons. It was only a warning to make him aware of the facts.

Mr. PETERS: The next process normally would be to have the province of Quebec issue a summons of arrest.

Mr. CASHIN: If they could not get him in Ontario.

Mr. PETERS: That would have been the next process, but they found him in Ontario. In other words, it is just a coincidence that he happened to come back here. If he had stayed in Quebec Mr. Valade's point would be perfectly in order.

The CHAIRMAN: But he did not stay in Quebec. That is the point.

Mr. VALADE: This is the basis of my argument. It just happened that Mr. Grégoire did come to Ottawa and in December was arrested here. If you read article 1103 of Beauchesne you will see that it is made perfectly clear that no member of parliament can be interfered with coming in or going out of the House of Commons. This can come later on. I think the point is to know if such a procedure was not taken by the county of Carleton because they expected Mr. Grégoire to be here in December and arrested him here. I want to know if it is of real value in their procedure or if it was required that the province of Quebec itself should issue procedures under authority of the attorney general of Quebec, in which case it would have been in French.

The CHAIRMAN: I think the question of immunity certainly is relevant, but that would be relevant no matter whether the warrant be served from a provincial court of Ontario or of Quebec. The question is one of immunity. That is the question which the committee must determine. I fail to see what connection the question of the failure of the court of the county of Carleton to get permission from the attorney general of Quebec has to do with the circumstances relating to the arrest.

Mr. VALADE: I do not want to argue with the chairman and I do not want to delay the procedure, but I think this is the basis of the difficulty because Mr. Grégoire in his point of privilege in the House of Commons mentioned it was his right to be notified of any summons or things of this nature in his own language. Because notification was not made to him in his own language he was arrested, and he failed to respond to this arrest because of the very nature of the procedure used. This is why I am asking if such a procedure, where it involves someone from the Province of Quebec, should not be authorized by the attorney general of that province before any criminal action is taken against a particular individual.

Mr. CASHIN: If I understood Mr. Valade correctly, what he is saying is that any citizen from the province of Quebec is immune from arrest in the other nine provinces in respect of offences committed therein unless there is some relationship with the attorney general's office in the province of Quebec, which seems absurd to me.

The CHAIRMAN: Surely if the R.C.M.P. officers had not been able to effect the bench warrant in the Province of Ontario they then would have taken the necessary steps to serve the warrant in the Province of Quebec, but the circumstances of this case are that the warrant was served in Ontario, and I fail to see how that particular point arises in this situation. It may be a point which Mr. Valade may wish to pursue at some other time but I do not think it falls within the terms of reference.

Mr. VALADE: With due respect, Mr. Chairman, it does exactly this because of article 103 of the Beauchesne's, wherein it states:

> By the time of the Reform Act of 1832, the only privilege remaining to Members beyond the walls of St. Stephen's were freedom from arrest, assault, insult or menace in their coming and going from the House.

Now, this is an accepted precedence. It seems apparent that this was violated because of the procedure taken. I am not defending Mr. Grégoire but I am trying to find out what the facts were. I am just wondering whether they should have waited until they had received an authorization from the attorney-general of Quebec.

The CHAIRMAN: I fail to see any relationship to any of the attorneys-general of the provinces. The immunity to arrest is a relevant point but, in my opinion, the question you have put is not valid, and I must rule against you. If the committee would like to appeal my ruling that would be in order.

(*Translation*)

Mr. GIROUARD: On the same point of order, I would like to ask the attorney a question because I would very much like to know that. Of course, it will have to do with the matter of privilege. If Carleton county said to themselves: "It is useless to go to any trouble, he will be sitting (in the house) and we shall be able to arrest him there. In that case, obviously, it is relevant to the matter of privilege. I would like to ask a question in French, I expect he has his earphones on. In principle and in fact, let us suppose that for a similar offence, for a parking offence, for example, in the province of Ontario committed by a Quebec citizen, let us suppose the case was decided *in absentia*, what can Carleton county or a county in Ontario do to arrest a person in Quebec? Is there an understanding, first of all, between the provinces and secondly, from the practical point of view is this done? I would like to know, Mr. Chairman, whether they were really crafty and said to themselves: "Let us save ourselves the trouble, we will arrest him in Parliament". In that case I think we touch on the matter of privilege. I want to know whether they could have proceeded in another way.

The CHAIRMAN: That is another matter of privilege. It does not bring up the matter of language.

Mr. GIROUARD: Immunity against arrest—

The CHAIRMAN: That is another matter.

Mr. GIROUARD: But I would like to ask this question. I think Mr. Valade wants to deal with it, and that Mr. Grégoire wants to deal with it. The matter would be settled. Is there an understanding between the provinces in this regard and is it done in practice?

The CHAIRMAN: Mr. Cassells—

Mr. GIROUARD: But I would like an answer.

(*Text*)

The CHAIRMAN: Have you a question, Mr. Macdonald?

Mr. MACDONALD: I would like to put a question to Mr. Cassells.

The CHAIRMAN: I believe that Mr. Cassells is now looking up some precedents.

Mr. GRÉGOIRE: Let us get an answer to the question put before we have another question.

(*Translation*)

Mr. GIROUARD: In practice I do not think it is ever done, but I do not know whether it is allowed. If it could not be done, then they had very good reasons for taking him here, they could not go to Quebec. That is very important.

(*Text*)

The CHAIRMAN: Did you hear the question?

Mr. CASSELLS: Yes, I did. You see, there is a very real difference here between the Highway Traffic Act of Ontario and this particular federal statute because the federal statute, as I understand it, can be enforced anywhere in Canada.

Mr. VALADE: By whom?

Mr. CASSELLS: For example, if a person has been dealt with under the Highway Traffic Act in respect of a parking violation real problems would occur in obtaining the attendance of a person resident in another province. However, in this case it would appear—and I must not state this categorically at the moment because I have not studied it completely; I am trying to arrive at this

conclusion as I go along—that because it is a federal statute process it could be enforced in the Province of Quebec. But, to answer that question properly I would need a little time to do some study on the subject and then I could let you have something more specific, because, as I say,—there is a distinction between provinces. But, this is a federal statute, which has a different position, you see.

Now, I would say that an order of a court proceeding under the "Summary Convictions" part of the Criminal Code very probably could be enforced in Quebec by being taken over there and "backed" in a proper way. I said "very probably", and I put it at that level because I have not exhausted my research in this connection.

In respect of this question of the attorney-general consenting, the only procedure I know of where the attorney-general is involved in enforcement of the law as between provinces is where a person is in jail, for example, in Ottawa and he is also involved in charges, say, in Montreal and he wishes to plead guilty to the charges in Montreal and to have them transferred from Montreal to Ottawa in order to plead guilty. There are provisions in the Criminal Code which allow the attorney-general to permit his consent to be given to the transfer of these charges. There are certain types of offences where the permission of an attorney-general is necessary in a particular province where the offence is committed before the prosecution can start, but I know of no provision which would require the consent of an attorney-general from another province before enforcement can take place. If this was allowed, then you would be departing from the normal court rules and procedures.

(*Translation*)

Mr. GIROUARD: Along the same lines, if, for the same type of offence you wanted to arrest Mr. Grégoire in Quebec, you would have had a way of proceeding that would have enabled you to do so. Yes or no?

(*Text*)

Mr. CASSELLS: I think it is probably. As I say, I would like to do a little bit of reading on that. My concern has been mainly with the Highway Traffic Act so far as enforcement between the two provinces is concerned, and there are problems here I have not considered. I have not considered it specifically in the case of the question being asked. But, I would think so. There is the practicability of this matter. You have to be in a position to locate the person. If he is moving around from jurisdiction to jurisdiction it would entail many difficulties. Do you have to get a warrant backed by every Justice of the Peace in every jurisdiction that the man is passing through before you could execute it? As I say, there would be many difficulties if the person was in the habit of moving around.

(*Translation*)

Mr. BEAULÉ: I have a supplementary question. Did you try to find Mr. Grégoire at his home?

(*Text*)

The CHAIRMAN: Perhaps you could direct that question to the officers.

Mr. VALADE: On a point of order, Mr. Chairman, it has been said that this has no connection in respect of the language used in the procedure followed and on that point I want to say that it has a very significant relationship because if the summons had to be issued in the province of Quebec, then it would have to have been issued in French. Perhaps the crown attorney is of the opinion that if a summons is issued in Ottawa or on parliament hill then it is not necessary to have it in French. But, this is a question which has relevance to both these things.

Mr. CASSELLS: I would like to make one comment on that. As I understand the "backing" of a warrant it does not involve the issue of a complete warrant in the language of the province involved but an endorsement by the Justice of the Peace on the back of the warrant, which can be executed.

Mr. MACDONALD: In the circumstances of this case was there any irregularity in the procedure by reason of the fact that the language of the documents concerned were not in the French language as well as in the English language as a matter of law?

Mr. CASSELLS: I know of none.

Mr. MACDONALD: Then there was no irregularity in the matter of law in the facts of this case.

Mr. CASSELLS: As far as the procedures are concerned I know of none.

Mr. GREENE: Mr. Cassells, under the British North America Act the administration of justice, which involves rules, forms and so on, is a provincial matter. Am I correct?

Mr. CASSELLS: Well, let me put it this way, sir, The British North America Act 1867 is very specific in two parts. I could read the sections to you but I would hesitate to interpret exactly what they mean. I am reading from paragraph 27 in section 91:

> The Criminal Law, except the constitution of courts of criminal jurisdiction, but including the procedure in criminal matters is a federal jurisdiction.

Now, I will read the provincial section, section 92, paragraph 14, which reads as follows:

> The Administration of Justice in the Province, including the Constitution, Maintenance and Organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including Procedure in Civil Matters in those Courts.

Now, I understand what both these sections say but the interpretation is a constitutional matter and I would not want to get into that.

Mr. GREENE: Let me put it this way to you. Pursuant to those two sections, whatever they may say or mean, your office which administers the Criminal Code in the county of Carleton is a provincial establishment.

Mr. CASSELLS: The magistrate's court is, yes. It is set up under the Magistrates Act.

Mr. GREENE: And, pursuant to these rules of the magistrate's court, which are made provincially, warrants are issued, summons are issued and informations are issued.

Mr. CASSELLS: That is correct.

Mr. GREENE: Do you know of any Ontario law which administers those courts and which administers the processes of those courts which prescribe that any of the processes should be or must be in the French language?

Mr. CASSELLS: No.

Mr. GREENE: So far as you know, all the processes of the magistrate's court must be by the law of the province of Ontario in the English language?

Mr. CASSELLS: That is correct. The only qualification is the one that was referred to a little while back about the understanding of the person by way of translation.

Mr. GREENE: That is interpretation.

Mr. CASSELLS: Yes.

Mr. GRÉGOIRE: May I ask a supplementary question?

The CHAIRMAN: I have four or five members who have indicated that they wish to ask questions.

Mr. GRÉGOIRE: My question is just supplementary, Mr. Chairman.

The CHAIRMAN: Before I permit your supplementary question, Mr. Grégoire, even though it is a supplementary question, I should indicate that it is one o'clock. However, I hope we might be able to finish with Mr. Cassells before we adjourn for luncheon if that would meet with the wishes of the committee. I do not think we have much further to go.

In view of the fact that we have a number of officers here who are prepared to give testimony, I wonder if the committee might entertain the idea of a meeting this afternoon after orders of the day. It would seem to me to be in the interests of expedience from the point of view of the officers concerned and the members of the committee. That might be an acceptable procedure. Would that be agreeable?

Mr. SCOTT: Mr. Chairman, this is the second meeting and we have not yet even got Mr. Grégoire arrested! We have a long, long way to go. I so move.

Mr. MARCOUX: That he be arrested?

Mr. SCOTT: I move that we meet this afternoon.

Mr. MACDONALD: Mr. Cassells is a responsible and busy officer of the county court here. I hope we may be able to let him go as soon as possible rather than requiring him to attend again this afternoon.

The CHAIRMAN: We have a motion from Mr. Scott, seconded by Mr. Cashin.

All in favour? Opposed?

Motion agreed to.

Mr. Grégoire, you have a supplementary question, and then I have on my list Mr. Lessard, Mr. Girouard and Mr. Marcoux.

Mr. LESSARD (*Lac-Saint-Jean*): I pass.

(*Translation*)

The CHAIRMAN: Mr. Grégoire has a supplementary question here, then I have Mr. Lessard, Mr. Girouard, Mr. Cashin and Mr. Marcoux.

Mr. GRÉGOIRE: My supplementary question, Mr. Cassells, follows on the questions of my colleague, Mr. Greene, to ask you what, in that case, would be the value, or on what the Minister of Justice based his statement to the house on June 25, 1963 (*Hansard*, page 1536) when he said:

> But, for the information of the hon. member I should like to say that when a violation occurs on parliament hill or on drives or roads falling under the jurisdiction of the R.C.M.P., it is the practice to issue warrants in both languages.

That statement would be worthless in view of the laws of Ontario?

(*Text*)

Mr. CASSELLS: I would hesitate to quarrel with anything said by the Minister of Justice.

Mr. GRÉGOIRE: But it would have no value considering the laws of Ontario.

Mr. CASSELLS: The law is the law; that is all I can say.

Mr. GRÉGOIRE: This has no value considering the laws of Ontario?

Mr. PETERS: It is not a requirement.

Mr. CASSELLS: Mr. Grégoire, we may have ideas on what the law should be or what it should not be. I have tried to explain the law as I understand it in the province of Ontario. If the Minister of Justice has certain ideas about

how processes should be served, that is for him to say. I am certainly not going to quarrel with his interpretation. However, there is no requirement under Ontario law that warrants should be translated into French. If it is not done, that does not mean that the process is therefore bad.

(*Translation*)

Mr. GIROUARD: I asked a question a moment ago. Now, I would like the witness to send you a memorandum just explaining what the procedure would be if Carleton really wanted to arrest a citizen in Quebec for an offence committed in Carleton County. He could just draft a short memorandum and send it to you—I would send it to them as far as that goes. I would like to know exactly what the procedure is in cases of traffic violations in Ontario, in order to arrest a citizen in Quebec.

(*Text*)

Mr. CASSELLS: Under what statute?

Mr. CASHIN: May I just say something on this point about the arrest?

The point I was going to make here, Mr. Cassells, deals with the point of Mr. Valade's question which I said was absurd on the face of it. I think it is in all cases, with one possible exception, and this would centre around the immunity of members of parliament. I do not mean to prejudice anything, but if it were to be decided that the immunity of members of parliament is to be effective, to take the chapter and verse literally there, to and from parliament, then the question of the relationship with the attorney general in the province of Quebec might be valid. It depends on how you interpret the definition. However, I do not think this is something we can discuss until such time as we have determined the immunity of members of parliament in this case. So really, the question about the province of Quebec is not relevant unless the question of immunity of members of parliament is defined as to and from parliament and his home.

The CHAIRMAN: Restrict yourself to questions.

Mr. CASHIN: I am trying to be as simple as Mr. Peters was!

Mr. CASSELLS: I wonder if I might make two comments which might be of assistance to this committee. The first comment is this. As I understand it, the Constitutional Law and the Privileges and Immunities of Parliament are the law of the land. They can be impleaded in the same way as any other immunity or otherwise. If the person claiming them does not implead them at the proper time—which should be before the court; not after the proceedings are over, but before the court—are you in a position now to in effect implead them once the matter is disposed of by the court? I put that forward as a proposition. I am not arguing it; I put it forward as a suggestion that you might like to consider. I think Dr. Ollivier will recall a case not long ago when he had occasion to give evidence where a constitutional issue was raised. It was impleaded before the court on the question of a definition of the meaning of certain words. The court took cognizance of the laws, not only the general federal, provincial and common laws of the country but the laws that applied on Parliament Hill as far as they related to members and others. It was actually impleaded in the case, as I understand it.

Mr. OLLIVIER: What Mr. Cassells said is right, of course. On the other hand, we must not forget that this is the highest court in the land. We are not on appeal here from a decision of the magistrate's court. I do not think this is what is before the committee.

What is before the committee is whether the privileges of parliament have been violated or not. We are not appealing the decision of the magistrate

who fined Mr. Grégoire or who summoned him, or anything like that. The only thing we have to decide is whether Mr. Grégoire's privilege of attending parliament has been violated by the court or not. We are not here to decide an appeal from the decision of the court.

(*Translation*)

Mr. GIROUARD: Mr. Chairman, could I ask Mr. Ollivier a question?

The CHAIRMAN: It is Mr. Marcoux' turn.

Mr. MARCOUX: Ask your question and I will ask mine after.

Mr. GIROUARD: In practice, Mr. Ollivier, if our immunity protects us from being arrested on Parliament hill, what could stop me from parking in the Prime Minister's space and saying that no one must bother me as I am protected by my privilege? Who could forbid me to do that? What law could forbid me to do that?

Mr. OLLIVIER: That is precisely what has to be decided—whether you can be arrested or not. In the first place it is evident that you cannot be arrested for your behaviour as a civilian. If you have debts you are not paying, and a warrant of arrest is issued against you for that, you cannot be arrested. But if you rape someone on Parliament hill be it said with all due respect, and then go and sit in the Prime Minister's space, you can be arrested. You could even be arrested at the door of the House, or in the House itself if Parliament is sitting.

Mr. GIROUARD: If I park my car under the Prime Minister's licence number, I can be arrested?

Mr. OLLIVIER: Certainly.

Mr. GIROUARD: Despite our immunity from arrest.

Mr. OLLIVIER: Despite your immunity from arrest, for a criminal offence. That is another point which will have to be decided, that is, whether it is a criminal offence or not.

Mr. MARCOUX: What I wanted to ask Mr. Cassels, as he said he wanted to do some research to find out who had jurisdiction over what, is to find out whether there has been any case in the judicial history of Carleton County, where an individual residing outside the province of Ontario, not necessarily in Quebec, but in any other province, had ever been prosecuted for infringing the Federal Transport Act of the Department of Transport, or for parking in public places belonging to the government. If you find such a case you might study it to see what procedure was followed.

Mr. OLLIVIER: I doubt that there is a precedent.

Mr. CASSELLS: It would be nice to say, sir, that it was possible in human experience to exhaust every avenue of inquiry, but being subject to the normal failings of human beings, I do not guarantee that I will be able to answer that with absolute exclusion of everything.

There is one other point I would like to mention if I may, and I think Dr. Ollivier in part mentioned it. I think it might be of some concern to you to consider this. This will have to come from the Royal Canadian Mounted Police officers, but I understand the arrest was made on the roadway. If it was made on the roadway, there is a statute, "An Act for the control of traffic on Government Property". I believe quite recently a charge was laid in respect of an offence which occurred on the Driveway on Parliament Hill.

Does that act about government property apply to the Driveway on Parliament Hill? If it does, do the immunities then extend in the face of that act to persons arrested on property to which a statute relates?

The CHAIRMAN: Mr. Lalonde wishes to ask a question.

Mr. LALONDE: Is it not a fact, Mr. Cassells, that once your information is laid in these two cases, all the documents are documents of the court of the county of Carleton of the province of Ontario and not documents of the R.C.M.P.?

Mr. CASSELLS: The documents I have filed were the documents which were issued by the court, yes.

Mr. LALONDE: These are not documents of the R.C.M.P. but are documents of an Ontario court?

Mr. CASSELLS: Yes, sworn before a Justice of the Peace.

Mr. OLLIVIER: You mean even the document given the person arrested.

Mr. LALONDE: No.

My second question is: Is it not a fact that the commitment that was issued was addressed not to the accused but to the peace officers and the keeper of the common jail.

Mr. CASSELLS: Yes.

Mr. LALONDE: Is it not a fact that they are not served on the accused; they are addressed to the peace officers and to the keeper of the jail. They are not to be delivered to the accused?

Mr. CASSELLS: These documents are an order of the court directed to the peace officers to arrest and specify exactly what they must do. They cannot deliver this order to the accused, because it is not for the use of the accused; It is for the use of the arresting officers as their warrant for the arrest.

Mr. GRÉGOIRE: Are they supposed to read this paper to the accused?

Mr. CASSELLS: If the accused wishes to read them he can be shown them, but they cannot part with them, as I understand it.

Mr. GREENE: Is this letter that was sent prior to the execution of the provincial warrant, sort of a notice somewhat out of courtesy to the fellow before he is arrested?

Mr. CASSELLS: The court need not send such a notice. There are a series of provisions they can use, such as giving time to pay the fine, or no time to pay the fine, and send a notice. They are not obliged in every case to send a notice.

Mr. GREENE: If he does not appear in court when summonsed, he waives any right of future notice or subpoena.

Mr. CASSELLS: The court can proceed *in absentia* without further notice or may issue further process if requested. If the accused is not there they are not obliged to execute further service.

Mr. PETERS: Mr. Chairman, may I reintroduce the motion I moved, seconded by Mr. Scott, that the document which I believe Mr. Lalonde discussed with the inspector be tabled this afternoon?

The CHAIRMAN: Would you remove the restriction of time from your motion, because we may have a little difficulty obtaining a copy of this document.

Mr. MACDONALD: There will be considerable difficulty getting the document because there is no document. I am advised by the police that there is no document answering that description.

Mr. PETERS: As I understand it, there was a memorandum of agreement. I may be wrong, but as I remember it there was present a commissioner of the R.C.M.P., possibly a representative of the Ottawa police force, a representative of the Department of Public Works, the Sergeant-at-Arms of House of Commons and Gentleman Usher of the Black Rod of the Senate,

and the whips of both parties; we did come to an agreement, and there was a memorandum of agreement at that time which was a written document.

The CHAIRMAN: If you will leave it in my hands I will investigate that point and obtain some information on it.

Mr. PETERS: It may be possible that you might get this from the Speaker of either the house or the Senate.

The CHAIRMAN: That was my reaction.

Mr. PETERS: Also, I am of the opinion, after a conversation with one of the senior officials of Division A, that they have knowledge of such a document.

The CHAIRMAN: I will get the information on that and if there is such a document I will endeavour to make it available to the committee.

Mr. VALADE: I have a short question for Mr. Cassells. Would Mr. Cassells object to telling me what procedure is taken in Ontario if somebody has committed a violation of the traffic law in Ontario and then goes to Quebec and you do not see this person—he is just a tourist passing by. What do you do in a case like that?

Mr. CASSELLS: I would ask that you not ask me that question, please, because there are real difficulties in this. I know you can force me to answer the question, but I would prefer not to answer it.

Mr. VALADE: No; I just asked if you could answer it.

Mr. CASSELLS: I could, but I think the answer might create some difficulty.

The CHAIRMAN: You might ask him privately.

The meeting is adjourned until after orders of the day.

AFTERNOON SITTING

(Text)

The CHAIRMAN: Gentlemen, first we will call upon Constable Stamler who served the documents which we saw this morning and which were tabled before the committee this morning.

(Translation)

Mr. LESSARD (*Lac-Saint-Jean*): Mr. Chairman, would it not be in order to have all the witnesses who are going to appear, take the oath. That is what we did in former committees.

The CHAIRMAN: It is in order when a committee decides to hear witnesses under oath, but it is not necessary when they do not want to do so. It is not a matter of a person who has been accused but if you want...

Mr. LESSARD (*Lac-Saint-Jean*): I think the case is quite important. It would be preferable if the witnesses took the oath. As far as I am concerned, I make the motion and I have a seconder.

(Text)

The CHAIRMAN: You have heard the motion that the witnesses be called upon to give testimony under oath. All those in favour? Opposed?

Motion agreed to.

I would ask the clerk to administer the oath. The procedure we will follow will be for Mr. Lalonde to examine the witnesses. Then the members of the committee on the completion of examination will certainly be able to question the witnesses on any of the testimony that comes forth, if this agreeable to the committee.

CONSTABLE RODNEY THOMAS STAMLER, Sworn.

An hon. MEMBER: Mr. Chairman, in what capacity is Mr. Lalonde appearing?

The CHAIRMAN: Mr. Lalonde is appearing as counsel for the R.C.M.P. I think that would be the most proper way to proceed unless there are some serious objections from the members of the committee.

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Would you like to proceed, Mr. Lalonde?

Mr. LALONDE: Thank you very much, Mr. Chairman.

Constable Stamler, would you spell out your name and functions please?

Mr. STAMLER: RODNEY THOMAS STAMLER.

Mr. LALONDE: And would you tell this committee what your functions are?

Mr. STAMLER: I am employed with the R.C.M.P., traffic section office, dealing with prosecutions and court work.

Mr. LALONDE: How long have you been with the R.C.M.P.?

Mr. STAMLER: I have served for nine years.

Mr. LALONDE: Now, did you have anything to do with the charges against Mr. Gilles Grégoire in connection with the speeding and parking contraventions?

Mr. STAMLER: Yes, I did. On December 10, 1964, I received a speeding ticket from the Ottawa airport detachment for prosecution against Mr. Grégoire. This information was laid by the Carleton county court on December 11, 1964 and at that time I requested that personal service be instituted in the first case, so that a translated summons could be attached to the original court document. This was agreed to by the clerk. She signed the summons and issued it to me. I returned to the traffic section and gave the summons to Constable Delisle who is a bilingual member in our section. Constable Delisle was to serve the summons and make the translation of it and attach it to the original court document.

Mr. LALONDE: Yes? To your knowledge was this translation made?

Mr. STAMLER: I saw this translation prior to it being served and it was attached to the original court document and on December 14, 1964, Constable Delisle informed me that he had served the summons on Mr. Grégoire on parliament hill.

Mr. LALONDE: Yes.

Mr. STAMLER: On December 15, 1964 I received a parking ticket from the Ottawa airport again for prosecution against Mr. Gregoire. The information was laid on December 16 and again the summons was requested to be personally served in the first instance and the translated copy was to be attached and it was given to Constable Delisle again for service on Mr. Gregoire. This was again done by Constable Delisle and on December 18 he informed me that he had served Mr. Gregoire with the second summons on parliament hill as well. I might state that both summonses had a returnable court date set for January 15, 1965.

Mr. LALONDE: Before you go on, then you obtained from the court summonses in the English language, is that correct?

Mr. STAMLER: That is right, yes.

Mr. LALONDE: And you took the responsibility in your section to translate these documents, in order that translation be attached to the summons when they would be served on Mr. Grégoire?

Mr. STAMLER: That is right. I had received instructions to that effect from my superior that a translated copy was to be attached and I might add here that although it is not set out, as Mr. Cassells pointed out this morning, that summonses should be served under Part XXIV of the Criminal Code, which is the summary conviction section; the court does mail out our summonses.

There is nothing that says that they cannot be mailed out. Therefore, they do this to accommodate the accused. But, if they do not appear, then personal service is effected. In this case the mailing of the summons was dispensed with because we wanted to attach translated copies. In order to do this we had to serve personally.

Mr. LALONDE: Do I understand you correctly that the Ontario court would not mail out summonses with the translation attached to it?

Mr. STAMLER: Well, they have not seriously objected but they prefer not to do it. This was my answer.

Mr. LALONDE: I am sorry, I interrupted you. Would you carry on with the events?

Mr. STAMLER: On January 15, 1965, the case was called in Carleton county magistrate's court and since Mr. Grégoire was not present in court when his name was called, we adjourned the case. I requested that it be adjourned until January 22 to proceed ex parte at that time. On January 22, Constable Willam and Commissioner O'Callahan, who were the issuing officers in each case, gave evidence and Mr. Grégoire was convicted and ordered to pay a total sum of $42 costs and fines in both cases.

Mr. LALONDE: That is the total for both cases?

Mr. STAMLER: That is right. It was $30 on the speeding charge, $3.50 court costs, $5.00 on the parking, and $3.50 court costs, making a total of $42.

Mr. LALONDE: Yes?

Mr. STAMLER: Then on February 12, 1965, I received a warrant in the mail; that is, on the morning of February 12, and the warrant was made out to Mr. Grégoire in both cases, for parking and speeding offences.

Mr. LALONDE: Are you referring to the warrant of commitment?

Mr. STAMLER: Yes, that is right.

Mr. LALONDE: Who was this warrant of commitment addressed to? Is it the same one that Mr. Lessard referred to this morning that is addressed to the peace officers of the county of Carleton, in the city of Ottawa.

Mr. STAMLER: That is right, that is the warrant I received. And at 11.30 a.m. on February 12, I called Mr. Grégoire in his parliament hill office and I informed him of the warrants which I held in my possession. I advised him of the proceedings that had taken place in his absence and the fines that were levied against him. I also informed him that the alternative on the speeding case was five days in jail and two days on the parking. I requested that he should make payment to the Carleton county court to avoid the execution of these warrants and to this he replied that he was not paying them. I assumed he was joking and I continued to inform him that payment could be made. However, he stated that he would not pay them; that he preferred to take his time in jail. I explained to him that I would have no other choice but to convey him to county Carleton jail since they were warrants of commitments and he would have to spend his time in jail and there would be no further hearing. To this he replied that he preferred to go to jail, "I suppose they will let me take my books and my typewriter with me so that I can keep myself occupied". I asked him if he was serious about this and he said he was. He asked me what jail I would take him to and I informed him it would be Carleton county jail. He asked me again how long he would have to spend in jail. I stated five days on the speeding and two days on the parking.

Mr. LALONDE: Yes. Did Mr. Grégoire mention any reason why he would choose to go to jail?

Mr. STAMLER: No, he did not. He did not state any reason whatsoever at the time. He merely stated that he preferred to go to jail and that he would be ready

to go on Monday morning. I informed Mr. Grégoire that the arrest would not necessarily take place at his convenience. To this he replied that he would be in his office all day Monday if I wanted to see him and with that note the conversation terminated.

I brought this matter to the attention of my immediate superior, Staff Sergeant Rachel who left the traffic office and came back a few moments later, instructing me to proceed to parliament hill and execute the warrants in question. Accompanied by Constable Delisle we proceeded to parliament hill. I went into the centre block and I spoke to Chief Jones who I believe is in charge of the security men inside the House of Commons.

Mr. LALONDE: He would be an employee of the House of Commons?

Mr. STAMLER: Yes that is right.

Mr. LALONDE: Not a member of the force?

Mr. STAMLER: No.

Mr. LALONDE: Yes?

Mr. STAMLER: And I explained the situation to Chief Jones and he escorted me down to Colonel Currie's office. This situation was explained to Colonel Currie.

Mr. LALONDE: Would you state the function of Colonel Currie.

Mr. STAMLER: He is the Sergeant-at-Arms. This situation was explained to him and a few moments later Mr. Raymond came in.

Mr. LALONDE: Do you know what Mr. Raymond's functions are?

Mr. STAMLER: He is the Clerk of the House of Commons.

Mr. LALONDE: Yes?

Mr. STAMLER: Mr. Raymond advised me that he had been in touch with Mr. Grégoire and Mr. Grégoire had asked him that I see him on Monday or words to that effect. Mr. Raymond also asked me, if possible, to withhold the warrants until Monday at which time Mr. Grégoire would be willing to see me on the matter. I asked Mr. Raymond if Mr. Grégoire would be willing to pay this today and he said he did all he could in this regard and that the final words were to return on Monday. I stated that my instructions were, of course, to arrest Mr. Grégoire if he failed to pay this and Mr. Raymond stated that he would not see the arrest take place inside the House of Commons itself. I then stated I would arrest him if he left the centre block and to this Mr. Raymond replied, "Whatever you do outside is your business." I believe this is the entire account of the conversation that took place at that time. I left the office then.

Mr. LALONDE: This is Colonel Currie's office?

Mr. STAMLER: That is right, and I proceeded to our east block R.C.M.P. detachment where I informed Corporal Berthiaume, who was in charge, of what had transpired in Colonel Currie's office and I requested his assistance in trying to find Mr. Grégoire's car if it was in fact on parliament hill. I also called Staff Sergeant Rachel, my superior, and informed him of what had transpired as well. Staff Sergeant Rachel advised me to wait in front of the centre block for Mr. Grégoire's departure and arrest him if he should be seen leaving the centre block but not to effect the arrest inside the building.

Mr. LALONDE: Approximately what time was that?

Mr. STAMLER: This was approximately 12.30, I would say, somewhere around there.

Mr. LALONDE: Yes?

Mr. STAMLER: Of course, we waited then in front of the centre block for Mr. Grégoire's departure and at approximately 1.35 p.m. I observed Mr. Grégoire leaving the centre block and walk across the roadway directly in

front of the centre block. He was pointed out to us by Constable Miller who was on parliament hill detail and was standing in front of the building at the time. I believe he called to Mr. Grégoire and Mr. Grégoire stopped in the centre of this roadway and we drove up in the police car. I immediately got out and I approached Mr. Grégoire and informed him that I had the two warrants of committal which I had discussed with him earlier and I advised him that he was under arrest and would have to accompany us to Carleton county jail unless he preferred to pay it at that time. I was prepared to accept payment and give him a receipt for the $42. Mr. Grégoire refused to pay it and he insisted on seeing Justice Minister Favreau. He requested that he return to the centre block to make a telephone call so that he could get in touch with the minister. We did not allow him to leave and consequently he called Mr. Groulx, the Deputy Sergeant-at-Arms, who was standing on the parliament hill steps watching the proceedings, and he asked Mr. Groulx to call Mr. Favreau and tell him that we were taking him to jail against his will. Then Mr. Groulx left stating he would comply with these instructions.

Mr. Grégoire then saw the warrants again and stated that he refused to pay them because they were in the English language only. At this point Constable Delisle translated both warrants completely into French.

Mr. LALONDE: They would have been translated verbally, orally?

Mr. STAMLER: Verbally, yes, that is right.

Mr. LALONDE: Now had Mr. Grégoire raised this point with you before?

Mr. STAMLER: This is the first time that Mr. Grégoire had raised the point of French warrants or French documents. He then stated to Constable Delisle that had the summonses been in French he would have paid them, at which time Constable Delisle informed him that the summonses were; a translated summons was attached to the original court document, and Mr. Grégoire stated; "I meant the letter from the court." We waited at that point for approximately 15 minutes and since there was no arrival of anyone from the justice department I informed Mr. Grégoire that he would have to come with us and he stated that he would not come, we would have to use force if we wished to take him to jail. I radioed headquarters and got in touch with Staff-Sergeant Rachel, my superior, and informed him that Mr. Grégoire would not accompany us unless force was used in putting him in the car. Staff Sergeant Rachel informed me to use as much force as necessary to effect the arrest but not excess force.

Mr. LALONDE: Then what happened after you got these instructions?

Mr. STAMLER: The car was parked about 10 feet away from where we were discussing this. I returned to the car and I advised Mr. Grégoire that he would have to come with us now. He refused. He threw up his arms and said; "I am not going". I took Mr. Grégoire by the right arm and took him to the police car. He walked on his own. He did not resist too much at this point. Constable Delisle was on his left and Constable Miller opened the door and since it was a two door car he pushed the seat forward so that we could place Mr. Grégoire in the rear seat.

When we arrived at the car Mr. Grégoire placed his two hands on top of the police car. I removed his right hand and Constable Delisle removed his left hand. I placed my hand on his back to lower his head so that he could be put into the car.

Mr. GRÉGOIRE: How many feet?

Mr. STAMLER: I lowered his head enough so that it would clear the top of the car.

Mr. LALONDE: Yes?

Mr. STAMLER: And we pushed him on to the back seat of the car.

Mr. LALONDE: Who was this?

Mr. STAMLER: That was Constable Delisle and myself.

Mr. LALONDE: Were these the only two?

Mr. STAMLER: The only two. Constable Miller was off to one side at that time. Constable Delisle and myself pushed him with our hands only. I might say that Mr. Grégoire's resistance was only a token resistance and he did not pull at our clothing or fight with us or do anything to create the slightest assault on any of the persons there.

After being placed in the police car he sat up. When he went into the car in the back seat he was on his right hip and elbow and he did not come into contact with the far side of the police car. He sat up and when he did so I noticed that his wrist watch dropped from his arm. At this time I also noticed that his clothing was not disarranged in any way, and his hair was not mussed. It was no different from when he had left the centre block.

Mr. LALONDE: Did he complain about being hurt at any time during all that event?

Mr. STAMLER: No. The only remark that Mr. Grégoire made was that we had broken his wrist watch and I believe it was to the effect, directing us to the French speaking member he said: "Hey you, French speaking fellow, someone broke my watch, someone is going to pay for this".

Mr. LALONDE: Was this said in French or in English?

Mr. STAMLER: This was said in English.

Mr. LALONDE: Who got into the car?

Mr. STAMLER: Constable Miller went across Mr. Grégoire, or I should say in front of him, and sat on the left rear side of the car. Constable Delisle got into the driver's seat and I sat in the right front seat. I noticed Mr. Grégoire's watch, that the pin had come dislodged from the watch itself. I do not know whether the strap was broken or torn but I noticed that the pin was missing from the watch when he raised it in the back seat. There was no conversation whatsoever from the time we left parliament hill to the time we arrived at the jail between myself and Mr. Grégoire or any member in the car and Mr. Grégoire. We arrived at the jail and Mr. Grégoire left the car with no resistance whatsoever. He walked into the jail and he was turned over to the guards and there was no conversation whatsoever between ourselves and Mr. Grégoire inside the jail.

Mr. LALONDE: Any conversation that would have taken place then would have been with people at the jail; is that correct?

Mr. STAMLER: There was a conversation pertaining to a telephone call which was made with the jail guards.

Mr. LALONDE: Now, Mr. Chairman, I have photo copies of all the court documents in this matter plus photo copies of the parking tickets issued under the airport vehicle control regulations. These tickets are both in French and in English and are the documents issued by the officers who noticed the contraventions. The other documents are court documents and I would ask Constable Stamler whether, to his knowledge, this is the set of documents which was in the possession of the Royal Canadian Mounted Police, from the Carleton county jail?

Mr. STAMLER: Shall I refer to each document as I pass them on?

The CHAIRMAN: I think you should examine them sufficiently to identify them.

Mr. STAMLER: Yes, this is the parking ticket. This is my handwriting on the ticket itself and this is the speeding ticket. This is my handwriting on the

corner. This is my signature on the two informations, one for speeding and one for parking.

The CHAIRMAN: These are in duplicate.

Mr. STAMLER: No. The second copy is the reverse side. This is a summons for speeding and the affidavit of service by Constable Delisle. This is the summons for parking along with the affidavit by Constable Delisle. These are instructions on how to enter a plea of guilty and make payment by mail, issued by the court, and this is the French translation of the parking ticket, the French translation of the speeding ticket and the French translation of the instructions.

Mr. LALONDE: You said the French translation of the parking ticket. This is the French translation of the summons?

Mr. STAMLER: Of the summons, yes.

Mr. LALONDE: The parking summons and the speeding summons?

Mr. STAMLER: Yes, and this is the warrant of commitment for the parking offence and the warrant of commitment for the speeding offence.

Mr. LALONDE: Those are all the questions I have to put to the witness, Mr. Chairman.

The CHAIRMAN: Mr. Chrétien.

(Translation)

Mr. CHRÉTIEN: I would like to ask you a question. During the arrest, did Mr. Grégoire at any time mention his parliamentary privilege to the constable who was there when he was arrested?

(Text)

Mr. STAMLER: No, he did not. He stated that he was a Quebec citizen and a member of parliament, and therefore demanded that the documents be in the French language. He did not declare parliamentary immunity.

(Translation)

Mr. PRUD'HOMME: The police car, what type of car was it? Was it an Austin?

(Text)

Mr. STAMLER: It was an unmarked police car; it was blue and had no markings whatsoever on it.

Mr. SCOTT: Just to follow Mr. Chrétien, he asked the question I wanted to ask, but may I ask subsidiary to it whether any of your superiors, in giving you instructions, warned you or discussed with you or instructed you in any way concerning the possible immunity for members of parliament.

Mr. STAMLER: No. The only thing I can say there is that it is our policy to discuss these matters with Col. Currie, the Sergeant-at-Arms, if the member is inside the House of Commons itself. Correction. I should say it is our policy to speak to the guard at the centre block, possibly to Chief Jones or Col. Currie or Mr. Groulx, who is the deputy Sergeant-at-Arms. We always discuss this prior to serving summonses or effecting an arrest inside the House of Commons.

Mr. SCOTT: Your superior did not instruct you. Did Col. Currie instruct you in any way concerning possible immunity?

Mr. STAMLER: No, he did not. I asked him if the arrest could take place in Mr. Grégoire's office, and he said that he preferred that the arrest should not take place in the centre block.

Mr. SCOTT: Mr. Raymond said that—the clerk?

Mr. STAMLER: Those were his words as well.

(Translation)

The CHAIRMAN: Mr. Girouard.

Mr. GIROUARD: I would like to ask the witness what speed was indicated on the ticket given Mr. Grégoire for speeding.

The CHAIRMAN: On a point of order, Mr. Girouard, I do not think that is the matter before the committee.

Mr. GIROUARD: As the ticket was received as evidence, I thought we should find out about it. I could just ask you, Mr. Chairman. That is the only question I have in that connection.

The CHAIRMAN: Very well, I will allow your question but I wanted to tell you that we should not deal at any length with that matter.

Mr. GIROUARD: In that case, what speed was given on the ticket Mr. Grégoire was handed for speeding?

(Text)

Mr. STAMLER: It was 55 miles per hour.

(Translation)

Mr. GIROUARD: Now, you said a moment ago that you had spoken to Mr. Grégoire on the phone, did you only speak to him in English?

(Text)

Mr. STAMLER: I spoke in English to him.

(Translation)

Mr. GIROUARD: Did he answer you in English.

(Text)

Mr. STAMLER: He replied to me in English.

(Translation)

Mr. GIROUARD: Did he at any time tell you that he did not speak English, or that he had the right to ask that he be spoken to in both languages.

(Text)

Mr. STAMLER: No, he did not bring up the question of languages at all.

(Translation)

Mr. GIROUARD: When he told you he would prefer to meet you the following Monday, did he say he would pay you the following Monday?

(Text)

Mr. STAMLER: No, he stated that he wanted to be arrested and spend his time in jail.

(Translation)

Mr. GIROUARD: He told you he wanted to be arrested the following Monday, and go to jail?

(Text)

Mr. STAMLER: Yes, that is right.

(Translation)

Mr. GIROUARD: Now, when you met Mr. Grégoire before he was arrested did he mention, for instance, that the province of Ontario would not have jurisdiction in his case.

(Text)

Mr. STAMLER: No, he did not.

(Translation)

Mr. GIROUARD: And, as you say, he did not mention the matter before you put him in the car?

(Text)

Mr. STAMLER: He did not know.

Miss JEWETT: Mr. Chairman, may I ask a question?

Mr. STAMLER: The only two. Constable Miller was off to one side at that they wish to put questions. I have on my list Mr. Macquarrie and then Mr. Valade, Mr. Prud'homme, Mr. Lessard and Miss Jewett.

Mr. MACQUARRIE: When you entered through the centre block you sought out the Sergeant-at-Arms?

Mr. STAMLER: That is correct.

Mr. MACQUARRIE: But you did not seek out the Clerk of the House? As I recall your testimony, you said the Clerk of the House came in.

Mr. STAMLER: That is correct.

Mr. MACQUARRIE: You did not seek the Speaker or seek a message from him?

Mr. STAMLER: I did not, no.

Mr. MACQUARRIE: At the moment of the arrest, by whom was the order given to Mr. Grégoire to enter the car?

Mr. STAMLER: It was given by myself.

Mr. MACQUARRIE: In what language?

Mr. STAMLER: In English. I believe there was a conversation with Mr. Grégoire by Constable Delisle in French as well.

Mr. MACQUARRIE: Constable Delisle, you might say, assisted you as an arresting officer?

Mr. STAMLER: Yes, he did.

Mr. MACQUARRIE: His orders were given in French?

Mr. STAMLER: That is correct.

Mr. VALADE: Constable Stamler, did you take knowledge of or have you read the statement made by Mr. Grégoire in the House of Comomns on his point of privilege to this effect?

Mr. STAMLER: Yes, I have seen it.

Mr. VALADE: Would you say in your opinion what Mr. Grégoire said is entirely true?

The CHAIRMAN: Mr. Valade, I do not think that is a properly phrased question. It is somewhat outside the terms of reference referred to us. I do not want to restrict you unduly, but I suggest you try to bear in mind the reference and the order of the House of Commons.

Mr. VALADE: May I ask if the constable concurred in what was said by Mr. Grégoire in the House of Commons?

Mr. GIROUARD: This is cross-examination, Mr. Chairman; it is all right.

The CHAIRMAN: I feel that the constable should not be put in a position of having to give a blanket endorsement of a long speech. I think direct questions on particular points might be admissible, but I do not feel he should be in the position of either having to confirm or disagree with what may have been said in the House of Commons.

Mr. FRANCIS: Especially when it is not put on record here.

Mr. VALADE: On a point of order, Mr. Chairman, I was putting this question because the constable said to me that he had the statement made by Mr. Grégoire.

The CHAIRMAN: I would suggest, Mr. Valade, that you take specific parts of it if you wish to do so and ask for his recollection of the events, without

putting him in the position of directly confirming or contradicting what may or may not have been said.

Mr. VALADE: Then I come to this point. I wonder if the constable would tell us who instructed him or if he received instructions to the effect that he should see the Sergeant-at-Arms before he saw Mr. Grégoire to ascertain the procedure that should have been taken.

Mr. STAMLER: No one instructed me specifically in this particular case. It is merely our practice to do this with all members of parliament. If the member is in the House of Commons it is our practice to contact the Sergeant-at-Arms, or Chief Jones who will in turn convey the message to Col. Currie or Mr. Raymond as the case may be. It is merely a procedure and no one instructed me.

Mr. VALADE: When you say it is the practice, Constable Stamler, do you mean that this has been experienced at other times? It has happened before that you have had this experience?

Mr. STAMLER: In the service of a summons, occasionally, yes; but not by me personally, no.

Mr. VALADE: Can you recollect or can you tell this committee if to your knowledge, through you or by someone else, a similar event has happened concerning a member of parliament in the past?

Mr. STAMLER: It has not happened to me personally, although I have had several summonses for members of parliament. However, this procedure was not required because merely a telephone call sufficed for them to make the necessary payment.

Mr. VALADE: I am trying to ascertain, Mr. Chairman, if an event has happened such that we can draw a parallel in the procedure. We seem to be trying to find out if it was a breach of privilege by the Royal Canadian Mounted Police to come in and arrest a member of parliament on parliament hill. If Constable Stamler could tell us if he knows of someone in the force who had performed this duty in the past we would know whether we could draw a parallel.

The CHAIRMAN: I think, Mr. Valade, with due respect I have allowed the question and the witness has indicated that he has no personal knowledge or personal previous experience, and I think this is about as far as it will go. If the committee sees fit to call Commissioner McClellan later on you might like to pursue this point then.

Mr. VALADE: The constable said it was a matter of practice. If it is a matter of practice, certainly it must be based on a precedent.

Mr. OLLIVIER: I think the practice is that if a constable in uniform comes into the door of the House of Commons he will be stopped at the desk by a member of the staff and asked what is his business, and that happens once in a while in that way.

Mr. VALADE: I think the constable did not say he was stopped. He addressed himself to the Sergeant-at-Arms because that was the practice.

Mr. OLLIVIER: That does not contradict what I say.

Mr. VALADE: If it is the practice, if someone told him it was the practice to be observed, I would like to know who told him and why he proceeded in this manner.

The CHAIRMAN: I think that would be a proper question.

Mr. STAMLER: The only thing I can state in answer to that is that although, as I said before, I have not had any personal experience with this type of case or in serving a summons within the House of Commons to a member, it has

been handed down within our office from the man who did my work prior to my taking over that type of work, and it is merely an unwritten policy of our office to carry it out in this way.

Mr. VALADE: That is all, Mr. Chairman.

The CHAIRMAN: Mr. Prud'homme?

(*Translation*)

Mr. PRUD'HOMME: Constable, could you please tell me again what type of car you had?

(*Text*)

Mr. STAMLER: Yes, a 1963 Ford, two-door.

Mr. PRUD'HOMME: A two-door Ford?

Mr. STAMLER: Yes, and blue in colour.

Mr. PRUD'HOMME: Was Mr. Gregoire pushed in the front or in the back?

Mr. STAMLER: In the back seat.

Mr. PRUD'HOMME: If you do not mind, I will continue in French.

(*Translation*)

When Mr. Grégoire said that he was so roughly pushed into the car that he nearly went out through the other door, would that be possible in your opinion?

(*Text*)

Mr. STAMLER: No, it is not, not from what I saw. He did not come anywhere near the far side. As a matter of fact, when he sat up in the seat he was on the extreme—well, not the extreme but certainly on the right side of the rear seat.

(*Translation*)

Mr. PRUD'HOMME: Now, could the bracelet of Mr. Grégoire's watch have been broken when he got into the car, by getting caught on the front seat since, as we all know, and as you said, moreover, when you get into a car with two doors you have to push down the front seat to get into the back. So, in pushing down the back seat, if I understand rightly, to get in, it is certainly somewhat difficult and he may have dragged his arm, in your opinion, could his arm have caught on the front seat breaking his bracelet when he got into the back of the car?

(*Text*)

Mr. STAMLER: No, he could not have hit the front seat since the wrist watch was on his left hand and his left side in the car was to the rear quarter panel and not to the front seat. I do not know where Mr. Gregoire broke the wrist watch. All I know is that when he sat up in the car the watch dropped into his hand. I cannot say where. As I said, it was the pin that I saw that was dislodged. I cannot say at what point the watch was broken.

Mr. PRUD'HOMME: You did not find it strange that Mr. Grégoire, who is a French-speaking Canadian, spoke in English to the other French-speaking guy? In fact, if my memory serves me correctly, he said, "Hey, you French-Canadian, you broke my watch. You're going to pay for this." That is what you said, is it not?

Mr. STAMLER: Yes.

Mr. PRUD'HOMME: You do not find this strange? Did you not think it odd that a French-speaking Canadian should be talking in English to a French-speaking Royal Canadian Mounted Police officer? Was it because there were other...

The CHAIRMAN: Mr. Prud'homme, I think what he found strange and what he did not find strange is hardly relevant to the inquiry.

Mr. PRUD'HOMME: D'accord. To your knowledge, did Mr. Grégoire ever receive other tickets from the Royal Canadian Mounted Police for speeding on parliament hill?

The CHAIRMAN: That is not relevant either, Mr. Prud'homme. I think it is a most improper question and I would ask the members of the committee to co-operate.

Mr. PRUD'HOMME: D'accord.

Mr. GREENE: On a point of order, I take it we do not want the record closed in this regard. It may not be permissible to ask this witness this question, but I certainly want the question left open so that when Mr. Grégoire goes into the witness box the question may be asked from a point of view of credibility.

The CHAIRMAN: Mr. Greene, a certain amount of latitude must be given but any question of that sort will have to be related to the terms of reference or the order of reference of the House of Commons. Unless that can be pretty clearly demonstrated, a question of that sort is definitely out of order.

Mr. FRANCIS: Mr. Chairman, we have agreed that it is out of order for the present witness.

Mr. GREENE: And we will leave it open for Mr. Grégoire.

Mr. PRUD'HOMME: You clearly said in your testimony that Mr. Grégoire already had accepted and agreed to go to jail if you would be kind enough to postpone it until Monday next.

Mr. STAMLER: That is correct.

Mr. PRUD'HOMME: At that moment there was no question of language—French or English? It was not stated by Mr. Grégoire that his ticket was not bilingual or anything of that sort? He clearly said he was ready to go into jail on Monday next if you waited until that time?

Mr. STAMLER: That is correct.

Mr. PRUD'HOMME: It was only when you arrived with a strictly English warrant that the language question entered into it?

Mr. STAMLER: Not at first, but we were there about five to ten minutes at least before Mr. Grégoire brought up the subject of a French warrant. When he was first approached he did not mention the language of the warrant.

Mr. PRUD'HOMME: You repeated that. At that time there was no brutality, as mentioned by Mr. Grégoire himself?

Mr. STAMLER: The arrest was made as gentle as possible. It was not possible to put a man in the back seat of a car more gently than we did with Mr. Grégoire.

Mr. GRÉGOIRE: Thank you.

Mr. PRUD'HOMME: That is all.

The CHAIRMAN: Mr. Beaulé.

Mr. BEAULÉ: Mr. Stamler: To come back to December 10th when you handed a summons to Mr. Grégoire in the House of Commons, how did it take place?

(*Text*)

Mr. STAMLER: I did not serve the summons on Mr. Grégoire. It was Constable Delisle who served the summons on Mr. Grégoire. It was Constable Delisle who served the summons and that was on December 11, I believe.

Mr. LALONDE: Mr. Chairman, my intention is to call Constable Delisle as the next witness, so any question concerning the service of the summons will be answered by Constable Delisle who actually served the summons.

(*Translation*)

Mr. BEAULÉ: I have a question for the constable. To your knowledge, did you at that time need other constables to help you bring Mr. Grégoire along?

(*Text*)

Mr. STAMLER: No. We do not call any other constables to help. Constable Miller was at the scene. I believe Corporal Berthiaume was at the scene of his own accord and there was merely Constable Delisle and myself who were actually doing the arresting. The other members were there because it is their duty to be at that spot.

(*Translation*)

The CHAIRMAN: Have you finished Mr. Beaulé?

Mr. BEAULÉ: As it concerns the summonses of December 11 and 16.

The CHAIRMAN: You may ask a question later on. Mr. Lessard.

Mr. LESSARD (*Lac-Saint-Jean*): Mr. Chairman, a moment ago the constable stated that Mr. Grégoire absolutely did not want to be arrested before Monday the 15th. Did Mr. Grégoire explain at any time why he was not prepared to be arrested and to serve his sentence before Monday, February 15th?

(*Text*)

Mr. STAMLER: No, he did not explain why. Mr. Raymond stated that he had a lot of party business to complete over the week-end to prepare him for the opening of parliament and this is why he preferred to wait until Monday, but Mr. Grégoire did not state to me why.

(*Translation*)

Mr. LESSARD (*Lac-Saint-Jean*): Now, you stated a moment ago that there were three of you at the time of Mr. Grégoire's arrest, and that only two of you, yourself and Constable Delisle, who directly took part in Mr. Grégoire's arrest. Did the third constable touch Mr. Grégoire in any way?

(*Text*)

Mr. STAMLER: Not to my knowledge.

(*Translation*)

Mr. LESSARD (*Lac-Saint-Jean*): Constable, could I ask you what your weight is?

(*Text*)

Mr. STAMLER: One hundred and seventy pounds.

(*Translation*)

Mr. LESSARD (*Lac-Saint-Jean*): It would no doubt be possible to get the weight of Constable Delisle and the third constable, as I heard Mr. Grégoire make certain statements to the effect that the three constables together weighed 600 pounds and that the three men had pushed him around quite a bit.

The CHAIRMAN: You can ask the other constables to tell you how much they weigh.

Mr. LESSARD (*Lac-Saint-Jean*): Well, I suppose the constable does not know how much his colleagues weigh.

The CHAIRMAN: You can do that later on, I think, with the other witnesses.

(*Text*)

Mr. FRANCIS: Mr. Chairman, there is no reason why this witness should not answer if he wishes to do so.

The CHAIRMAN: I think, Mr. Francis, with due respect, the weight of the other constables, if it is relevant, should be—

Mr. FRANCIS: I think it is very relevant in view of the statements made by Mr. Grégoire. I think it is a very important piece of evidence.

The CHAIRMAN: If he wishes to pose those questions I suggest he should ask the constables concerned.

Mr. CASHIN: If I may say so, Mr. Chairman, the weight of the other constables would have more weight as evidence if it came from the constables direct!

(*Translation*)

Mr. LESSARD (*Lac-Saint-Jean*): May I continue Mr. Chairman? At the time of the arrest, do you, the constables, think you behaved like bandits?

(*Text*)

Mr. STAMLER: No.

(*Translation*)

Mr. LESSARD (*Lac-Saint-Jean*): Was the procedure you followed for Mr. Grégoire's arrest and, what happened before the arrest, the procedure you usually follow in all cases of criminal jurisdiction?

(*Text*)

Mr. STAMLER: Yes, the procedure is much similar.

(*Translation*)

Mr. LESSARD (*Lac-Saint-Jean*): No special attention was given in Mr. Grégoire's case because he was a member of Parliament?

(*Text*)

Mr. STAMLER: Do you mean with the actual arrest or the service of the summons?

(*Translation*)

Mr. LESSARD (*Lac-Saint-Jean*): Why did you wait?

The CHAIRMAN: Excuse me, did you understand? The witness asked you a question. He asked for clarification of your question, Mr. Lessard.

Mr. LESSARD (*Lac-Saint-Jean*): Very well, when you arrest people do you usually take as much care as you did in Mr. Grégoire's case? Do you usually handcuff them or not?

(*Text*)

Mr. STAMLER: I would say it would depend on the individual being arrested.

(*Translation*)

Mr. LESSARD (*Lac-Saint-Jean*): So in Mr. Grégoire's case, it was rather a special case.

(*Text*)

Mr. STAMLER: Yes, I would say it was.

(Translation)

Mr. LESSARD (*Lac-Saint-Jean*): Why did you wait a few days after the summons before arresting Mr. Grégoire?

(Text)

Mr. STAMLER: I do not understand that question.

(Translation)

The CHAIRMAN: Could you clarify your question Mr. Lessard? There was a hearing on December 11th, if I remember rightly, and another on December 16th. Then there was a conviction *in absentia* after that, so you should clarify your question, I think.

Mr. LESSARD (*Lac-Saint-Jean*): It seems that after the last summons served on Mr. Grégoire some time elapsed before you carried out the arrest. Was that because you had not received orders to carry out the arrest?

(Text)

Mr. STAMLER: No, as I explained before, it was because the returnable date on the summons was January 15, 1965. Since Mr. Grégoire was not in court on that date, the case was adjourned to January 22, 1965, at which time it proceeded *in absentia*. Then I believe it is the court's policy to send out a letter informing the accused of the trial. After that, it is the procedure to issue the summons.

(Translation)

Mr. LESSARD (*Lac-Saint-Jean*): Was there any other way in which the Carleton Court could have collected the $40 Mr. Grégoire owed. Instead of having him arrested, for instance, could his salary have been garnisheed?

(Text)

Mr. STAMLER: Not to my knowledge. This is the normal procedure to issue a warrant for non-payment of traffic fines.

(Translation)

Mr. LESSARD (*Lac-Saint-Jean*): When you took Mr. Grégoire to the Carleton jail, did Mr. Grégoire offer to pay when you had taken him into the station?

(Text)

Mr. STAMLER: No, he did not pay it at that time. He did not offer to pay it at that time, either.

(Translation)

Mr. LESSARD (*Lac-Saint-Jean*): Is that where it is.

(Text)

Mr. LALONDE: May I interrupt?

(Translation)

Mr. Lessard, your question is, did Mr. Grégoire offer to pay at the police station, as the police station is not in a position to know what may have taken place, let us say, between the prison warden and Mr. Grégoire.

Mr. LESSARD (*Lac-Saint-Jean*): So you ... we can conclude from what you have just said to me, Mr. Lalonde, that after they had him to jail they were no longer responsible for him.

Mr. LALONDE: Exactly.

Mr. LESSARD (*Lac-Saint-Jean*): All right, I have no other questions in that connection.

Miss JEWETT: Just one question. I wonder if Mr. Grégoire had asked for his books and typewriter to be brought.

(Text)

Mr. STAMLER: No, he asked if he could bring them. He said, "I suppose I can bring my books and my typewriter to jail to keep myself occupied."

(Translation)

Mr. CHRÉTIEN: I have a question. When Mr. Grégoire said he wanted to go to jail on the Monday rather than on the Saturday, did he mention that he intended to be, that he wanted to be in jail when the session opened?

(Text)

Mr. STAMLER: No, he did not.

(Translation)

Mr. BEAULÉ: On a point of order. That question was answered a while ago.

The CHAIRMAN: If the question has already been asked, not much harm has been done.

Mr. BEAULÉ: No other questions.

The CHAIRMAN: That is all.

Mr. LESSARD (*Lac-Saint-Jean*): I have a supplementary question in this connection. Did Mr. Grégoire specify at what time he would be available on Monday 15th, and could be arrested? Did he specify a time? Did he say "come and arrest me at 11 o'clock" at the time the new Canadian flag was raised, or later?

(Text)

Mr. STAMLER: No, he did not. He stated that he would be in his office all day Monday. If I wanted him at that time I could see him there.

Mr. MACDONALD: Constable, in your conversation with either Mr. Raymond or Colonel Currie, did either suggest that the arrest of Mr. Grégoire should be postponed until the Speaker could be advised or his consent obtained?

Mr. STAMLER: No.

Mr. MACDONALD: That question was not raised?

Mr. STAMLER: No, I did not insist that he be arrested inside the House of Commons and the matter was dropped. The only other conversation to that aspect was that it was my business whether we arrested him outside the house, and this was the entire conversation.

(Translation)

Mr. GIROUARD: Mr. Chairman, on a point of order, before Mr. Grégoire starts to ask questions I would like to ask him if out of decency and fairness he has decided since last time not to sit at this table and to ask questions himself. Would it be too much to ask whether out of decency he has changed his mind?

Mr. GRÉGOIRE: Mr. Chairman, my answer is the same as last time. It is not the member for Labelle who is going to teach me anything about decency and fairness.

Mr. Stamler you have been with the R.C.M.P. for nine years?

(Text)

Mr. STAMLER: Yes, that is right.

(Translation)

Mr. GRÉGOIRE: How long have you been in the traffic division?

(*Text*)

Mr. STAMLER: Five years.

(*Translation*)

Mr. GRÉGOIRE: Have you ever been on duty on Parliament hill?

(*Text*)

Mr. STAMLER: No, never.

(*Translation*)

Mr. GRÉGOIRE: When you 'phoned me on Monday morning, around 11:30, did you recognize my voice?

(*Text*)

Mr. STAMLER: Yes, I did.

(*Translation*)

Mr. GRÉGOIRE: Do you think I could have recognized yours? In other words, had we met before?

(*Text*)

Mr. STAMLER: No, we had never met.

(*Translation*)

Mr. GRÉGOIRE: Had we spoken over the 'phone previously?

(*Text*)

Mr. STAMLER: No, we had not. Prior to this telephone conversation we had never spoken on the telephone before.

(*Translation*)

Mr. GRÉGOIRE: We had never met, or at least you do not remember my having spoken to you before, or that you spoke to me before.

(*Text*)

Mr. STAMLER: That is correct.

Mr. FRANCIS: You are a famous man!

(*Translation*)

Mr. GRÉGOIRE: During that telephone conversation, did I mention that I had just received two notices to pay the Magistrate's Court? That when the decision had been handed down, I was sent two notices to pay and that I had just received them?

(*Text*)

Mr. STAMLER: I do not believe you did.

(*Translation*)

Mr. GRÉGOIRE: Did I not tell you that I had been away from my office for several days and that when I got back, on Friday morning, I had found the two notices dated January 25th requiring me to pay those amounts?

(*Text*)

Mr. STAMLER: It could be. You may have stated that.

(*Translation*)

Mr. GRÉGOIRE: I may have mentioned that. Did I mention at that time that I had only found them that day when I opened my mail; that I had not had time to attend to the matter and that I had only just seen them?

The CHAIRMAN: Mr. Grégoire, on a point of order I think that—

(*Text*)

Mr. STAMLER: No.

The CHAIRMAN: In order to make sure there is no misunderstanding, I would ask you to wait until the witness had heard the first part of the translation before you begin on the second part of your question. I think there has been some confusion with some of the other questions, and I think it is desirable to make sure there is no misunderstanding.

Mr. STAMLER: I do not remember that, sir.

(Translation)

Mr. GRÉGOIRE: This is my question; regarding the two notices to pay which, you say, I could have mentioned to you during the telephone call, did I not also mention to you that I had just found them that morning in my mail?

(Text)

Mr. STAMLER: I cannot remember. I do not believe he said that, sir.

(Translation)

Mr. GRÉGOIRE: There is a possibility that I may have spoken to you about those two notices? You do not remember?

(Text)

Mr. STAMLER: I do not remember that.

(Translation)

Mr. GRÉGOIRE: Mr. Stamler, you were aware of the fact that the House had recessed at that time, that is, that we were not always in the House. On February 12th the House of Commons was not sitting, were you aware of that?

(Text)

Mr. STAMLER: Yes, I was.

(Translation)

Mr. GRÉGOIRE: Did you come several times to the Parliament in Ottawa? Did you try several times to get in touch with me by 'phone before February 12th, or was it the first time?

(Text)

Mr. STAMLER: No, I attempted to call you at about 8.30 a.m. on February 12 for the first time thinking that perhaps you may have returned from Quebec city. Your secretary informed me that you had returned and that you would be in your office after 10 o'clock that morning. Then I called you at 11.30.

(Translation)

Mr. GRÉGOIRE: At what time did you get in touch with my secretary in the morning?

(Text)

Mr. STAMLER: It may have been 8.30 or 9.30. It was in the morning before 10 o'clock in any case.

(Translation)

Mr. GRÉGOIRE: In view of the fact that you knew we were in recess, it did not occur to you to serve or to have that summons served on me at my residence as mentioned on my driver's licence?

Mr. LALONDE: Mr. Chairman, I think we are getting into a legal matter here. Is Mr. Grégoire referring to the committal?

Mr. GRÉGOIRE: To the warrant for arrest.

Mr. LALONDE: The warrant for arrest.

(*Text*)

The CHAIRMAN: I may have misunderstood earlier, but did the constable not say that he attempted to serve the warrant the first day he had it?

Mr. STAMLER: That is correct.

The CHAIRMAN: That is just for clarification.

(*Translation*)

Mr. GRÉGOIRE: As Mr. Stamler knew we were in recess, did he try to serve the warrants for arrest at the residence mentioned on my driver's licence, at the address given on any various papers, before trying to serve them to me at the Parliament?

(*Text*)

Mr. STAMLER: We served the summons in December, and at that time the House of Commons was in session. The warrant—you are speaking of the warrants, are you?

Mr. SCOTT: On a point of order, Mr. Chairman, this is confusing to us. Mr. Grégoire is using the word "summons" and the witness is using the word "warrant". Is it the same thing in French?

The CHAIRMAN: This is a point of difficulty. This is why I placed my question.

Mr. GRÉGOIRE: I used the word... (continuing in French)

(*Translation*)

I used the term "warrant for arrest".

(*Text*)

The CHAIRMAN: I think perhaps the interpreter does not always use the same word. But perhaps we could get it clear. Were you referring to the warrant of arrest at this point?

Mr. GRÉGOIRE: Yes.

The CHAIRMAN: The question was, I believe: Did you attempt to serve the warrant of arrest at the address shown on the driver's licence or, if not the driver's licence, the vehicle registration?

Mr. STAMLER: No, we did not because had we executed the warrant in Quebec city it would mean that we would have to escort him back to Carleton county jail from Quebec city under escort all the way. Therefore we waited until he returned to Ottawa. However, I assumed it would be paid at that time. However, if the arrest had to take place it would not be so far to transport you to jail.

(*Translation*)

Mr. GRÉGOIRE: In ordinary cases when a man does not come to Ottawa regularly, as our duties require, what procedures do you follow?

(*Text*)

Mr. STAMLER: We would send the warrants to our Quebec city detachment and they would execute the warrants, providing there was more than just one parking ticket, shall we say.

The CHAIRMAN: Mr. Grégoire, I am allowing you a little latitude here. However, I hope you will not pursue this very far because it is somewhat outside the circumstances relating to your arrest on February 12. What may or may not happen in other situations is not entirely relevant here.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, I am not asking what might have happened in another specific case, but what procedure the R.C.M.P. usually follow in such cases? In the five years you have been in charge of traffic, approximately how many cases like this one has occurred for citizens of the province of Quebec? In how many such cases were you obliged to send the warrant to your representatives in that province to have them serve such warrants for arrest?

(*Text*)

Mr. STAMLER: Well, I would like to say at this time that I am not in charge of the traffic section. Staff Sergeant Rachel is in charge of that section. I have been in this type of work only one year in the traffic section. Although I have been in the traffic section for five years, I have been only one year in the prosecutor's office. However, during that time I cannot recall any warrant that was executed in another city, in a city other than Ottawa and its immediate surroundings. I know that this happens, but not since I have been in that office.

(*Translation*)

Mr. GRÉGOIRE: There are no other cases where warrants were transferred to the R.C.M.P. in other cities so that they could serve them?

The CHAIRMAN: That is outside his scope.

Mr. GRÉGOIRE: Not in the past year? Then if, instead of being a member of Parliament and coming here to carry out my duties, I had continued to reside in Quebec, without coming to Ottawa, and if I had had the same traffic ticket, in that case you would not have continued the proceedings?

(*Text*)

Mr. VALADE: That is making a conclusion.

Mr. STAMLER: No, we would have sent the warrant to Quebec city for execution. There was a speeding and a parking ticket involved.

(*Translation*)

Mr. GRÉGOIRE: But that has not happened in the past year?

(*Text*)

Mr. STAMLER: No.

(*Translation*)

Mr. GRÉGOIRE: This means that all the people who received tickets for speeding, in general, all of them, no specific case—those who received tickets from the R.C.M.P. and came from another province—

(*Text*)

The CHAIRMAN: Mr. Grégoire, it has not been established that there were other warrants served. It is not within our knowledge, at any rate, that other warrants were executed or at least that the case ever arose in the past year. I suggest you abandon this line of questioning. It is not relevant to the particular circumstances surrounding your arrest on February 12 and you are, I think, getting into a somewhat hypothetical area in that we have not even established, within my knowledge at least, that such a case did arise in the past year.

(*Translation*)

Mr. GRÉGOIRE: That is precisely what I am trying to establish, Mr. Chairman. The general practice rather than a specific case, that is, whether all tickets have been settled, or at least those given out by the R.C.M.P. since you have been in that office?

(*Text*)

Mr. STAMLER: We have conducted them within our area within the last year. We have not been required to return anyone from an outside city to settle any parking or any speeding violation.

(*Translation*)

Mr. GRÉGOIRE: You say "we have contacted", "we have communicated with", but have they all been paid?

(*Text*)

Mr. STAMLER: Yes.

The CHAIRMAN: I think this is quite out of order.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, perhaps you will see. Have all tickets for speeding or parking issued by the R.C.M.P. in the city of Ottawa, out of those tickets were some "arranged"? How were they "arranged"?

(*Text*)

Mr. LALONDE: Mr. Chairman, I would have to object to this question.

The CHAIRMAN: This is entirely outside the terms of reference for us, Mr. Grégoire, and I would ask you again to desist from this line of questioning. I feel it is quite irrelevant to the matter before us and certainly although I have been wanting to give you every latitude possible, I think you are asking questions that even go beyond the competence of the witness in some cases. We have not established in any way the relevance to the particular case in point, and I would ask you to get on to something else.

(*Translation*)

Mr. GRÉGOIRE: Mr. Stamler, on another point. In connection with that ticket did your department receive a telephone call asking that a parking ticket... You had a parking meter? Did your department get a telephone call asking that this particular case be proceeded with right to the end?

Mr. LALONDE: Mr. Chairman, could we have an explanation on that.

(*Text*)

The CHAIRMAN: I did not hear the question, I must confess.

(*Translation*)

Mr. GRÉGOIRE: Did your department receive a telephone call concerning a parking ticket that was put on my car on October 4, I think, telling your department that the procedure should be entirely followed through in this specific case?

(*Text*)

The CHAIRMAN: I do not quite understand the purport.

Mr. VALADE: On a point of order, the question Mr. Grégoire is putting seems to be an accusation or an innuendo against someone who may have conspired against Mr. Grégoire. If he has something to that effect, then he should bring it out.

Mr. CHRÉTIEN: And take the responsibility for the charge.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, I did not make any insinuation against anyone—their department can have received a telephone call without my naming anyone—this is not insinuating or accusing anyone.

Mr. CHRÉTIEN: Insinuations are made all too often, Mr. Chairman. Personally, I object to trying to smear everyone. If he wants to accuse anyone let him do so openly and take the responsibility as a member of Parliament, and he will be judged in consequence.

Mr. GRÉGOIRE: Mr. Chairman, I shall probably be able to accuse someone. Meanwhile, so long as I do not name anyone and do not insinuate anything, I am merely trying to find out whether or not they received a telephone call. I am not saying who from.

(Text)

The CHAIRMAN: There may have been lots of telephone calls. I think the question is a very very broad one and it would be very very difficult for the witness to answer. I do not feel it is a proper question, Mr. Grégoire.

(Translation)

Mr. GRÉGOIRE: Mr. Chairman, if Mr. Stamler tells me that he was not told over the 'phone or in a conversation about the specific case of the ticket placed in the front window of my car on October 4, then I have no further questions to ask. If he did receive a telephone call then maybe I can confirm certain things.

(Text)

Mr. SCOTT: Mr. Chairman, on a point of order, surely that question is relevant. This is cross-examination in which wide latitude is granted. All the constable has to do if he does not know is to say so. That does not mean the question is irrelevant. I think it is germane to certain circumstances of the arrest. I think he is entitled to answer.

The CHAIRMAN: Is it germane to the arrest? I fail to see the connection. We are dealing with the circumstances surrounding the arrest on February 12. If there is a direct circumstance—and I do not know, is this the offence for which you were later summoned?

Mr. GRÉGOIRE: Yes.

Mr. SCOTT: Yes.

(Translation)

Mr. CHRÉTIEN: Mr. Chairman, on a point of order. According to our terms of reference we have to examine Mr. Grégoire's arrest on Parliament Hill, that is, whether it was an infringement of his privileges as a member. We are not called upon to examine the date and the circumstances of the offence. We are merely called upon to discuss the arrest. Those are the terms of reference we were given by the House of Commons.

(Text)

Mr. SCOTT: May I continue my point of order?

The arrest on parliament hill took place pursuant to an order of court, issued on a conviction among other things, for a parking offence. Any other question dealing with the validity with that issue is really germane to the arrest.

The CHAIRMAN: I did not understand, Mr. Scott, at any point that the validity of that summons was questioned.

Mr. CASHIN: I think the words that Mr. Scott has just used would be the ones that I use to say that this is irrelevant because what is before us is whether or not this arrest constituted a breach of the immunities of a member of Parliament and surely the question that Mr. Grégoire asked has nothing to do with the validity of the arrest itself. On the face of it, in my view, the procedure followed is according to the procedures of the courts of law. Having established

that there was an arrest, our primary responsibility is to establish whether or not this arrest constituted a breach of a member of parliament's privilege. Surely Mr. Scott would have to agree with that.

Mr. SCOTT: I do not agree at all.

Mr. CASHIN: I am sure Mr. Scott's argument supports my submission.

Mr. GREENE: If we followed Mr. Scott's argument to its logical conclusion then we would be sitting here as a court of appeal on the question of the conviction. I think that would be a very dangerous precedent. As we pointed out this morning, we are here to see of there was a conviction and we have had evidence to the fact that there was. I do not think we can look behind that conviction. It is a question of whether or not the arrest carried out pursuant to that conviction was a lawful one.

Mr. PETERS: On a point of order, Mr. Chairman, it seems to me there are several points involved here. We have already accepted evidence as to how the arrest took place and what it constituted. Therefore, I think we have the right—although some may not agree—to establish the point in this way because Mr. Grégoire is putting the questions himself. But there must have been something in the back of his mind that originally decided him not to pay this fine. It seems to me that the testimony of the witness has been fairly straightforward to the extent of what took place. I am of the opinion that the witness, having lived in Ottawa for a number of years, should be more aware than he seems to indicate he is in relation to the sanctity of parliament and freedom from arrest of members. That is pretty well accepted by everyone in that area.

The question that is now being asked indicates an insinuation possibly but it is within the terms of the witness's knowledge because he was concerned with the original parking ticket, as I understand it. It is within his knowledge whether or not there had been advice from his superiors relating to this parking ticket. I believe, if we were not to allow that question now—the insinuation having been made, and I am not prejudging, but I am guessing what the answer will be—the impression will be left that this was a set-up case because of the parking ticket. I do not think that we should leave it in that position. If the question were allowed—and I think it was allowed—we should have an answer.

The CHAIRMAN: Mr. Peters, I do not see how you can disallow a question until you have heard it. My opinion of this matter—and this is the way I am going to rule—is that the circumstances concerning the conviction of Mr. Grégoire are not relevant to this matter. I feel that if Mr. Grégoire has some argument to make concerning the conviction, which was made in abstentia, certainly I think he should have been in the court to make his case there. I do not feel that this is the place for him to plead now the circumstances surrounding that conviction. I feel that the arrest which followed that conviction and the bench warrant that was issued afterwards are relevant matters but certainly the question that was decided in a previous court is not relevant.

(Translation)

Mr. BEAULÉ: Mr. Chairman, on a point of order. A moment ago when the witness stated that Mr. Grégoire received summonses on December 11th and 16th, it was not because it was irrelevant to Mr. Grégoire's arrest. No one raised a point of order and you allowed him to answer the questions he was asked.

(Text)

The CHAIRMAN: Mr. Beaulé, I think that that was relevant in that it led up to the arrest. In the sense that the conviction was made as a result of these offences in court *in absentia*, and considering the nature of the offences involved in this matter, we are here to determine now why he was being

arrested. It would seem that he was convicted because he did not appear in court. I feel that ends the matter—as far as the innocence or guilt is concerned—of the circumstances surrounding the servicing of the summons at that time. I do not feel that this committee should go into that area, and that is the way I shall rule. If there is any objection taken to this I certainly—

Mr. PETERS: I object.

(*Translation*)

Mr. GRÉGOIRE: Mr. Stamler, when you called me on the 'phone around 11:30 on February 12th, were you in the Parliament building?

(*Text*)

Mr. STAMLER: No. I was in my office at the time.

(*Translation*)

Mr. GRÉGOIRE: When you spoke in the office of the Sergeant-at-Arms, Colonel Currie, Mr. Raymond also phoned me at that time?

(*Text*)

Mr. STAMLER: I was not there when Mr. Raymond called you. He just said he had been in touch with you.

(*Translation*)

Mr. GRÉGOIRE: Did Mr. Raymond ask you whether you could come back on Monday?

(*Text*)

Mr. STAMLER: He stated or suggested that I wait until Monday since you had asked him that you would see me at that time.

(*Translation*)

Mr. GRÉGOIRE: He told you I would see you the following Monday?

(*Text*)

Mr. STAMLER: I did not get the full part.

(*Translation*)

Mr. GRÉGOIRE: He mentioned that I would see you the following Monday?

(*Text*)

Mr. STAMLER: He did say that.

(*Translation*)

Mr. GRÉGOIRE: Now, Mr. Stamler, in general, when you serve a warrant of commitment such as you served on me, are you the one who does this?

(*Text*)

Mr. STAMLER: No. We do not serve the warrant of commitment. We execute the warrant of commitment.

(*Translation*)

Mr. GRÉGOIRE: Is it you who serve the warrants?

(*Text*)

Mr. STAMLER: Yes, I do, at times.

(*Translation*)

Mr. GRÉGOIRE: How many members of the R.C.M.P. go there generally?

(*Text*)

Mr. STAMLER: Two normally.

(*Translation*)

Mr. GRÉGOIRE: Is there only one sometimes?

(*Text*)

Mr. STAMLER: Not in our office, there are always two.

(*Translation*)

Mr. GRÉGOIRE: In that case, Mr. Stamler, if I refer to the statement Mr. Chevrier the then Minister of Justice made in the House of Commons on June 27, 1963 (Hansard p. 1634):

> On June 18 a bilingual officer of the Royal Canadian Mounted Police came to Mr. Thibault's house to execute the warrant. Mr. Thibault answered the door, he was informed of the contents of the warrant and immediately—

Mr. CHRÉTIEN: On a point of order, Mr. Chairman. What warrant? That has no connection with the case we are examining here. If we have to look into all the arrests made by the R.C.M.P. we shall be here forever.

Mr. GRÉGOIRE: Mr. Chairman, that is the only precedent I shall refer to because Mr. Stamler said there are always two (officers) and never one alone, in his department, and here it is stated that there was only one.

(*Text*)

The CHAIRMAN: Mr. Grégoire, if I might just say that Constable Stamler has testified that the normal practice in his office is for two officers to serve the warrant and surely that is all that he should be required to testify on.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, I asked him whether sometimes only one (officer) executes warrants for arrest issued by his office and he answered no. Now, I have here the statement of the Minister of Justice according to which a bilingual R.C.M.P. officer went to Mr. Thibault's residence. He immediately asked whether the warrant was written in French or English. He was told that it was in English and the officer asked him to go with him and just—

Mr. CHRÉTIEN: Well, the text Mr. Grégoire is quoting may not prove anything because the other officer may have been English-speaking. He said he had at least one officer who was bilingual and that maybe—

Mr. GRÉGOIRE: If my colleague for Saint-Maurice-Laflèche will allow me to finish, he will see. I will just revert to the statement and you shall see. He was told that he was English and the officer asked him to go along with him.

Mr. Thibault slammed the door in the officer's face. Another R.C.M.P. officer who was in the area joined the first one. The second one arrived after the first one, and they both attempted to talk to Mr. Thibault.

(*Text*)

The CHAIRMAN: Mr. Grégoire, what is the relevance? The witness has answered the question.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, in this connection I would like to ask Mr. Stamler if on occasion one officer alone might go to an individual's abode to serve a warrant.

(*Text*)

Mr. STAMLER: Since I have been in the office that I am in now, we have always employed two men to execute warrants of this type.

(*Translation*)

Mr. GRÉGOIRE: Therefore the case in point happened before you were at the office?

(*Text*)

Mr. STAMLER: Yes, it did. I was not there at that time.

(*Translation*)

Mr. GRÉGOIRE: Now, in the case of my own arrest, how many officers came to serve the warrant?

(*Text*)

Mr. STAMLER: There was originally Constable Delisle and myself. Constable Miller and Corporal Berthiaume are normally employed on parliament hill, and they were in the area at the time and assisted in opening the door and so forth.

(*Translation*)

Mr. GRÉGOIRE: So, at that particular time, Constable Miller and Constable Berthiaume were on duty on parliament hill.

(*Text*)

Mr. STAMLER: Yes, that is correct.

(*Translation*)

Mr. GRÉGOIRE: And, when Constable Miller got in the automobile with Constable Delisle and yourself, to bring me to prison, because you were three, did Constable Miller leave his post on parliament hill to help you bring me to the Carleton county prison?

(*Text*)

Mr. STAMLER: Yes, he accompanied us. Corporal Berthiaume was there at the time; he is his immediate superior. I presume it was cleared with him, but I don't know.

(*Translation*)

Mr. GRÉGOIRE: So, Constable Miller asked or obtained permission from Corporal Berthiaume to accompany me, to accompany you—

(*Text*)

The CHAIRMAN: I suggest you put that question to Constable Miller. The witness already has testified he did not know if it was clear or not but he presumed it was. You might direct a question to Constable Miller on that point later on.

(*Translation*)

Mr. GRÉGOIRE: When you arrived on parliament hill, there was therefore only Constable Delisle and yourself?

(*Text*)

Mr. STAMLER: That is correct.

(*Translation*)

Mr. GRÉGOIRE: When you approached me with the warrant, at that particular moment, there were three of you?

(*Text*)

Mr. STAMLER: Correction; Constable Delisle and myself were in the car Constable Miller was standing on the sidewalk, and Constable Delisle and myself approached you, and Constable Miller came there as well. He was on duty at that time on parliament hill.

(*Translation*)

Mr. GRÉGOIRE: He was on duty on parliament hill. Was his duty at that particular time to direct traffic or to lend a hand if the need were felt?

(*Text*)

Mr. STAMLER: His duty, I believe was doing traffic duty on parliament hill. I suppose if the need arose he was there to assist us.

(*Translation*)

Mr. GRÉGOIRE: He was there also to help you carry out your duties which were therefore other than directing traffic on parliament hill?

(*Text*)

Mr. STAMLER: Yes.

(*Translation*)

Mr. GRÉGOIRE: When you approached me at the foot of the peace tower on that day—

(*Text*)

The CHAIRMAN: Order, please.

(*Translation*)

Mr. GRÉGOIRE: ...you showed me the warrant and you told me to follow you or pay up?

(*Text*)

Mr. STAMLER: That is correct.

(*Translation*)

Mr. GRÉGOIRE: Had I at that particular moment, asked to have a copy of the warrant in French?

(*Text*)

Mr. STAMLER: Not at first.

(*Translation*)

Mr. GRÉGOIRE: Did you show me the warrant at first?

(*Text*)

Mr. STAMLER: I held the warrant in my hand and I had the warrant open at the time when I approached you. I do not know whether you saw it or not but it was open and facing you.

(*Translation*)

Mr. GRÉGOIRE: Before you showed me the warrant for my arrest, immediately after you had told me that you had come to arrest me, was there not question, first, of the possibility of making a telephone call or calling either a lawyer, or the Minister of Justice?

(*Text*)

Mr. STAMLER: I do not remember a lawyer but I do remember the Minister of Justice.

(*Translation*)

Mr. GRÉGOIRE: Do you remember that I mentioned my office?

(*Text*)

Mr. STAMLER: No, I do not.

(*Translation*)

Mr. GRÉGOIRE: And it is afterward, after you had refused me the opportunity to make the call or visit the office of the Minister of Justice, that you showed me the warrant?

(*Text*)

Mr. STAMLER: We showed you the warrant before you stated that, and then you called Mr. Groulx, who was standing at the peace tower, and you asked him to call Mr. Grégoire. I then showed you the warrant again, and it was then you stated that you would not co-operate because it was not in French.

(*Translation*)

Mr. GRÉGOIRE: Did Mr. Groulx not arrive after this and, first and above all, when you approached me, was there not question first of all, of a telephone call which Mr. Raymond had made to me and of the fact that he had asked you to come back Monday instead of Friday? Would this not have been, to begin with, the first subject of the discussion?

(*Text*)

Mr. STAMLER: That is correct. You stated Mr. Raymond had informed you that I would see you on Monday, and then you spoke to Mr. Groulx, and then you objected as to the language of the warrant.

(*Translation*)

Mr. GRÉGOIRE: I therefore mentioned to you first of all that Mr. Raymond had said to me that you would come back on Monday?

(*Text*)

Mr. STAMLER: That is correct.

(*Translation*)

Mr. GRÉGOIRE: And, it is at that moment that you stated to me that you were not going to arrest me at my convenience but at yours?

(*Text*)

Mr. STAMLER: No. I never advised you. I do not believe I advised you of that at that time. It was on the telephone that we told you that the arrest would not take place at your convenience.

(*Translation*)

Mr. GRÉGOIRE: Was it not rather at the time of the arrest that this statement was made?

(*Text*)

Mr. STAMLER: No, it was on the telephone.

(*Translation*)

Mr. GRÉGOIRE: Would it not be rather, let us say, at the time of the arrest, after I had mentioned Mr. Raymond's telephone call to you? Would you not have said simply that it would not be according to Mr. Raymond's convenience or mine, but according to yours?

(*Text*)

Mr. STAMLER: I do not remember that at all.

(*Translation*)

Mr. GRÉGOIRE: You do not remember?

(*Text*)

Mr. STAMLER: I do not remember at all.

(Translation)

Mr. GRÉGOIRE: When Mr. Groulx arrived, is it not so that I asked Mr. Groulx, inasmuch as you had denied me the right to refer the matter to the Minister of Justice or to see him, whether he would not communicate with him and put the problem to him?

(Text)

Mr. STAMLER: Yes, I believe you asked Mr. Groulx that.

(Translation)

Mr. GRÉGOIRE: And it was after Mr. Groulx's departure that you showed me the warrant for my arrest?

(Text)

Mr. STAMLER: Again, yes.

(Translation)

Mr. GRÉGOIRE: And at that moment, I stated that I would not accept it unless it were written in the two official languages of the country?

(Text)

Mr. STAMLER: That is correct.

(Translation)

Mr. GRÉGOIRE: And you said to me, at that moment, to have it translated by Mr. Delisle?

(Text)

Mr. STAMLER: That is correct.

(Translation)

Mr. GRÉGOIRE: Has it happened to you on occasion to serve warrants for arrest, for traffic violations, verbally?

Mr. LALONDE: Mr. Chairman, may I draw your attention to the fact that Mr. Grégoire uses rather frequently the expression "serve warrants for arrest". Once again, the warrant for arrest is not addressed to the accused or to the person found guilty of an offence. We execute a warrant and the peace officer executes the warrant which is a Court order and we do not serve a warrant for arrest to an accused. I only want to clear this point up to avoid confusion in the testimony.

(Text)

The CHAIRMAN: Your point is what?

(Translation)

Mr. CHRÉTIEN: On a point of order, at that particular moment he isn't the accused; he is the condemned man.

Mr. GRÉGOIRE: Mr. Chairman...

(Text)

The CHAIRMAN: As I understand the point it is that essentially the warrant is addressed to the peace officer for his execution.

Mr. LALONDE: Yes, that is the point, and Mr. Grégoire used the expression "to serve a warrant". But the warrant is not served. This is not a document addressed to an accused or to a person found guilty of an offence.

(Translation)

Mr. GRÉGOIRE: Mr. Chairman, if we want to deal with terminology, my colleague Lalonde, by consulting the dictionary or the French language, could

realize one thing—I am talking on a point of order—which is that a "paper" can be served for the execution of a sentence and at that moment, the "paper" is served in order to execute: it is not the warrant that is being executed, it is the sentence that is being executed. So, if we want to stay within the terms of lexicology, a sentence is executed and not a warrant.

Mr. CHRÉTIEN: The witness Grégoire has spoken of "his colleague", Mr. Lalonde. Now Mr. Grégoire has never been admitted to the Bar.

Mr. GRÉGOIRE: Mr. Chairman, this is another one of the "bad jokes" of the Member for St. Maurice-Laflèche.

(*Text*)

The CHAIRMAN: Perhaps we might get over this point. I think Mr. Lalonde's point was that the officer was acting under instructions of the court, and the warrant was addressed to him as a peace officer. That is surely an accurate assessment. Certainly the warrant is written. I do not think there is any real quarrel over that.

(*Translation*)

Mr. GRÉGOIRE: Mr. Stamler, when you execute a warrant for arrest, using Mr. Lalonde's term, is it customary to read it or to show it to the person on whom you are serving it, even though you may not give it to him to read?

(*Text*)

Mr. STAMLER: Yes, he is always made aware of the contents of the warrant.

(*Translation*)

Mr. GRÉGOIRE: You show it to him or you read it to him?

(*Text*)

Mr. STAMLER: It is read to him.

(*Translation*)

Mr. GRÉGOIRE: Does it happen that you serve warrants, or execute an arrest after warrant, in the case of traffic violations and this exclusively by word of mouth?

(*Text*)

Mr. STAMLER: Yes, he is always advised of the contents of the warrant.

(*Translation*)

Mr. GRÉGOIRE: But, does it happen on occasion that you do so without document, either English or French, but carry it out verbally only?

(*Text*)

Mr. STAMLER: It could be.

(*Translation*)

Mr. GRÉGOIRE: In the case of a traffic ticket?

(*Text*)

Mr. VALADE: On a point of order, perhaps Mr. Lalonde has something to say.

Mr. LALONDE: On a point of clarification, I want the witness to understand clearly the question. Do you carry out the arrest of people for parking and circulation tickets without a warrant of commitment?

Mr. STAMLER: We never have, no.

(*Translation*)

Mr. GRÉGOIRE: Verbally only?

(*Text*)

Mr. STAMLER: No. We never have.

Mr. VALADE: I think it would be more proper to ask if in the case of Mr. Grégoire this happened or did not happen. That is all we need to know.

(*Translation*)

Mr. GRÉGOIRE: Now, Mr. Stamler, in the specific case of my arrest, you offered me to have the warrant translated verbally by Constable Delisle, I believe?

(*Text*)

Mr. STAMLER: That is correct.

(*Translation*)

Mr. GRÉGOIRE: Did I mention to you at the time that, verbally, it would not be official?

(*Text*)

Mr. STAMLER: I believe you did not pay attention to the reading of the warrant, and you may have stated it at that time.

(*Translation*)

Mr. GRÉGOIRE: I stated that a verbal translation of a warrant for arrest was not official.

(*Text*)

Mr. STAMLER: It could be that you said that.

(*Translation*)

Mr. GRÉGOIRE: And I asked to be given a copy in French, at the moment of my arrest.

(*Text*)

Mr. STAMLER: That is correct.

(*Translation*)

Mr. GRÉGOIRE: At that particular moment, you didn't have the slightest idea of having one made in French?

(*Text*)

Mr. STAMLER: I do not understand that.

Mr. LALONDE: There again we have had evidence this morning from Mr. Cassells who laid the complaint and who explained the position of the law in Ontario. I submit the question is one of law and was asked of Mr. Cassells, and that this witness is not a proper person to answer it.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, on a point of order—

Mr. LESSARD (*Lac-Saint-Jean*): Might we adjourn and sit later?

(*Text*)

The CHAIRMAN: On that point I think, Mr. Lalonde, if I might reply, that the point of law has been well made before the committee. I personally do not see why Mr. Grégoire is pursuing it. However, he has been asking questions concerning the conversation that took place at the time of the arrest, and I am giving him the same latitude. Whether there was any validity in his argument at that time or not, I think it may have some relevance in the conversation which took place.

(*Translation*)

Mr. GRÉGOIRE: I would like to ask Mr. Stamler, if, in the same way, when he has a summons to serve, with regard to an appearance in court in connection with a traffic ticket, whether you yourself do the translation and attach it to the original summons. Furthermore, have you never served a copy, in French, of the warrant, that you never had a copy in French of the warrant for arrest?

(*Text*)

Mr. STEWART: On a point of order; would you ask Mr. Grégoire if he has very many more questions. Perhaps we should adjourn.

The CHAIRMAN: I was going to do that.

(*Translation*)

The CHAIRMAN: Is your testimony likely to last much longer?

(*Text*)

Mr. GRÉGOIRE: Let us say 15 minutes.

Some hon. MEMBERS: Adjourn.

(*Translation*)

Mr. GRÉGOIRE: At eight o'clock tonight, Mr. Chairman?

(*Text*)

The CHAIRMAN: I am in the hands of the committee in respect of what we might do. Might I have a motion with reference to when we would have our next meeting?

Mr. FRANCIS: What would suit the convenience of the witnesses?

Mr. LALONDE: We are in the hands of the committee.

The CHAIRMAN: Does it meet the wishes of the committee that we should meet tonight?

Some hon. MEMBERS: Agreed.

Mr. SCOTT: Two committee meetings in a day is sufficient.

The CHAIRMAN: May we have a motion and decide it by a vote?

Moved by Mr. Cashin, seconded by Mr. Lessard (Lac-Saint-Jean), that the committee meet at 8 p.m.

Motion agreed to.

Mr. PETERS: Before we adjourn, this morning I raised the matter of there being certain documents in A division. At the lunch hour I looked in my files and I find I have a number of documents; one is from the R.C.M.P., A Division, referring to government property, the traffic act, and also there are several documents from the office of the Sergeant-at-Arms at that time who I believe was Colonel Franklin. Probably he could be called to give information in respect of the original document. The documents I have are dated February 25, 1959.

The CHAIRMAN: Mr. Peters, you might first indicate the relevance of this matter to the question here. I have been able to find on this a memorandum concerning a meeting of the standing committee on public buildings and grounds of the Senate which made certain recommendations and which had certain memoranda, and so on, from the R.C.M.P. concerning traffic enforcement on the hill. This is not relevant to the matter now before us, because the offence for which Mr. Grégoire was arrested took place outside parliament hill. The particular section under which he was charged was made clear to us this morning.

Mr. PETERS: I am in agreement with what you say, but in my opinion it does establish the right of the combined houses of parliament to make a decision in respect of the jurisdiction of parliament hill. It indicates that they gave to the R.C.M.P. certain rights which were not available to them without this type of agreement. This is an agreement that the Speakers themselves entered into with the R.C.M.P. to do the policing on the hill. It seems to me to establish pretty fundamentally the jurisdiction of parliament hill as the domain of the Speakers of both houses.

The CHAIRMAN: I think the relevance of the jurisdiction of parliament may be a valid one. I do have a memorandum here signed by Major Lamoureux, the Gentleman Usher of the Black Rod, concerning this context. It may be germane to the matters before us, and I am quite prepared to table this. The document I have is dated February 19. The covering letter is dated February 19 and the actual memorandum is dated February 10, 1959.

(Translation)

Mr. BEAULÉ: Mr. Chairman, I do not believe that we have a quorum.

(Text)

Mr. GRÉGOIRE: May we have a copy of this?

The CHAIRMAN: I am going to table it with the clerk of the committee.

I might warn you, Mr. Grégoire, that in my opinion the actual terms under which the traffic control is executed are not germane to the problem before us in a context that would indicate the jurisdiction of parliament and the precinct of parliament in that context.

Mr. GRÉGOIRE: If the R.C.M.P. are engaged in the circulation of traffic on parliament hill why would they engage in such a specific thing as this and help members from another section to proceed with the arrest of a member? Was he in the course of his duties entitled to do that? This is what we are going to find out.

Mr. CASHIN: Mr. Chairman, let us get on with the matter before us and not allow Mr. Grégoire to discuss his life as a member of parliament.

Mr. PETERS: Mr. Chairman, I have a copy of chapter 324 of the Revised Statutes of Canada, which is an act for the control of traffic on government property. It is an act of parliament which sets out the jurisdiction of the R.C.M.P. in policing it.

The CHAIRMAN: You mean parliament hill?

Mr. PETERS: The purpose of the memorandum so provided limited application of that act to parliament hill. This is where the jurisdiction comes in. It is agreed by everyone that jurisdiction on parliament hill is not covered by the ordinary government traffic regulations that apply to government property.

The CHAIRMAN: You are putting forth an argument in respect of the areas of parliament hill. I suggest we adjourn now and meet again at 8 p.m.

EVENING SITTING

(Text)

The CHAIRMAN: Gentlemen, I see a quorum. When we adjourned at six o'clock Mr. Grégoire had indicated that he had a few more questions to put to our witness. So I shall ask him to proceed.

(Translation)

Mr. GRÉGOIRE: Mr. Chairman, I'll simply ask the last question again, the one I asked before adjournment, if you will allow me. I'll ask Mr. Stamler

whether the Mounted Police is in the habit of translating the summons into French every time it concerns a French Canadian?

(Text)

Mr. STAMLER: No.

Mr. GRÉGOIRE: You summoned the defendant with an information and complaint?

Mr. STAMLER: We do not translate any complaints usually.

Mr. GRÉGOIRE: Not the summons?

Mr. STAMLER: Not the summons.

(Translation)

Mr. GRÉGOIRE: Nor the warrant for arrest.

(Text)

Mr. STAMLER: No, we never translate them.

(Translation)

Mr. GRÉGOIRE: In the circumstances, may I ask you, Mr. Stamler, whether you were aware of the statement made by Mr. Chevrier on June 25th, when he said:

"For the information of the honourable member"—

he answered one of my questions.

(Text)

The CHAIRMAN: If you want to put that forward as your own evidence as a witness before the committee, Mr. Grégoire, it might be an admissible argument. I have not heard it, but I do not think it is fair for you to ask the witness whether he is aware of what is said in the House of Commons.

Mr. GRÉGOIRE: If you will only let me ask the question I think you will understand. After that I shall ask my question and if it is out of order you will tell me.

The CHAIRMAN: Fine.

(Translation)

Mr. GRÉGOIRE: For the information of the honourable member, I have to inform him that, if an offence is committed on parliament hill, on the driveways or roads under the jurisdiction of the Mounted Police, the custom is to issue warrants in two languages. Now, here is my question: Has this statement made by Mr. Chevrier yet been forwarded to you by certain superiors of yours?

(Text)

Mr. STAMLER: No, of course not.

(Translation)

Mr. GRÉGOIRE: Have your superiors already talked about it to you?

(Text)

Mr. STAMLER: No.

(Translation)

Mr. GRÉGOIRE: So it was not a rule to be observed within the Mounted Police?

(Text)

Mr. STAMLER: The national capital commission falls into four different courts; one of the courts is the Hull court, and if the violation occurs on the Quebec side, we do serve these summonses and execute the warrant in the French language.

Mr. GRÉGOIRE: Only in French, or in both?

Mr. STAMLER: In the French language if the person charged has a French name.

(Translation)

Mr. GRÉGOIRE: Only in French or in both languages? If a person living in Hull has an English name, do you serve it to him in English?

(Text)

Mr. STAMLER: If he was charged in the province of Quebec, yes, it would be in English only.

The CHAIRMAN: Your point is not really relevant to the arrest. We are getting very far from the arrest made on February 12.

(Translation)

Mr. GRÉGOIRE: Now, Mr. Chairman, if you allow me, when I was arrested, I thought it fit to quote this statement made by Mr. Chevrier to the members of the Mounted Police, I said: "Yet, Mr. Chevrier told us that we would have warrants in the two languages." At that moment—

Mr. PRUD'HOMME: Mr. Chairman, on a point of order, could you repeat what you just said. You state that you said that to the members of the Mounted Police at the moment of your arrest.

(Text)

The CHAIRMAN: Order. The questions must be directed through the Chair. Your argument here, Mr. Grégoire, surely is not, or should not be made to the witness who is presently testifying. If you feel that you have a grievance in this matter there are other procedures that you can follow to bring it before either the committee or before the house. But surely it is not for this witness and it is not within his competence to offer an opinion whether or not there was a grievance.

(Translation)

Mr. GRÉGOIRE: All I ask him, Mr. Chairman, is whether his superiors have already mentioned this statement to him.

The CHAIRMAN: You ask him the question.

Mr. GRÉGOIRE: Now, generally speaking, as you told me before, you do not serve summons to appear or warrants of arrest in the two languages.

(Text)

Mr. STAMLER: Not in both; if it is in Quebec, it would be in French, if the person charged has a French name; and if in Ontario it would be in English at all times.

(Translation)

Mr. GRÉGOIRE: I have a supplementary question. I'll finish that point. In my case, it was outside the normal course of your business to give me a translation in French of the warrant, of the summons to appear.

(Text)

Mr. STAMLER: We supplied the French copy merely because we were aware of the controversy that would be raised if we did it only in English. This was our own translation and not a legal document.

(Translation)

Mr. GRÉGOIRE: But it was only in my case, for Ontario.

(*Text*)

Mr. STAMLER: In Ontario, there have been other times I believe when there has been a translation attached, but it is not the normal procedure.

Mr. GRÉGOIRE: If you have a question on this special point, Mr. Cashin, very well. I have some other questions.

Mr. CASHIN: My question follows on what Mr. Grégoire was saying. I can only presume it is in order. Are you aware of any regulation, or law, or procedure which demands that the summons or warrant, which is at issue here, be in the French language in the province of Ontario?

Mr. STAMLER: No. It is my understanding that it has to be in the English language only.

The CHAIRMAN: On that point, I think that the question might properly be directed to the crown prosecutor who was here this morning. Again I feel that we are getting into an area of legal opinion, and I think the questions to this witness should be strictly on the point of what he did, what was said, the circumstances surrounding the arrest, and so on. I do not feel we are getting into that.

Mr. CASHIN: I thought my question followed logically from what Mr. Grégoire was saying.

The CHAIRMAN: Please proceed, Mr. Grégoire.

(*Translation*)

Mr. GRÉGOIRE: Mr. Stamler, did you ask constable Miller to drive to the prison with us in the same car?

(*Text*)

Mr. STAMLER: I believe constable Miller asked us if we would like him to accompany us to the jail, and he stated that he could accompany us, and he did.

(*Translation*)

Mr. GRÉGOIRE: As far as I know, did he first ask corporal Berthiaume's permission, who happened to be his superior at that moment?

(*Text*)

Mr. STAMPLER: I do not know.

The CHAIRMAN: On that point, you might direct that question to constable Miller.

(*Translation*)

Mr. GRÉGOIRE: Did corporal Berthiaume offer to loan you constable Miller?

(*Text*)

Mr. STAMLER: I had no discussion with corporal Berthiaume on that matter, no.

(*Translation*)

Mr. GRÉGOIRE: He didn't offer it to you nor did you ask for it?

(*Text*)

Mr. STAMLER: That is correct.

(*Translation*)

Mr. GRÉGOIRE: It was constable Miller who offered his services.

(*Text*)

Mr. STAMLER: That is correct as far as I know.

(*Translation*)

Mr. GRÉGOIRE: You did not ask for it? It is he who offered them.

(*Text*)

Mr. STAMLER: He offered himself, and we agreed that he could accompany us.

(*Translation*)

Mr. GRÉGOIRE: You, you thought it fit to accept.

(*Text*)

Mr. STAMLER: Yes.

(*Translation*)

Mr. GRÉGOIRE: Did you find that necessary?

(*Text*)

Mr. STAMLER: I did not know whether we would have any trouble with you coming into the jail, or if you were going to resist, or would walk in on your own. As it was, it was not necessary, no, but we did not know this when we arrested you.

(*Translation*)

Mr. GRÉGOIRE: But to bring me into the car, you say that only two of them touched me.

(*Text*)

Mr. STAMLER: That is correct.

(*Translation*)

Mr. GRÉGOIRE: Then, you thought you had to be three, when the time would come to set me down and get me into prison.

(*Text*)

Mr. STAMLER: Well, I do not know. Constable Miller assisted us in opening the door when we put you in the car. If he had not done so, we might have had a little more difficulty.

(*Translation*)

Mr. GRÉGOIRE: But you said this afternoon that I did not defend myself, that I did not strike anybody, that I did not cling to your clothes, that I did not resist, that I simply remained passive. Now, did you have reasons to believe that I would violently resist to enter into the prison?

(*Text*)

Mr. STAMLER: I do not know. You resisted when you got into the car and I had no idea whether you would resist when you arrived at the jail.

(*Translation*)

Mr. GRÉGOIRE: At that moment, did you think that two constables of the Mounted Police such as constable Délisle and yourself, who are fairly hefty and well-proportioned, would not be able to break down my resistance when we would reach the prison, being two of you only?

(*Text*)

Mr. STAMLER: Oh, no!

Mr. CASHIN: On a point of order, the strength of Mr. Grégoire which he said he used when resisting arrest is not in issue here. There was an arrest

and there was a question of privilege of a member of parliament. I think this line of questioning is out of order. Whether there were three or four R.C.M.P. constables needed to arrest Mr. Grégoire is merely a compliment to his own physical stature.

Mr. GRÉGOIRE: On a point of order, it is simply because Mr. Stamler said before that I was a special case, and Mr. McClellan said that the R.C.M.P. went out of its way in my case. So I would like to establish what was special about me and my physical person.

The CHAIRMAN: On your point of order, Mr. Cashin, I feel that Mr. Grégoire is reaching quite a lot. Frankly I feel that perhaps we have given him quite a lot of latitude. I had hoped that we might finish with his questioning very soon. He indicated that he only had about 15 minutes.

Mr. GREENE: I think Mr. Grégoire is definitely entitled to establish whether any undue force was used in his arrest, and I think his questioning is directed towards that issue, and I submit that it is in order.

The CHAIRMAN: The questions have been allowed.

Mr. CASHIN: I say that the amount of force used in the case of Mr. Grégoire's arrest is not a matter with which this committee has anything to do. It is whether or not the arrest constituted a breach of the privileges of a member of parliament.

Mr. GRÉGOIRE: No, that is not the terms of reference. Please read them once more for the sake of Mr. Cashin.

The CHAIRMAN: It says the circumstances surrounding the arrest on February 12 of the hon. member for Lapointe be referred to the standing committee on privileges and elections.

Mr. PRUD'HOMME: I thought it was on February 15.

Mr. GRÉGOIRE: No, the 15th was a Monday. Friday was the day of the arrest.

The CHAIRMAN: Please proceed.

(*Translation*)

Mr. GRÉGOIRE: And the last question on this matter, Mr. Stamler, did you really feel it was necessary to have a third member of the Mounted Police to take me to prison?

(*Text*)

Mr. STAMLER: I can answer now that it was not necessary, but at the time I did not know what need there would be. There was not any need up to the time that you were placed in the car. From that point on I did not know what resistance you would offer at a later time when you were asked to go to the jail. As it was it was not necessary, but certainly I did not know at the time.

(*Translation*)

Mr. GRÉGOIRE: Your answer could lead me to ask you further questions, but I shall avoid that. Mr. Chairman, in order not to stray from the question, because I am really surprised to find that two members of the Mounted Police were afraid not to be numerous enough to master me.

The CHAIRMAN: Do you have other questions, Mr. Grégoire?

Mr. GRÉGOIRE: Yes, in my case, Mr. Stamler, in the case of my arrest, when you found out that I wanted to have a copy of the warrant for arrest in French, did you think of getting one?

(*Text*)

Mr. STAMLER: No.

(*Translation*)

Mr. GRÉGOIRE: Without reading Mr. Chevrier's statement with regard to Mr. Thibault's case, and simply that case—I shall ask a question afterwards —Mr. Chevrier declared that when the press and the television cameras arrived, the Mounted Police had received orders by radio-telephone to return to the Mounted Police office. Now I shall ask the question after that. In my case, Mr. Stamler, since there are certain similarities, did it not occur to you to do the same thing you did in Mr. Thibault's case?

(*Text*)

The CHAIRMAN: That question is not in order, Mr. Grégoire. You have not established any relationship, nor have you established that the constable is even aware of the procedures followed in the case of Mr. Thibeault. This is quite outside the jurisdiction of this particular hearing. I would suggest that you abandon that particular line of questioning.

(*Translation*)

Mr. GRÉGOIRE: Mr. Stamler, when Mr. Raymond, clerk of the House of Commons, asked you whether you could come back on Monday, did it occur to you to comply with his request?

(*Text*)

Mr. STAMLER: I did not get the last part.

(*Translation*)

Mr. GRÉGOIRE: When Mr. Raymond, clerk of the House of Commons, asked you whether you could not come back the following Monday, did it occur to you to comply with his request?

(*Text*)

Mr. STAMLER: Well, I was instructed to effect the arrest on that particular date by my superiors.

Mr. GRÉGOIRE: Which one?

Mr. STAMLER: Staff Sergeant Rachel, who in turn I believe spoke—

The CHAIRMAN: I do not think that is relevant.

Mr. STAMLER: In any case, Staff Sergeant Rachel asked me to effect the arrest, or accept the money for the fine and settle the matter on that particular date.

(*Translation*)

Mr. GRÉGOIRE: What reply did you give Mr. Raymond, Clerk of the House of Commons, to this question?

(*Text*)

Mr. STAMLER: I advised Mr. Raymond that I would not effect the arrest inside the house, but I could not promise you would not be arrested if I saw you outside the house, and his reply was "It is your affair".

(*Translation*)

Mr. GRÉGOIRE: Mr. Stamler, at a certain moment of the arrest, when we were at the foot of the Peace Tower or not far away from the Peace Tower, Corporal Bethiaume suggested to you to go and discuss this matter in the offices of the Mounted Police, in the West Block, on parliament hill. Do you remember that?

(*Text*)

Mr. STAMLER: Yes.

(*Translation*)

Mr. GRÉGOIRE: Did you accept at that moment?

(*Text*)

Mr. STAMLER: No, I did not.

(*Translation*)

Mr. GRÉGOIRE: Why did you refuse to go and discuss the matter in the Mounted Police office rather than outside?

(*Text*)

Mr. STAMLER: Well, because I felt at that time there was no need for any more discussion. There were only two alternatives; one, to pay it or the other was to go to jail.

(*Translation*)

Mr. GRÉGOIRE: You did not think it was necessary to discuss the matter in the Mounted Police office?

(*Text*)

Mr. STAMLER: That is correct.

(*Translation*)

Mr. GRÉGOIRE: From your radio-telephone in your car, how many calls did you make yourself, how often did you call the office of the Mounted Police?

(*Text*)

Mr. STAMLER: Two times.

(*Translation*)

Mr. GRÉGOIRE: Did you speak to the same person twice, each time?

(*Text*)

Mr. STAMLER: It was directed to Staff Sergeant Rachel.

(*Translation*)

Mr. GRÉGOIRE: Both times?

(*Text*)

Mr. STAMLER: Both times. I might explain that there was a radio operator on duty and when I asked what force should be used the radio operator returned the reply to use as much force as is necessary but not excessive force. I then asked the radio operator if this had been checked out through Staff Sergeant Rachel and he informed me that Staff Sergeant Rachel was in the radio room listening to the radio at the time.

(*Translation*)

Mr. GRÉGOIRE: How often did you yourself receive calls from your headquarters, in your car?

(*Text*)

Mr. STAMLER: Two.

(*Translation*)

Mr. GRÉGOIRE: You also received two; this means that in all there were four telephone conversations.

(*Text*)

Mr. STAMLER: No; there were two radio messages, and I received two replies.

(Translation)

Mr. GRÉGOIRE: You called twice?

(Text)

Mr. STAMLER: Yes. I called to check to see if it was actually Staff Sergeant Rachel's instructions to use as much force as necessary, to double check it.

The CHAIRMAN: I might clarify this. You were testifying that there were two transmissions by yourself and two replies?

Mr. STAMLER: Yes.

The CHAIRMAN: These were not two distinct conversations, but rather just two transmissions on the radio?

Mr. STAMLER: There were two transmissions a few moments apart.

(Translation)

Mr. GRÉGOIRE: Two calls in all, from you to the office.

(Text)

Mr. STAMLER: That is correct.

(Translation)

Mr. GRÉGOIRE: And no call from the office to your car radio?

(Text)

Mr. STAMLER: There were two replies from the office to myself.

(Translation)

Mr. GRÉGOIRE: Did you receive many calls?

(Text)

Mr. STAMLER: On the same calls. There were two replies to my calls.

(Translation)

Mr. GRÉGOIRE: Could we know what was the conversation that took place with the persons at the other end, in the office? Could you repeat these conversations which took place?

(Text)

Mr. STAMLER: Yes. I called in and I advised that you would not come to the car, that force would have to be used in placing you in the car and requested instructions. The reply was to use as much force as necessary, but not excessive force. I then waited a few moments and returned the call to the radio operator and asked him if he had confirmed this with Staff Sergeant Rachel and he stated that Staff Sergeant Rachel was in the office and that these were his instructions.

(Translation)

Mr. GRÉGOIRE: During these radio-telephone conversations with your superior, did you mention that I was ready to discuss this matter with you the following Monday and that the clerk of the House, Mr. Raymond, had asked you the same thing? Did you discuss these calls with your superiors?

(Text)

Mr. STAMLER: Not during the calls, but I did discuss this, after our telephone conversation, with Staff Sergeant Rachel.

Mr. LALONDE: Would you specify what telephone conversation you are referring to?

Mr. STAMLER: A telephone conversation with Mr. Grégoire at 11.30 a.m. on February 12.

Mr. LALONDE: At that time Mr. Grégoire had told you he would be willing to go to jail on Monday?

Mr. STAMLER: Yes. Also, I might add that I had another telephone conversation with Staff Sergeant Rachel after I spoke to Mr. Raymond and I informed him of the conversation with Mr. Raymond as well and it was then I was instructed to wait in front of the centre block for you to depart.

(Translation)

Mr. GRÉGOIRE: Therefore you, Mr. Stamler, you only followed the orders which were transmitted to you.

(Text)

Mr. STAMLER: Yes.

(Translation)

Mr. GRÉGOIRE: If I had had to discuss with you the question of bilingual warrants, that would not at all have been within your province.

(Text)

Mr. STAMLER: Yes. It was my business to appoint.

(Translation)

Mr. GRÉGOIRE: But if I discussed with you the fact that the warrant for arrest was not worded in French, at that moment, this was not within your jurisdiction?

(Text)

Mr. STAMLER: That is correct, I would—

(Translation)

Mr. GRÉGOIRE: You have nothing to do with that?

(Text)

Mr. STAMLER: I would not have anything to do with the translation of the summons.

The CHAIRMAN: Do you have a point, Mr. Lalonde?

Mr. LALONDE: My clients are in the hands of the committee and are willing to answer all the questions which the Chair and the members of the committee would want to have answered; there is no question about that. However, again Mr. Grégoire is raising the point of the bilingualism of the warrant—mandat de dépôt. It was again stated this morning quite categorically by Mr. Cassells that this was completely outside the responsibility of the R.C.M.P. These were court documents of the court of Ontario. I submit respectfully to the Chair and to the committee that this witness is in no position to make statements whether or not they should be bilingual. He was executing an order from an Ontario court. As Mr. Cassells stated this morning, even if there had been a translation attached to it, it would have no legal value whatever—this did not have any effect on the enforcement of the law. I submit this is not a point which should be raised with this witness.

The CHAIRMAN: I must say that Mr. Grégoire is straying certainly very far. However, Mr. Grégoire's position about this matter of bilingualism or the need for French documents, or what have you, is not necessarily the committee's opinion. I would point out that perhaps Mr. Grégoire has an opinion about this, and perhaps we all do. Mr. Grégoire should perhaps reserve argument on that for a later stage in our proceedings before the committee, but it is perhaps beyond the competence of this witness to answer questions on that point.

(Translation)

Mr. GRÉGOIRE: Mr. Chairman, the only point I want to make is that some people, among them Mr. Stamler, said to me before that I had not mentioned the question of the French language from the beginning of our conversation. Now, I simply wanted to show, and I think I have succeeded in showing, that he only obeyed the orders. He is not an official of the Laurendeau-Dunton Commission, he doesn't have to defend or approve of or discuss in any way the question of bilingualism within the Mounted Police, he simply obeyed the orders. That is why I asked him whether, if I had had to talk, if I had started to discuss with him this question of bilingualism, would it have helped in any way. He told me no, that it is not he who decides these matters.

The CHAIRMAN: You have made your point. Could we now leave that matter until later?

Mr. GRÉGOIRE: So, it was simply a point I wanted to make. I think Mr. Lalonde will understand in what spirit I did it.

Mr. LALONDE: I should like to add, however—the minutes will show it—that the witness did not really answer that he had no authority at all in this matter. If I remember well, he said—"up to a point".

Mr. GRÉGOIRE: May I then ask him the question in order to find out? To complete the replies he has already made to other questions which were asked of him before, and to clarify the minutes, did you have authority to decide whether or not you had a right to serve me a unilingual warrant or whether I, too, had a right to decide that I should have it in two languages.

(Text)

The CHAIRMAN: Mr. Grégoire, the authority is not in question. You referred to previous testimony. Earlier the witness indicated that sometimes as a matter of courtesy and on their own initiative they did translate documents and attached translations to them. This is not a question of law but, rather, as the witness said, earlier, a question of courtesy, and I feel the argument on the legal point, as to what authority he has to do this and so on, perhaps should be reserved for his superiors.

Mr. GRÉGOIRE: Certainly, Mr. Chairman, but I would like to point this out. I was mentioned as having not raised that point of bilingualism at the beginning so I wanted to ask Mr. Stamler if he had any authority in this field. If he says no that will finish it. I just wanted to make my point concerning the previous question I was asked.

Did you have any authority in respect of bilingualism when serving papers?

Mr. STAMLER: I would say no.

Mr. GRÉGOIRE: That is all.

Mr. MACDONALD: Mr. Chairman, on your point of order, I want to take the position that whether Mr. Grégoire is asking the question now or whether it comes up later I do not think it is within the competence of this particular hearing to determine whether the process should have been in French or in English. This is a matter for the Ontario courts to decide and I, personally, would not share your view that it is a question which can come up later on. The House of Commons has not as yet asked us to determine that question.

The CHAIRMAN: On your point of order, I am not quite sure whether or not the committee has jurisdiction to decide this question. But, undoubtedly Mr. Grégoire is going to bring it up. It may be that the committee will decide they do not have the authority to hear it, and we will meet that when we get to it. But, I was not in any way prejudicing the point, if you know what I mean.

Mr. MACDONALD: Mr. Grégoire may bring a great many things up but that does not mean we should discuss them.

Mr. MACQUARRIE: Mr. Chairman, as a matter of information, were all the documents that were tabled this morning unilingual or were there any bilingual documents?

The CHAIRMAN: There were translations attached.

Mr. GRÉGOIRE: To some of them.

Mr. MACQUARRIE: But, am I correct in my understanding that there were no basic forms that were used and tabled that were bilingual.

The CHAIRMAN: All these froms that were tabled, except for the traffic tickets, were documents of the court.

Mr. MACDONALD: Of the R.C.M.P. as opposed to the documents of the court?

The CHAIRMAN: The official documents, the summons and so on, were documents of the court.

Mr. MACQUARRIE: But, the R.C.M.P. documents, the parking ticket was bilingual.

The CHAIRMAN: Yes, it is bilingual.

(*Translation*)

Mr. GRÉGOIRE: Mr. Stamler, If I had wanted to pay as soon as you approached me at the foot of the Peace Tower, and if I had said "I don't have $42 with me, would you give me 15 minutes to cross the street?" I mentioned—

(*Text*)

The CHAIRMAN: Mr. Grégoire, that is a hypothetical question. The situation did not arise.

(*Translation*)

Mr. GRÉGOIRE: Thus, generally speaking, when the R.C.M.P.—

(*Text*)

The CHAIRMAN: It is a hypothetical question. It did not occur in the circumstances of this arrest.

Mr. GRÉGOIRE: I am not talking about circumstances of this arrest but in general.

The CHAIRMAN: That is not the issue before us.

(*Translation*)

Mr. GRÉGOIRE: Well, Mr. Chairman, it is not important. Mr. Stamler, when you approached me at the foot of the Peace Tower, did you show me any identification papers from the Mounted Police? Did you show me one?

(*Text*)

Mr. STAMLER: I told you I had the warrant in my hand and identified myself as a member of the R.C.M.P. I was in civilian clothes at the time but I was accompanied by Constable Délisle. I did not identify myself with my official card since Mr. Groos was in on the scene and so forth, and you had accepted the fact that I was in the force at the time.

(*Translation*)

Mr. GRÉGOIRE: Mr. Stamler, which of you took me by my right arm? Who was on my right side?

(*Text*)

Mr. STAMLER: I did.

(*Translation*)

Mr. GRÉGOIRE: Do you remember how you took it?

(*Text*)

Mr. STAMLER: Yes, I do.

(*Translation*)

Mr. GRÉGOIRE: How?

(*Text*)

Mr. STAMLER: I reached up with my right hand and I removed your right hand from the top of the car; I placed it at your side; I put my left hand on your shoulder and I lowered your body so you would be lower than the top of the door, and then we pushed you into the vehicle.

(*Translation*)

Mr. GRÉGOIRE: You say that you took my right arm and that you placed it forward "on the side"?

(*Text*)

Mr. STAMLER: On the side—

Mr. GRÉGOIRE: On the side, yes.

(*Translation*)

Not on the back?

(*Text*)

Mr. STAMLER: On the side, I mean, not on the back, no.

(*Translation*)

Mr. GRÉGOIRE: Are you sure of that?

(*Text*)

Mr. STAMLER: Yes, I am sure of that, absolutely sure.

(*Translation*)

Mr. GRÉGOIRE: And you held it on the side?

(*Text*)

Mr. STAMLER: I held it to your side and I lowered your body, as I said, with my left hand and then I released your right hand and eased you into the car. I did not twist your hand behind your back.

(*Translation*)

Mr. GRÉGOIRE: At a distance of how many feet—

Mr. CHRÉTIEN: Mr. Chairman, on a point of privilege, to make matters clear for everybody, if we repeated the scene, we could perhaps realize exactly—

Mr. GRÉGOIRE: At a distance of how many feet—Mr. Chairman, I hope you will not make me point out all the platitudes which the member for St-Maurice-Laflèche has uttered since the beginning of the inquiry.

Mr. CHRÉTIEN: Mr. Chairman, at a tribunal it is very important—

Mr. GRÉGOIRE: Mr. Stamler, how many feet were we away from the car the moment you decided to make me get into it?

(*Text*)

Mr. STAMLER: About ten feet. About ten to fifteen feet.

(*Translation*)

Mr. GRÉGOIRE: About ten feet, at the moment you decided to make me get into the car, or approximately—

(*Text*)

Mr. STAMLER: That is right, ten, fifteen feet, I would say.

(*Translation*)

Mr. GRÉGOIRE: From ten to fifteen feet?

(*Text*)

Mr. STAMLER: Roughly, yes.

(*Translation*)

Mr. GRÉGOIRE: And at that moment, would you have pushed me towards the car or would you have taken me by my arms before I reached the car?

(*Text*)

Mr. STAMLER: No. As I stated before, I took your right arm. Your right arm was folded like this and I took your right arm and lowered you to the police car. You did not resist.

(*Translation*)

Mr. GRÉGOIRE: No, Mr. Stamler, you said that you were taking hold of my right arm while it was holding the car.

(*Text*)

Mr. STAMLER: Yes, when we arrived at the car.

The CHAIRMAN: Mr. Grégoire, you can ask questions but you cannot argue with the witness. You should bear that in mind. If you have some questions you wish to redirect or if you wish to go over some of the previous testimony in respect of any question that will be fine, but you should not argue with the witness in respect of what he testified to previously.

Mr. LALONDE: I am sorry, Mr. Chairman, but I think the witness should be allowed to answer the question he started to answer before going to another question.

Mr. STAMLER: Yes, as I was saying, I took you by your right arm and you walked to the police car and when you arrived there you walked this ten, fifteen feet and you did not make too much resistance at that time, but when you arrived at the car it was at that time you put your two hands on top of the car and it was at that time I removed your right hand, as I explained previously.

(*Translation*)

Mr. GRÉGOIRE: At the distance of 10 or 20 feet where we were before, did you then get hold of my right arm?

(*Text*)

Mr. STAMLER: Yes, but your arm was in this position.

(*Translation*)

Mr. GRÉGOIRE: And I was not resisting?

(*Text*)

Mr. STAMLER: Not very much, no.

(*Translation*)

Mr. GRÉGOIRE: I allowed myself to be led away?

(*Text*)

Mr. STAMLER: That is right.

(*Translation*)

Mr. GRÉGOIRE: Without going there of my own?

(*Text*)

Mr. STAMLER: You walked by yourself, yes.

(*Translation*)

Mr. GRÉGOIRE: Did I advance on my own, or did you push me or drag me? Or, without dragging me, lead me to the car?

(*Text*)

Mr. STAMLER: No. You walked on your own and we guided you to the car.

(*Translation*)

Mr. GRÉGOIRE: Were you holding me by my right arm at that moment?

(*Text*)

Mr. STAMLER: I am sorry but I did not get the translation.

(*Translation*)

Mr. GRÉGOIRE: Were you holding me by my right arm at that moment?

(*Text*)

Mr. STAMLER: Yes, I was.

(*Translation*)

Mr. GRÉGOIRE: And who held me by my left arm?

(*Text*)

Mr. STAMLER: I don't know. Constable Délsle was on your left and I do not know whether he held your hand or your arm; I don't know.

(*Translation*)

Mr. GRÉGOIRE: You don't know whether I was being held by the left arm at that moment?

(*Text*)

Mr. STAMLER: I don't know. No, I do not.

(*Translation*)

Mr. GRÉGOIRE: Where was Constable Miller, at that time?

(*Text*)

Mr. STAMLER: I believe he was opening the car door at that time. He was opening the door of the car and pushing the seat ahead so we could put you into the rear of the car.

(*Translation*)

Mr. GRÉGOIRE: And when I arrived at the automobile, would the automobile door not have been opened previously? Had you not just made a telephone call and would the automobile door not have been open?

(*Text*)

Mr. STAMLER: The door of the car may have been open; I don't know. But Constable Miller was at the door and he pushed the seat forward. I know that.

(*Translation*)

Mr. GRÉGOIRE: And when I arrived at this door, Constable Miller was already at the automobile door.

(*Text*)

Mr. STAMLER: He stepped aside to my right when we arrived at the door and Constable Délisle, yourself in the centre, and myself on the right were the only people in front of the door at that time. I do not know where Constable Miller went to or what he did.

(*Translation*)

Mr. GRÉGOIRE: And you don't know whether Constable Délisle was holding me by the arm?

(*Text*)

Mr. STAMLER: I do not know. I know he removed your left hand from the top of the car. I did see that. But, I do not know whether he was holding your other hand or your arm, I should say, when we were walking to the police car.

(*Translation*)

Mr. GRÉGOIRE: Did I say to you, when you decided to make me get into the automobile, that I would not resist, but that I would not go of my own volition?

(*Text*)

Mr. STAMLER: You said you would not go with us, that you would resist arrest.

(*Translation*)

Mr. GÉGOIRE: Did I say that I would not resist?

(*Text*)

The CHAIRMAN: Mr. Grégoire, I think this is indeed going very far. If you want to get on the record what you said perhaps you should volunteer as a witness before the committee.

I think this form of questioning is most improper. I think it is taking a great deal of time.

(*Translation*)

Mr. GRÉGOIRE: I am ready to testify, Mr. Chairman. Any time.

Mr. Chairman, I have two last questions. Before stating then, I would like to say that on the whole, I find Constable Stamler's statements to be true, except, in my opinion, on two points which I would like to have clarified. Here is the first. It concerns the two notices to pay which I received from the Court on the very Friday of my arrest. Mr. Stamler, do you recall my mentionning to you these two notices to pay, which I had received that very morning, when you telephoned me and when you talked with me in front of the Peace Tower?

(*Text*)

Mr. STAMLER: I do not remember that, sir; I do not.

(*Translation*)

Mr. GRÉGOIRE: You do not remember my speaking to you of them?

(*Text*)

Mr. STAMLER: No, I cannot.

The CHAIRMAN: Have you finished, Mr. Grégoire?

(*Translation*)

Mr. GRÉGOIRE: My last question. It concerns the words which I am supposed to have said as I entered the automobile, after my watch had been broken. Could please repeat the words which I am alleged to have said.

(*Text*)

Mr. STAMLER: Yes. You said something to the effect of this, "You French-speaking fellow, look, take note, someone broke my wrist watch. You are going to pay for this", and this was in English.

Mr. GRÉGOIRE: You say "something like this".

Mr. STAMLER: Words to that effect.

Mr. GRÉGOIRE: "You French-speaking fellow"?

(*Translation*)

Would I have said: "You, French speaking fellow"?

(*Text*)

Mr. STAMLER: "You French-speaking member", "you French-speaking fellow"—and you were directing your statement to Délisle. You directed your statement to Délisle.

(*Translation*)

Mr. GRÉGOIRE: Did I not rather ask: "Which one is speaking French among you?" instead of saying: "You French speaking fellow"?

(*Text*)

"Which one among you is French?" instead of "you French-speaking fellow"?

Mr. STAMLER: No, you directed that to the French-speaking member by saying what I have said—"You French-speaking fellow, you have broken my wrist-watch. You are going to pay for this."

Mr. GRÉGOIRE: You are saying that is the exact wording?

Mr. STAMLER: I am not saying it is the exact wording. I am saying it was something to that effect.

Mr. GRÉGOIRE: And I added "You are going to pay for this"? In French or in English?

Mr. STAMLER: In English.

(*Translation*)

Mr. GRÉGOIRE: Where were you sitting in the automobile?

(*Text*)

Mr. STAMLER: I was sitting in the right front seat.

Mr. FRANCIS: This question seems to me to be irrelevant.

(*Translation*)

Mr. PRUD'HOMME: Mr. Stamler, did you know Mr. Grégoire before?

(*Text*)

Mr. STAMLER: I have seen him on television on occasion, and from this I knew him.

Mr. GRÉGOIRE: Before the arrest?

Mr. STAMLER: Before the arrest.

Mr. FRANCIS: His performance was better afterwards!

(*Translation*)

Mr. PRUD'HOMME: Did you have anything in for Mr. Grégoire, in the sense of getting even?

(*Text*)

Mr. STAMLER: Absolutely not; none whatsoever.

(*Translation*)

Mr. PRUD'HOMME: When Mr. Grégoire was pushed or requested to enter the two-door car, did someone give him his knee in the lower part of the back?

(*Text*)

Mr. STAMLER: Absolutely not. It was impossible to do this. We merely pushed him in with our hands only.

Mr. GRÉGOIRE: On this specific question may I ask a supplementary? You did not do it. Are you sure the others did not do it?

Mr. STAMLER: I did not see Constable Délisle do it and I was standing right beside him.

Mr. GRÉGOIRE: And you did not see if Constable Délisle did it?

Mr. STAMLER: Not when we were—

The CHAIRMAN: Questions concerning what the constable did or did not do should be directed to the specific constables and not to this witness.

Mr. GRÉGOIRE: I asked this question because the witness said "we did not do it". He spoke for the three of them, so I had to clarify the record. I think I was completely justified in asking the question.

The CHAIRMAN: On a point of order—you may be perfectly justified in raising that other point of order and perhaps the witness should restrict himself to what he did or did not do and what he saw or did not see. However, that should be raised as a point of order and not as re-examination.

Mr. STAMLER: I did not use my knee and push you in the car and I did not see Constable Délisle using his knee. I do not know whether he did or did not, but I did not see him do so.

(*Translation*)

Mr. PRUD'HOMME: Mr. Stamler, is it a fact, that at the time of Mr. Grégoire's arrest you and two of your colleagues jumped on Mr. Grégoire?

(*Text*)

Mr. STAMLER: Absolutely not. We walked up to him in a normal manner, and we spoke to him in a normal manner and in normal tones for approximately 15 minutes.

(*Translation*)

Mr. PRUD'HOMME: When you called your superiors to find out what you should do, in view of Mr. Grégoire's refusal to enter by himself of his own free will, into the automobile and that you received a reply from your employer to have recourse to strength if need be, when you were told over the telephone or radio, to use strength, if necessary, was it to inform Mr. Grégoire that if he did not get in the automobile you would be obliged, at that time, to use strength?

(*Text*)

Mr. STAMLER: Yes, I did, just before placing him in the car he stated that he would resist arrest; and I said that we would have to use force in placing him in the car if he resisted.

(*Translation*)

Mr. PRUD'HOMME: That's right. Thank you.

The CHAIRMAN: Doctor Marcoux.

Mr. MARCOUX: Mr. Stamler, did you ever have anything to do with Mr. Grégoire before this offence, with regard to traffic tickets or parking?

(*Text*)

The CHAIRMAN: That question is—

Mr. GRÉGOIRE: On a point of order, Mr. Chairman—

(*Translation*)

Mr. GRÉGOIRE: Now that this question has been asked—

(*Text*)

The CHAIRMAN: I cannot rule a question out of order until I have heard it and until it has been asked. I have now ruled this question out of order and I do not feel any further discussion is necessary on this point.

(*Translation*)

Mr. GRÉGOIRE: Well, Mr. Chairman, on a question of privilege, now that the question has been put and that there may be doubt, I would like to state for the record that I have never had any other . . . contact, of any kind whatsoever with the Mounted Police, for traffic or parking offences.

Mr. MARCOUX: Mr. Stamler, is it true, that when you made your first telephone call to Mr. Grégoire, the telephone operator told you that his line had been disconnected because he had not been paying his telephone bills?

Mr. Stamler, do you get the impression that the Mounted Police behaved in a shameful and brutal way toward a Member of Parliament, on the occasion of Mr. Grégoire's arrest of course?

(*Text*)

Mr. STAMLER: Absolutely not. We used the minimum force necessary in this particular case.

(*Translation*)

Mr. MARCOUX: Mr. Stamler, did you refuse Mr. Grégoire's request to communicate with the Minister of Justice, Mr. Favreau?

(*Text*)

Mr. STAMLER: No, we would not permit him to return to the centre block to make a telephone call which he requested to do. But when he called Mr. Groulx, the Deputy Sergeant-at-Arms, and asked him to make the call, we waited, as I said to you before, at least 10 to 15 minutes for someone's arrival, and since no one arrived we left the scene.

(*Translation*)

Mr. MARCOUX: So, you allowed Mr. Grégoire to get in touch with Mr. Favreau.

The CHAIRMAN: Indirectly.

(*Text*)

Mr. STAMLER: Yes, indirectly.

(*Translation*)

Mr. MARCOUX: There is one question I should have asked you in the beginning: How tall are you?

(*Text*)

Mr. STAMLER: Five feet 10 approximately.

(*Translation*)

Mr. MARCOUX: You don't measure 6 foot.

(*Text*)

Mr. STAMLER: No, I do not.

Mr. GREENE: That is the little guy!

Mr. CASHIN: It must be some awfully big guy who was there!

(*Translation*)

Mr. MARCOUX: Mr. Stamler, were you the first officer to touch Mr. Grégoire, in any way?

(*Text*)

Mr. STAMLER: You mean originally when we first contacted Mr. Grégoire, when we first spoke to him? Or do you mean when he resisted?

(*Translation*)

Mr. MARCOUX: When you touched him to make him get into the car. You were the first?

(*Text*)

Mr. STAMLER: Yes, I was the first. I believe I was the first, yes.

(*Translation*)

Mr. MARCOUX: So, did you twist Mr. Grégoire's right arm behind his back?

(*Text*)

Mr. STAMLER: No, I did not.

(*Translation*)

Mr. MARCOUX: Is it so, that when the warrant for his arrest was shown to Mr. Grégoire and that it was noticed that it was not written in French, is it so, that Mr. Grégoire said, that as a matter of principle, he wanted to have a French version?

(*Text*)

Mr. STAMLER: Yes. After 10 minutes at the scene, as I stated before, after Mr. Groulx left and he was shown the warrant again for the second time he stated that he wanted it in French because he was a member of parliament and a citizen of Quebec. Since this was a federal offence he demanded it in the French language.

(*Translation*)

Mr. MARCOUX: He said that it was a matter of principle; it was not because he did not understand the language, and it was not because he preferred it to be in French, but that it was a matter of principle.

(*Text*)

Mr. STAMLER: I do not remember whether he said that or not, sir.

(*Translation*)

Mr. MARCOUX: Well, that will be all for now Sir.

The CHAIRMAN: Mr. Chrétien.

Mr. CHRÉTIEN: Officer, on the occasion of his statement to the House on February 16 1965, Mr. Grégoire stated as follows:

> Mr. Speaker, I would be interested to know the name of the person who gave an order to the Head-office advising them to use the necessary strength to get me into the automobile. I got into the automobile and nearly came out by the door on the other side.

Do you admit the truth of this statement?

The CHAIRMAN: Mr. Chrétien, would you care to frame your question differently? You should not ask a witness to comment on the truth of points brought up in the House.

Mr. CHRÉTIEN: Is it so that Mr. Grégoire nearly came out by the door on the other side?

(Text)

Mr. STAMLER: No, he did not come into contact with the far side at all. He was, I would say, a foot from the far side of the car.

(Translation)

Mr. CHRÉTIEN: During the 15 or 20 minutes when you were on Parliament Hill in front of the Peace Tower, when you were with Mr. Grégoire and other officers of the Mounted Police, in what language was the conversation carried on?

(Text)

Mr. STAMLER: It was partly in English, and partly in French.

(Translation)

Mr. CHRÉTIEN: Did Mr. Grégoire tell you at a given moment, why he wanted to reach the Minister of Justice?

(Text)

Mr. STAMLER: I believe when he spoke to Mr. Groulx he stated: "These people are going to take me to jail."

Mr. CASHIN: In tears!

The CHAIRMAN: Mr. Greene, you are next.

Mr. GREENE: I think you have told us that the parking ticket which was served on federal property was bilingual; is that correct?

Mr. STAMLER: I have not said so, but it was bilingual.

Mr. GREENE: You have seen it since?

Mr. STAMLER: Yes.

Mr. GREENE: And the charge with regard to speeding, the first process in that charge was the summons. There was no ticket given at the place of the offence?

Mr. STAMLER: Yes, there was a ticket given at the time of the offence.

Mr. GREENE: At the time of the offence? And was it bilingual also?

Mr. STAMLER: Yes, it was.

The CHAIRMAN: Mr. Greene, those two documents are on record.

Mr. GREENE: Now the next step in proceeding on both offences was the laying of the information and the issuing of the summonse; is that correct?

Mr. STAMLER: That is right.

Mr. GREENE: And that was done through the agency of the crown attorney's office of the county of Carleton. Is that correct?

Mr. STAMLER: No. It was done through the magistrate's office in Carleton county.

Mr. GREENE: Through the magistrate's office in Carleton county?

Mr. STAMLER: Yes.

Mr. GREENE: And the procedure there then was carried out in accordance with the Ontario law in that regard; is that correct?

Mr. STAMLER: That is right, yes.

Mr. GREENE: Now, did Mr. Grégoire say to you at any time why he wished to be arrested instead of paying $42?

Mr. STAMLER: No, he did not. He did not state that over the telephone. This is when the main part of this conversation took place regarding the arrest on Monday and so forth. He did not say why he wanted to be arrested on Monday. I asked him why he was taking this stand. He did not answer me. He said; "I wish to spend my time in jail".

Mr. LALONDE: I have a supplementary on this point. When you asked Mr. Grégoire on the telephone that morning to pay the fine of $42 what answer did he give you?

Mr. STAMLER: He stated: "I am not paying it."

(Translation)

Mr. BEAULÉ: Mr. Chairman, a supplementary question. Is it customary for the Mounted Police to notify offenders by telephone? How can the listener or the offender identify who is calling him?

(Text)

The CHAIRMAN: Is it customary to make the phone call?

Mr. STAMLER: I might say it is my policy dealing with members of parliament to contact them prior either to serving a summons or executing a warrant, which I have not had occasion to do. This is the first occasion of a warrant but in the case of a summons I contact the member concerned by telephone at his parliamentary office.

(Translation)

Mr. BEAULÉ: Is this the law? Is this the law?

(Text)

The CHAIRMAN: This is a question of order. This is a legal point and one that is not properly directed to this witness.

(Translation)

Mr. GRÉGOIRE: Do you often have the occasion to arrest Members of Parliament?

(Text)

The CHAIRMAN: Order. Mr. Grégoire.

Mr. GREENE: I have not finished my questions. I have one further question with regard to the execution of a warrant for arrest. Mr. Grégoire has asked you several questions about what he refers to as serving a warrant for arrest. Is it customary to give a convicted criminal a copy of the warrant for arrest?

Mr. STAMLER: No.

Mr. GRÉGOIRE: Mr. Chairman, on the question of privilege.

The CHAIRMAN: Order.

Mr. GRÉGOIRE: I object to the term of "a convicted criminal".

Mr. CASHIN: Well, you are objecting at the wrong place.

The CHAIRMAN: Mr. Grégoire, this question did not identify you as a convicted criminal. The question was a general one and in my opinion it goes very far on the question of pertinence to the matters before us, but certainly no further than a great number of the questions which you directed to the witness a short time ago.

Mr. GREENE: We have evidence before this tribunal that Mr. Grégoire was in fact a convicted criminal. This is a criminal offence under the Criminal Code.

Mr. GRÉGOIRE: Under a traffic law.

Mr. GREENE: We have had evidence that the procedure came under the summary convictions sections of the Criminal Code and he was convicted. So with the greatest respect, I am not prepared to withdraw that term. I think this is what the evidence discloses. I would like the witness to answer whether it is customary to give a copy of the warrant, issued by the crown for execution by a police constable, to the convicted person when you arrest him?

Mr. STAMLER: No, it is not customary. The only time that we do is if the warrant is in the first instance. That is, if you are arresting the man for the first time on a warrant, then he is issued with a copy. Other than that we do not serve him with a copy.

The CHAIRMAN: Mr. Lessard, you are next.

(*Translation*)

Mr. PRUD'HOMME: The glove fits.

The CHAIRMAN: Mr. Lessard.

Mr. LESSARD (*Lac-Saint-Jean*): Another question bearing on the same subject as the one just answered by the officer. Does this mean that should Mr. Grégoire be guilty of a second offence, along the same lines, you would not then serve him with a warrant?

(*Text*)

The CHAIRMAN: No, I think there was a misunderstanding, Mr. Lessard. Just by way of clarification, I think the constable was testifying to the effect that when a warrant was isued without a prior conviction and so on, and perhaps on another type of charge, that it was customary to give the accused a copy of the warrant for which he was being served, if I understood correctly.

Mr. STAMLER: That is right. If there was no previous summons served on the accused, if this was the first contact with him, you would serve him with a copy.

Mr. GRÉGOIRE: Then, on the same point, did you give me a copy of it?

Mr. STAMLER: I showed you a copy.

Mr. GRÉGOIRE: Did you give me a copy?

Mr. STAMLER: I handed you a copy.

Mr. GRÉGOIRE: Was it my first time—

(*Translation*)

Mr. PRUD'HOMME: Mr. Chairman, on a point of order—

(*Text*)

The CHAIRMAN: Order. The questions that have been put are by way of explanation and I think we can avoid a lot of hassle on this point. The constable testified that after a conviction, and in a process of this kind, it was not customary to give the accused or the convicted person a copy of the warrant. In other kinds of charges where perhaps there had not been a conviction and the accused was being served with a warrant, he would then be given a copy. I think this clears up the point and surely it does not raise any more problems of controversy.

(*Translation*)

Mr. PRUD'HOMME: Sir, on a point of order—

Mr. LESSARD (*Lac-Saint-Jean*): I was asking the questions.

Mr. PRUD'HOMME: On a point of order, at that particular time. You can take over immediately afterwards. Mr. Chairman, I, for one, object to Mr.

Grégoire continually interrupting the witnesses. Actually, he is in a position where he is the accused, the accuser, the attorney for the defence, the prosecuting attorney, interrupting—

(*Text*)

The CHAIRMAN: Order.

(*Translation*)

Mr. GRÉGOIRE: Sir, on a question of privilege—

Mr. PRUD'HOMME: —because if he continues—

(*Text*)

The CHAIRMAN: Order, gentlemen. I would ask both of you gentlemen at the present time to desist.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, on a question of privilege—

(*Text*)

The CHAIRMAN: Order. There is no question of privilege.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, if you would allow me to state my question of privilege, you can decide afterwards but, the member for Saint-Denis, Mr. Prud'homme, in describing me, has spoken of an accused; and, I am in no way accused unless, Mr. Chairman, if I was accused, I have paid my debt to society. So in my opinion, the member for Saint-Denis has no right, particularly inasmuch as he calls himself a lawyer, to believe that a person can be accused twice of the same offence—

Mr. PRUD'HOMME: Question of privilege. I do not call myself a lawyer.

(*Text*)

The CHAIRMAN: I think we have heard sufficient on the point.

(*Translation*)

Mr. GRÉGOIRE: —has mentioned a man accused twice of the same thing, it is not done.

(*Text*)

The CHAIRMAN: Order. Mr. Lessard, you are next.

(*Translation*)

Mr. LESSARD (*Lac-Saint-Jean*): Let us return to the point. Constable Stamler, I would like to return a little to the way the arrest was carried out. In your way of thinking, there are laws in existence— According to the existing laws, is there some other way than that employed by you, to carry out the arrest of a criminal or a delinquent or any kind of offender?

(*Text*)

Mr. STAMLER: No, there is no other way.

(*Translation*)

Mr. LESSARD (*Lac-Saint-Jean*): There are no others. Now, I would like to clear up one point. Would you admit that you used excessive force at any time after the arrest?

(*Text*)

Mr. STAMLER: No, we did not use excessive force at any time.

(*Translation*)

Mr. LESSARD (*Lac-Saint-Jean*): No, that was not the question.

(*Text*)

The CHAIRMAN: Mr. Lessard can correct me, but I think the question was: Did you at any time after the arrest admit to having used excessive force?

Mr. STAMLER: No, I did not.

(*Translation*)

Mr. LESSARD (*Lac-Saint-Jean*): Because in his statement to the House of Commons Mr. Grégoire says, and I quote:

> I did not want to get in of my own free will but if the R.C.M.P. had to do it they could have done so less roughly—moreover, they admit it themselves.

Mr. GRÉGOIRE: Go on.

(*Text*)

The CHAIRMAN: That is fine.

(*Translation*)

Mr. LESSARD (*Lac-Saint-Jean*): That is all. It stops at that.

Mr. GRÉGOIRE: Go on.

Mr. LESSARD (*Lac-Saint-Jean*): I cannot go on, there is nothing else, Mr. Grégoire.

Mr. GRÉGOIRE: You could mention the wrist band. So that is all?

Mr. LESSARD (*Lac-Saint-Jean*): That is the point, it changes things completely.

(*Text*)

The CHAIRMAN: Is that all, Mr. Lessard?

Mr. LESSARD (*Lac-Saint-Jean*): That is all.

The CHAIRMAN: Mr. Macquarrie, you are next.

Mr. MACQUARRIE: I would like, Mr. Chairman, to come to one point only. Did I understand the constable to say that he and his associates engaged in conversation with Mr. Grégoire for about 15 minutes at the peace tower?

Mr. STAMLER: That is correct, yes.

Mr. MACQUARRIE: And that Mr. Grégoire requested the right to go to his office and phone and that was refused?

Mr. STAMLER: That is correct, yes.

Mr. MACQUARRIE: Why was that refused?

Mr. STAMLER: Mainly because he could have called from the jail and there was no point, as far as I was concerned, for him to return and make such phone calls since immediately thereafter he called Mr. Groulx who relayed the message for him. This was almost at the same time.

Mr. MACQUARRIE: Did you believe that had he physically entered the centre block that then your authority to apprehend him would cease?

Mr. STAMLER: Yes, I would have believed that complications might have arisen had he returned.

Mr. MACQUARRIE: Had he, as I believe he requested, gone to the east block, where I understand the R.C.M.P. have an office, you would have had no concern about these complications as to your authority to apprehend him.

Mr. STAMLER: That is correct. I would have had I known, but I did not see any point in proceeding to the detachment, because he had already relayed his message to Justice Minister Favreau.

Mr. MACQUARRIE: Before Mr. Groulx became aware of that message, did he call from the east block?

Mr. STAMLER: No, he asked to call from his office immediately before talking to Mr. Groulx—about 10 minutes after talking to Mr. Groulx, when a discussion arose about going to the east block and making a telephone call from there.

Mr. MACQUARRIE: And it was refused?

Mr. STAMLER: It was refused because we were waiting in front of the peace tower for Mr. Favreau's arrival, and since he did not arrive within five minutes we departed for the county jail.

Mr. MACQUARRIE: You waited five minutes for Mr. Favreau?

Mr. STAMLER: No, we waited from 10 to 15 minutes for Mr. Favreau, but five minutes after Mr. Grégoire asked to make a telephone call.

The CHAIRMAN: That is all we have. We might excuse this witness.

Mr. GRÉGOIRE: How long do you say we spent?

(*Translation*)

How long do you think we were in the street in front of the peace tower, on the road?

(*Translation*)

Mr. STAMLER: I would say about 15 to 20 minutes.

(*Translation*)

Mr. GRÉGOIRE: At what time do you think you came up to me on the road in front of the peace tower? What time was it?

(*Text*)

Mr. STAMLER: I would say approximately 1.35 p.m.

(*Translation*)

Mr. GRÉGOIRE: Is the time of my arrival at the Carleton County jail on the copy of your warrant?

(*Text*)

Mr. STAMLER: Approximately five or 10 minutes after 2 o'clock. I do not have the exact time, but I would say it was approximately 10 minutes after 2 o'clock.

(*Translation*)

Mr. GRÉGOIRE: Now, after I had seen Mr. Groulx, the deputy Sergeant-at-Arms and he walked towards Mr. Favreau's office, is it not true you told me that Mr. Favreau had left his office, that he was not there?

(*Text*)

Mr. STAMLER: That is correct. Mr. Groulx I believe told you that at the time.

(*Translation*)

Mr. GRÉGOIRE: Did you tell me too that you had just seen him leave? Wasn't it you who told me you had just seen him go out? In that case you knew that my message to the Minister of Justice's office would not be given to Mr. Favreau since he was not there?

(*Text*)

Mr. STAMLER: Well, I believe Mr. Groulx told you that when you were explaining it to him, and to the best of my recollection I believe it was assumed that someone else from Mr. Favreau's office would possibly come out.

(*Translation*)

Mr. GRÉGOIRE: Did I ask you then whether I could get in touch with the Parliamentary Secretary to the Minister of Justice, that is, Mr. Macdonald, since Mr. Favreau was not there?

(*Text*)

Mr. STAMLER: I do not recall that, sir.

(*Translation*)

Mr. GRÉGOIRE: Did you not refuse to allow me to get in touch with the Minister of Justice's secretary?

(*Text*)

Mr. STAMLER: No, I do not remember that at all.

(*Translation*)

Mr. GRÉGOIRE: Did I ask you whether I could get in touch with other people as I had not been able to contact Mr. Favreau?

(*Text*)

Mr. STAMLER: Not by me. You may have stated it to someone from Mr. Favreau's office, but no one name.

(*Translation*)

Mr. GRÉGOIRE: Could it not have been done in the R.C.M.P.'s office in the East Block?

(*Text*)

Mr. STAMLER: It would have been possible, yes.

(*Translation*)

Mr. GRÉGOIRE: Without hindering your mission in any way?

(*Text*)

Mr. STAMLER: Well, I felt at the time there was no point in discussing it any further. We had waited there 15 minutes and I felt that the warrant would have to be executed.

The CHAIRMAN: You may step down.

Mr. LALONDE: I have a question.

The CHAIRMAN: All right.

Mr. LALONDE: At any time throughout all this conversation either on the phone or while Mr. Grégoire was physically present, did he at any time invoke his privilege as a member of parliament from being arrested?

Mr. STAMLER: No, he did not, sir.

Mr. LALONDE: Did he at any time say that as a member of parliament you could not arrest him on parliament hill?

Mr. STAMLER: No, he did not.

(*Translation*)

Mr. GRÉGOIRE: If I had—

(*Text*)

The CHAIRMAN: We might go on all night.

Mr. GRÉGOIRE: Would you like to impeach me? May I ask another question?

The CHAIRMAN: Go ahead.

Mr. GRÉGOIRE: If I had stated that to you, would it have changed anything?

The CHAIRMAN: That is a hypothetical question, and surely it is out of order.

(*Translation*)

Mr. GRÉGOIRE: That is what I have been saying all along, Mr. Chairman, he had no authority to decide on my immunity or on bilingualism.

(*Text*)

The CHAIRMAN: That is an argument that surely you will have an opportunity to make later on. Now, Mr. Lalonde?

Mr. LALONDE: I am finished.

The CHAIRMAN: You may step down, constable.

Before I call the next witness, Constable Délisle, I wish to indicate to the members of the committee that we have had a considerable discussion of many rather perhaps extraneous side issues, and I hope that the members will confine themselves in their questioning of Constable Délisle strictly to the circumstances affecting the arrest, because I am thinking in terms of the time element and the very long day we have had, and I hope we may get the co-operation of the members.

Mr. CASHIN: Do you think it is necessary to call on the other R.C.M.P. officers at all in view of Mr. Grégoire's admission that the evidence that the constable has given is correct?

The CHAIRMAN: We have had some dispute perhaps over the amount of force used in the arrest, and I would expect that our questioning and the testimony would perhaps resolve that point. So I suggest that we hear from the other arresting officers and I hope that we do it rather quickly.

Mr. O'KEEFE: You mean that we shall not roam all over the ball park.

Mr. MARCOUX: If I am allowed, and if I have a seconder, I move that we adjourn, since we have been here for a long day.

Mr. FRANCIS: I think we should try to get in one more witness.

The CHAIRMAN: It is an undebatable motion and I cannot allow any discussion of it. I note that there has not been a seconder.

Mr. LESSARD (*Lac-Saint-Jean*): I second the motion.

The CHAIRMAN: I have not recognized you. If I may ask for the indulgence of the committee we may be able to proceed rather quickly. The officers have been sitting here all day, and we may be able to finish with them tonight. I suggest we start at least and see how it goes. If we can see that the end is fairly soon, or that it can be quickly reached, we might go on. But I do not know if that meets with the wishes of the committee or not.

Constable K. P. M. DÉLISLE, Sworn.

Mr. LALONDE: The witness will testify in French.

(*Translation*)

Constable Délisle, would you state your full name?

Mr. DÉLISLE: Joseph René Maurice Délisle.

Mr. LALONDE: How long have you been a member of the Royal Canadian Mounted Police?

Mr. DÉLISLE: Eight years.

Mr. LALONDE: What are your duties at the present time?

Mr. DÉLISLE: At the present time I am Mr. Stamler's assistant.

Mr. LALONDE: You were involved in the incidents this committee has to inquire into. Did you take any part in those incidents?

Mr. DÉLISLE: Yes, on December 14, 1964 Constabler Stamler asked me to serve a summons on Mr. Grégoire for speeding at the airport.

(*Text*)

The CHAIRMAN: Order. I think this is perhaps outside of our terms. We might go to February 12.

Mr. LALONDE: I will be very pleased to do so. Were you present on February 12 when Mr. Grégoire was arrested?

(*Translation*)

Excuse me.

Mr. DÉLISLE: Yes, I was there.

Mr. LALONDE: Could you tell the committee about the events you took part in?

Mr. DÉLISLE: I arrived at the Peace Tower with Constable Stamler. We entered by the main door and I waited under the tower while Constable Stamler proceeded along a corridor. I waited about twenty minutes for him, I think, then Constable Stamler returned and we went outside. He then went to our detachment and I walked towards the car. I had parked just in front of the Peace Tower. I waited there and then Constabler Stamler returned from our detachment. He said to me: I contacted our Staff Sergeant and he told me we should wait here until Mr. Grégoire comes out. So we waited. It was about 1.30. I saw Mr. Grégoire pass in front of the car, he was about fifty feet in front of us. I then drove the car up to Mr. Grégoire and Constable Stamler got out of the passenger's side and Mr. Grégoire was just next to him. The door was open. He asked him in English, are you Mr. Grégoire? And Mr. Grégoire answered yes. He said I have here two warrants for your arrest for offences you have committed at the airport. Then I got out and during the conversation I walked around the car, I was on the outside and I heard the conversation. When I got close to Mr. Grégoire and Constable Stamler, Mr. Grégoire said: I thought Mr. Raymond had arranged that you would come and arrest me on Monday. Constable Stamler then said to Mr. Grégoire in English: If you want to pay your fine and the expenses you may do so. Mr. Grégoire continued to look around him and then when Constable Stamler told Mr. Grégoire he was under arrest he opened the warrant. Meanwhile Mr. Grégoire had asked whether he could get in touch with Mr. Favreau.

He was told: You are under arrest, you can do so at the jail. Thereupon he saw Mr. Groulx who was on the sidewalk, he called to Mr. Groulx and Mr. Groulx came over. He asked him if he would be kind enough to contact Mr. Favreau's office, that he was under arrest and that we were taking him to jail. Mr. Groulx then said: I think Mr. Favreau has left and we also said the same thing: I think we saw him leave in a taxi not very long ago. Then Mr. Groulx said: I shall go and see what I am able to do. We waited about ten minutes. Meanwhile we asked Mr. Grégoire to "Get in quietly, come to the Carleton County Court. There you will be able to explain matters, you will be able to arrange things, you will be able to contact Mr. Favreau's office." He said no. He said I am not getting in. He said: If you want me to get in you will be obliged to use force. We discussed the matter and I asked him why did you not pay your summonses when I served them on you in French. He said: No, they were never served on me in French. I said: Mr. Grégoire I myself served them on you, I had made a French translation.

Mr. BEAULÉ: I have here a copy of the summons in French and it is an unofficial document and unsigned.

The CHAIRMAN: On the point of order, Mr. Beaulé, I think our witness with regard to—on the conversation that took place during Mr. Grégoire's arrest, the fact that he says the papers were served in French does not give them an official status. So I do not think your point of order is valid because he is merely reporting the conversations that took place. It does not mean the papers were official.

Mr. LALONDE: Very well then, he may continue.

Mr. DÉLISLE: Yes, and when I told him that, regarding the summonses being in French he said: "That is not what I meant, (I meant) the letters". I said: Well the letters, Mr. Grégoire, we do not send them out, the court does that. I do not know anything about it. So we—

Mr. GRÉGOIRE: Will you allow me Mr. Lalonde? Just to clear up one point in the report. Mr. Lalonde has asked me several times whether he could interrupt to clear up (a point) and I allowed him to do so. It would only be fair because when he says, regarding the letters, did I explain what it was about at that time?

Mr. DÉLISLE: No, you just said the letters I received.

Mr. GRÉGOIRE: Did I mention letters or notices to pay?

Mr. DÉLISLE: Letters.

Mr. GRÉGOIRE: That is right.

Mr. DÉLISLE: We asked Mr. Grégoire again to get in the car and come with us to Carleton County but he still refused to do so. Seeing that, Constable Stamler went to the car and closed the door, and I do not know what the conversation was about. As for me, I talked to Mr. Grégoire at that time about his coming with us quietly but he still objected. When Constable Stamler returned to the car he said he had received orders to use force but not to excess. Constable Stamler again asked—

Mr. GREENE: On a point of order, could the witness speak a little louder?

Mr. DÉLISLE: Constable Stambler asked Mr. Grégoire again to get into the car but he refused. He said: "You will be obliged to use force". I took hold of Mr. Grégoire, Mr. Grégoire was between Constable Stamler and myself, he had both arms folded. I put my hand under Mr. Grégoire's left elbow and Constable Stambler did the same thing on his right. Mr. Grégoire did not resist, he walked to the car. When we reached the car Constable Miller had opened the door, I think, and he was pushing down the back of the front seat. When we reached the vehicle, Mr. Grégoire stretched out his two hands and put them on the edge of the car. I put my right hand on his upper arm and my left hand on his wrist and I lowered his hand, I put his arm down his left side and Constable Stambler did the same thing but put his left hand at the base of Mr. Grégoire neck. When I saw Mr. Grégoire's head was down I pushed him gently in the back and he entered the back of the car. Mr. Grégoire fell on his left side on the back seat, just about in the middle of the seat. I withdrew and went around the back of the car. As I passed behind the car I saw Mr. Grégoire pulling himself up, and when he had pulled himself up he was sitting rights in the corner. I walked to the driver's side, I got in and when I was in Mr. Grégoire was holding up his wrist-watch and saying in English—to the French-speaking members, somebody broke my watch you are going to pay for this. That was all the conversation there was between Mr. Grégoire and the members of the Force in the car, from the time we left the Parliament (buildings) and reached the court, the Carleton County jail.

Now, there is a point I have forgotten. When Mr. Groulx left to go to Mr. Favreau's office he asked "Is that warrant in French?" Constable Stambler gave me a copy of the warrant and I translated the warrant to Mr. Grégoire as I read it.

Mr. LALONDE: What was Mr. Grégoire doing at that time?

Mr. DÉLISLE: At that time Mr. Grégoire had his head turned and was looking around to see what was happening elsewhere, except what I was reading. I read the warrant in a fairly loud voice so I am sure that even the constable was able to hear it.

Mr. LALONDE: Now, did Mr. Grégoire at any time during the arrest complain that he was being roughly handled?

Mr. DÉLISLE: Mr. Grégoire did not complain at any time except when he was waving his watch in the air.

Mr. LALONDE: Did you use your knee at all to get Mr. Grégoire into the car?

Mr. DÉLISLE: No, not at all.

Mr. LALONDE: In the conversation in French he had with you, did Mr. Grégoire at any time state that you could not arrest him on Parliament Hill because of his privilege as a member?

Mr. DÉLISLE: No, the only thing there was about being a member of Parliament was when he asked to have the warrant in French. He said—I am a French Canadian from the province of Quebec and I am a member of Parliament. I am entitled to have a copy in French.

(*Text*)

The CHAIRMAN: Order.

Mr. LALONDE: I have no further questions, Mr. Chairman.

The CHAIRMAN: Mr. Beaulé.

(*Translation*)

Mr. BEAULÉ: Mr. Délisle, how tall are you?

Mr. DÉLISLE: Five ft. 11.

Mr. BEAULÉ: And what is your weight.

Mr. DÉLISLE: Two hundred pounds.

Mr. BEAULÉ: When you held Mr. Grégoire did you . . . instead of using your knee did you not rather lift your leg to use your thigh.

Mr. DÉLISLE: No, because he was too high up.

Mr. BEAULÉ: To come back to the matter, a moment ago you mentioned a summons given to Mr. Grégoire in French on December 16, do you consider that an unsigned document is an official document?

The CHAIRMAN: We are not dealing with the law. You are asking for a legal opinion and the witness is not competent to give you a legal opinion.

Mr. BEAULÉ: Are summonses you serve on people who are charged usually signed?

Mr. DÉLISLE: Yes.

Mr. BEAULÉ: Why was this one not signed?

Mr. LALONDE: I repeat, Mr. Chairman, the summons has been tabled, it is in the Committee's records. It can be seen that it was signed and that there was a translation with it.

The CHAIRMAN: Mr. Beaulé you must understand that the point has already been established, the documents were documents from the Provincial

Court of Ontario, Carleton County. The translation was a courtesy which was. . . .

A MEMBER: Granted, sir.

Mr. BEAULÉ: Could they not have had the courtesy to sign the document?

Mr. DÉLISLE: Pardon me?

Mr. BEAULÉ: Could they not have had the courtesy to sign the document?

The CHAIRMAN: I am just explaining, I am not expressing an opinion regarding the law as it exists, but this point has been quite fully established.

Mr. BEAULÉ: I see your point Mr. Chairman, but it was said earlier that the document in French was not an official document and that it was an unsigned document.

The CHAIRMAN: I think you have made your point, Mr. Beaulé.

Mr. BEAULÉ: Now, Mr. Delisle, how did you proceed to serve the summons in the House of Commons on December 11th?

Mr. DÉLISLE: In the first place I never served a summons on December 11th.

Mr. GRÉGOIRE: The one dated December 11th.

Mr. BEAULÉ: The one dated December 11th.

The CHAIRMAN: Yes but, once again Mr. Beaulé, it is not in the orders of reference. These documents were only tabled before the Committee in order to establish the nature of the offence, and our orders of reference from the House bear on the circumstances surrounding Mr. Grégoire's arrest on February 12th.

Mr. BEAULÉ: May we assume, Mr. Chairman, that there was no breach of privilege at that time, in December, because the summons was served in the House of Commons while the members were sitting?

The CHAIRMAN: If there was a question of privilege, Mr. Beaulé, it should have been brought up at the right time, it is rather late now, three months later. A question of privilege should be raised as soon as possible in the House according to the rules of the House regarding privileges and it is not up to the Committee to decide on the rules of the House.

Mr. BEAULÉ: What we are discussing now is whether or not Mr. Grégoire's privilege, whether there was a breach of privilege when the summons was served on him in December?

Mr. GRÉGOIRE: Mr. Chairman, if you will allow me to say a word, one summons was served on December 18th, I think, one on the 12th and one on the 18th. The 18th was the last day of the session, so no question of privilege could be raised at that time. The first opportunity to do so was when the session reopened on February 16th and to-day the whole matter has been referred to the Committee on Privileges and Elections.

The CHAIRMAN: Mr. Grégoire, Mr. Beaulé had raised the matter of the documents of December 11th. He did not mention the documents of December 18th. I would just like to read the order of reference from the House to you again. It seems to me that the order of reference merely states the circumstances.

(*Text*)

The terms of reference relate to the arrest on February 12 of the hon. member for Lapointe and I do not believe that arguments whether or not the documents were served in French in December have any bearing on the matter before us.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, if it is a matter of looking into, not whether they were served in French but the circumstances surrounding the serving of

that summons, that is, whether apart from the matter of French or English, the circumstances constituted a breach of privilege. That is what we want to look into so that the Committee can decide on all the circumstances surrounding the matter.

(*Text*)

Mr. MACDONALD: Mr. Chairman, on a point of order, I submit the only question that is before this committee is whether or not the arresting of Mr. Grégoire on February 12th constitutes a question of privilege. The nature of the arrest, whether it was brutal or not, does not constitute a question of privilege, in my opinion. As to whether the process was in French or in English, we established this morning that does not constitute a question of privilege. If Mr. Grégoire wanted to take exception to the procedure on February 11th or February 18th, he could have done so. The point was he did not do so, and the order of reference of the house is solely with regard to his arrest, and we should confine ourselves to that, Mr. Chairman.

The CHAIRMAN: Mr. Macdonald, I have been trying to do that, but at times with not much success.

Mr. Grégoire, I think some of the arguments you are making are in the nature of a grievance and, therefore, not properly within the terms of reference given to this committee.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, I am not going to ask a question but if I could briefly explain the matter of the summons you might be able to judge whether or not there is a question of privilege.

(*Text*)

The CHAIRMAN: Order. Mr. Grégoire, you will have an opportunity later to argue on any points that you feel are relevant to the matter. What we are trying to do tonight is examine the actual circumstances surrounding the physical arrest on February 12, and this is the reason we have these witnesses in attendance this evening. Surely that is what we should confine ourselves to at the present time. The grievance which you may or may not have should not be presented when we have the witnesses here giving evidence. Therefore, I would strongly ask the co-operation of the members of the committee to restrict ourselves to what happened on February 12. This is the only thing upon which the witness can testify which is relevant to the matter before us.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, as it has been stated that this is the witness who served the documents for the summons, for appearing, he is the only witness, and particularly the fact that there was one on December 18th that is, on the last day of the session when there was no other opportunity of raising the question of privilege in the House, that it was attempted on February 16th, but at that time, it will be remembered that the parliamentary leader of the government himself made a motion mentioning "all the circumstances surrounding". But in the circumstances surrounding an arrest there is inevitably the offence itself, the summons.

(*Text*)

The CHAIRMAN: Mr. Grégoire, I must remind you that the arresting officers on February 12 were not acting on the basis of any summons issued in December; they were acting on the authority of a bench warrant issued by the county court of the county of Carleton, and these are the circumstances that related to your arrest on February 12, not the previous summons for

which you made no appearance in that court. I therefore rule that that is the issue before us. I have asked all day for the co-operation of the committee on that point and I must insist upon it, especially in view of the great deal of time we have spent on somewhat irrelevant matters. I would ask very strongly for the co-operation of the members on this point.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, you saw fit to have the counsel for the county court appear this morning to explain the events which occurred for the summons to appear for the trial in absentia, and for executing the warrant for arrest. You allowed that this morning and you introduced all that evidence but today, at this stage of the inquiry, you state that only the day of February 12, the day directly involved, concerns the circumstances we have to examine. Now, on those grounds you yourself—

(*Text*)

The CHAIRMAN: Mr. Grégoire, some of the points that were raised in the testimony of Mr. Cassells this morning relate to what may or may not be germane to this inquiry in terms of what might be a question of privilege or the immunity of a member. However, the present witness is testifying on the actual circumstances surrounding your arrest on February 12 and any questions directed as to what authority he was acting upon certainly would be relevant. But, the other issues concerning the nature of the charge, what the authority for the bench warrant was and so on was established this morning. That is a foundation for this whole proceeding and I do not think it necessarily opens the door to all that happened prior to that.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, I recognize that as long as you are not informed of this specific factor we want to bring in, you may still consider the latter as a complaint or simply in the nature of a complaint. I maintain that is is probably one of the most serious breaches of privilege as such, which does not only call for consideration of my case alone but the entire matter of privileges and I consider that in such circumstances if you were informed of the fact itself you might, at that time, accept to receive it in your capacity of chairman of the committee on privileges and elections. But so long as you are not informed about the fact we want to bring in, you are probably going to think that it is merely a complaint when, in fact, in my opinion it is clearly a breach of privilege. That is why, if you will allow me to explain, even if it is not in the presence of the witness, even if it is outside the ordinary debate, after that you will be able to judge that it clearly has to do with the circumstances of the arrest, the circumstances under which there was a breach of privilege.

(*Text*)

The CHAIRMAN: Well, Mr. Grégoire, you may have pertinent arguments to the questions of privilege and immunity and so on but I fail to see how they relate to this particular witness who is testifying concerning your arrest on February 12. Surely this is the relevant matter that is now before the committee. I would again strongly ask for your co-operation on this point.

(*Translation*)

Mr. GRÉGOIRE: Then would yo uallow me to make a suggestion, Mr. Chairman? If after I have given my evidence, after I have made my statement, you think the present witness should be kept at the disposal of the committee so that he can come back if you think it is a matter of a breach

of privilege as provided in the order from the house we are dealing with at the present time. Would you accept that?

(*Text*)

The CHAIRMAN: Certainly that is a decision we might make later on if the committee sees fit.

Mr. FRANCIS: Meanwhile, Mr. Chairman, can we get on with the witness. I think if we could complete the witness's testimony I would be delighted to hear Mr. Grégoire's testimony then, and I am sure we all would. I think we should proceed with this witness now.

The CHAIRMAN: That is exactly the point. There is an attempt to put questions of law and to get legal opinions from the witness concerning these matters, and this is certainly not the correct procedure. The witness should be confined to questions of fact within his personal knowledge concerning your arrest on February 12 and to questions concerning what authority he was acting under, under what orders he was acting, and so on. These surely are the only pertinent matters.

Mr. GRÉGOIRE: Mr. Chairman, if you allow me I will put two questions to the witness; if they are in order I might ask them now. They are concerning facts, not legal opinion—just facts involving this whole problem. These two questions would be: Where were those summonses served? Was it during the time the house was sitting? Was I in the house, sitting in the house at that time?

Mr. FRANCIS: On a point of order, Mr. Chairman, this is outside the terms of reference of this committee. We are not passing judgment on the summonses; we are only trying to look into the circumstances leading directly to the arrest.

The CHAIRMAN: Mr. Grégoire, I would suggest that if you had a question of privilege arising out of the time at which the summonses were served in December, that time is now passed. Surely if you took no objection at that time—

Mr. GRÉGOIRE: There were no more sittings.

Mr. FRANCIS: This is not for the committee to determine. We have a reference from the House of Commons and the reference does not include the summons in December. The reference includes the circumstances of the arrest. I think in courtesy we should proceed with the witness and allow him to terminate his evidence before the committee.

(*Translation*)

Mr. PRUD'HOMME: Mr. Chairman, could I add something? In his statement to the House Mr. Grégoire said he had not had time in December but although I have reread the entire statement he made in February—

(*Text*)

The CHAIRMAN: The discussion is out of order.

(*Translation*)

Mr. LESSARD (*Lac-Saint-Jean*): Mr. Speaker, I move that we adjourn.

(*Text*)

The CHAIRMAN: Have we finished with this witness? Are there any more questions?

Mr. GRÉGOIRE: Mr. Chairman, I had given you my name.

The CHAIRMAN: Do you anticipate being very long, Mr. Grégoire?

Mr. GRÉGOIRE: Twenty minutes.

Mr. BEAULÉ: I move adjournment.

Mr. CASHIN: I do not think we should adjourn. I think we should hear Mr. Grégoire, and I think we should also try to confine him to the matters at hand. Maybe his questions will not take 20 minutes.

Mr. FRANCIS: I think Mr. Grégoire should confine himself in accordance with the rulings of the chairman.

The CHAIRMAN: Mr. Grégoire, please proceed. We will proceed until 10 o'clock and see how it is going then.

(*Translation*)

Mr. GRÉGOIRE: Mr. Delisle, when you began to read the warrant for arrest in French did I mention that it was only a verbal translation?

Mr. DÉLISLE: Not as far as I can remember.

Mr. GRÉGOIRE: Did I ask you for a written translation rather than a verbal one?

Mr. DÉLISLE: No, not as far as I can remember.

Mr. GRÉGOIRE: You said you were reading it aloud, do you think you may have gone on reading while I asked you that?

Mr. DÉLISLE: No, when I was reading it you were looking around, you had your back turned to me.

Mr. GRÉGOIRE: And I did not mention, you are sure I did not say: "that is only a verbal translation, it is not official".

Mr. DÉLISLE: No, not as far as I can remember.

Mr. GRÉGOIRE: But you are not sure?

Mr. DÉLISLE: I said not as far as I can remember.

Mr. GRÉGOIRE: But you are not positive? When you spoke to me it was about some letters. Did you ask me what letters or did we establish what letters were involved?

Mr. DÉLISLE: No.

Mr. GRÉGOIRE: Was it mentioned that they were notices to pay?

Mr. DÉLISLE: No.

Mr. GRÉGOIRE: Was it mentioned that I had received those letters the same morning, that I had read—

Mr. DÉLISLE: No.

Mr. GRÉGOIRE: Then what did I say about the letters?

Mr. DÉLISLE: When you mentioned the letters I said they did not concern us, they are sent out by the Carleton County Court.

Mr. GRÉGOIRE: Then you knew what letters I was referring to?

Mr. DÉLISLE: I thought they were letters from Carleton County.

Mr. GRÉGOIRE: But you knew they were not letters from the R.C.M.P.

Mr. DÉLISLE: I was positive they were not letters from the R.C.M.P.

Mr. GRÉGOIRE: Then, that was not mentioned, the letters were not defined, it was not mentioned that I had received notices to pay.

Mr. DÉLISLE: No.

Mr. GRÉGOIRE: When you say, for example, you stated that I said: "You will be obliged to use force" did I say that in English or French?

Mr. DÉLISLE: The conversation was in English except when I spoke to you in French and you answered me.

Mr. GRÉGOIRE: Was most of the conversation between you and me or between Constable Stamler and me?

Mr. DÉLISLE: The conversation was about fifty-fifty.

Mr. GRÉGOIRE: With the two of you.

Mr. DÉLISLE: Yes.

Mr. GRÉGOIRE: And when I said to you: "You will be obliged to use force", what language did I use?

Mr. DÉLISLE: You used English.

Mr. GRÉGOIRE: What terms did I use in English.

[*Text*]

Mr. DÉLISLE:—"You are going to have to use force. I am not getting in."—

[*Translation*]

Mr. GRÉGOIRE: Did I not say that I did not intend to follow you of my own accord but that I would not resist?

Mr. CHRÉTIEN: That is the same thing.

Mr. GRÉGOIRE: Mr. Chairman, I think maybe at this stage I—it would be a good thing—

The CHAIRMAN: You have.

Mr. GRÉGOIRE: I think this explanation was necessary because I realized that the member for St. Maurice did not understand the distinction at all.

Mr. CHRÉTIEN: Even if you did resist, you did not resist for long.

The CHAIRMAN: Order.

Mr. GRÉGOIRE: You were on the left when I got into the car.

Mr. DÉLISLE: Yes, Mr. Grégoire.

Mr. GRÉGOIRE: When you took hold of my arm how far were we from the car?

Mr. DÉLISLE: About fifteen feet at the most.

Mr. GRÉGOIRE: About fifteen feet. Then from that spot to the car you did not have any difficulty in getting me to the car?

Mr. DÉLISLE: No, we just followed you more or less, I just had my hand under your elbow and I was following you.

Mr. GRÉGOIRE: And when we reached the car what did I do?

Mr. DÉLISLE: You stretched out your hands and you leaned on the edge of the car.

Mr. PRUD'HOMME: Mr. Chairman, this is the second time the same questions are being asked.

An hon. MEMBER: This is the fourth time.

Mr. GRÉGOIRE: If anyone is entitled to ask them a first time I think—

Mr. PRUD'HOMME: He is the one who asked them.

Mr. GRÉGOIRE: No, I have not asked any questions yet.

An hon. MEMBER: We shall come back tomorrow, we are not in a hurry.

Mr. GRÉGOIRE: You took hold of my left arm at that time?

Mr. DÉLISLE: That is right.

Mr. GRÉGOIRE: Where about?

Mr. DÉLISLE: I had my right hand on the upper part of your arm and my left hand on your wrist.

Mr. GRÉGOIRE: You drew my arm to my side.

Mr. DÉLISLE: No it was in line with your leg and the remainder of your body.

Mr. GRÉGOIRE: Yes, you drew it.

Mr. DÉLISLE: I did not draw it, I pulled it on your back. I pulled it down.

Mr. GRÉGOIRE: You pulled it down?

Mr. DÉLISLE: It was against your side.

Mr. GRÉGOIRE: Which hand did you use to push me gently in the back?

Mr. DÉLISLE: My right hand.

Mr. GRÉGOIRE: Your right hand, and it was a gentle push?

Mr. DÉLISLE: That is right, yes.

Mr. GRÉGOIRE: During that time, Constable Stamler was not pushing me.

Mr. DÉLISLE: No, he had put your head down.

Mr. GRÉGOIRE: You were the only one pushing me.

Mr. DÉLISLE: That is correct.

Mr. GRÉGOIRE: You stated that you saw me bent over on my side, leaning on the floor with my hands.

Mr. DÉLISLE: I did not say on the floor, on the back seat.

Mr. GRÉGOIRE: Leaning on the side about a foot away, as I said(?) a while ago, on the driver's side.

The CHAIRMAN: Mr. Grégoire, do not put words into the witness' mouth.

Mr. GRÉGOIRE: In that case, Mr. Chairman, when we get the translations to-morrow, the transcripts, we may be able to see what was said. After giving me a gentle push you saw me bending over on the side at the back of the car.

Mr. DÉLISLE: On the back seat.

Mr. GRÉGOIRE: To get in did I lift up my legs myself or did you lift them up for me?

Mr. DÉLISLE: You had one foot on the running board of the car.

Mr. GRÉGOIRE: So I was not refusing, I did not actively resist getting into the car?

Mr. DÉLISLE: If you refused, it was very mildly.

Mr. GRÉGOIRE: And in spite of that you gave me a push so that I was leaning over on my side once I was in the car.

Mr. DÉLISLE: You may have lost your balance.

(*Text*)

Mr. FRANCIS: Mr. Chairman, I think this has been covered twice already; there is a limit to how often it can be covered.

The CHAIRMAN: Mr. Grégoire feels he has to explore the ground again, Mr. Francis. This is the first time he has taken this witness through the procedure.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, I nevertheless think it is quite normal and my colleague will recognize that it is since on the one hand it is stated that I was gently pushed and on the other that—

The CHAIRMAN: Order, Mr. Grégoire.

(*Text*)

I have already made the ruling. There is no use arguing the point. Will you continue with the question?

(*Translation*)

Mr. GRÉGOIRE: When you saw me in the car what position was I in?

Mr. DÉLISLE: Where?

Mr. GRÉGOIRE: As soon as I had entered the car.

Mr. DÉLISLE: You were sitting on the seat and bending over, your hand was on the seat, in the middle of the seat.

Mr. GRÉGOIRE: And my feet?

Mr. DÉLISLE: On the floor. Your feet were on the floor.

Mr. GRÉGOIRE: In the car?

Mr. DÉLISLE: At the back of the car.

Mr. GRÉGOIRE: And you just gave me a gentle push, you made me . . .

Mr. DÉLISLE: That is right Mr. Grégoire.

The CHAIRMAN: Mr. Grégoire, are you going to be much longer?

Mr. GRÉGOIRE: Yes, I want to deal with another subject after this, Mr. Chairman, if you want to move that we adjourn right away.

The CHAIRMAN: Have you finished with this point?

Mr. GRÉGOIRE: On this point, I am not finished yet.

(*Text*)

Mr. GREENE: Mr. Chairman, I think we should continue. This little soirée is costing the taxpayers a good deal of money. I think we should carry on as far as possible.

I might point out that in the normal course of events these sittings do not count as part of the constables' duty hours; they are over and above their duties and they are not paid for them. I think we should do everything possible to finish this inquiry as quickly as possible and to let these constables off as soon as we can.

The CHAIRMAN: I point out that I am in the hands of the committee at this time. The reporting staff, the committees' branch and the translators and so on started their work this morning at 9 o'clock and most of the committees got under way on time. Therefore it has been quite a long day. I am certainly in the hands of the committee whether we end this for tonight or go on.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, I just have two short questions and that will be all. I would like to request that the witness be asked to remain available because I think he should be questioned regarding the time the summons was served.

(*Text*)

The CHAIRMAN: Well, I think any of the witnesses are subject to recall. We will meet that when we come to it.

(*Translation*)

Mr. GRÉGOIRE: Now, were you aware when I broke my watch?

Mr. DÉLISLE: No, I was not aware of that.

Mr. GRÉGOIRE: Were you at the steering wheel?

Mr. DÉLISLE: Yes I was driving.

Mr. GRÉGOIRE: Did you hear me say my watch was broken?

Mr. DÉLISLE: Yes, because I saw you in the mirror.

Mr. GRÉGOIRE: It was on your side, you were on the left.

Mr. DÉLISLE: Yes Mr. Grégoire.

Mr. GRÉGOIRE: When you took hold of me by the wrist did you feel my watch?

Mr. DÉLISLE: No.

Mr. GRÉGOIRE: You did not remember I was wearing a watch?

Mr. DÉLISLE: No.

Mr. GRÉGOIRE: When you took hold of my wrist?

Mr. DÉLISLE: No.

Mr. PRUD'HOMME: Objection, Mr. Chairman, I do not think the witness mentioned his wrist.

Mr. GRÉGOIRE: Then you did not take hold of my wrist?

Mr. DÉLISLE: Yes, when I drew your arm down.

Mr. GRÉGOIRE: And you did not feel my watch at that time?

Mr. DÉLISLE: No.

(*Text*)

The CHAIRMAN: Order.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, it was mentioned that Constable Délisle translated the summons, that he had translated them, may I ask him whether that is the case and whether, in fact, you did translate them?

(*Text*)

The CHAIRMAN: I would be happy to hear why or how you are going to relate this to the matter before us.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, it has been stated that translations had not been made by the Magistrate's Court of the County of Carleton.

(*Text*)

The CHAIRMAN: Constable Stamler did testify that the R.C.M.P. had done the translation but I fail to see that the question of who did the translation has anything to do with the matter before us. We have already heard that the translation was done by the R.C.M.P., so I do not personally see how there could be any possible connection between the matter before the committee and who did the translation.

(*Translation*)

Mr. GRÉGOIRE: I just wanted to make sure that the R.C.M.P. were the ones who made the translations.

(*Text*)

The CHAIRMAN: That point has already been established, Mr. Grégoire.

(*Translation*)

Mr. GRÉGOIRE: No. From hearsay, Mr. Chairman.

Mr. LALONDE: Mr. Chairman, I am prepared to place on record, on my client's behalf, an admission that the translation was done by the R.C.M.P.

Mr. GRÉGOIRE: And as stated by constables Stamler and Délisle?

Mr. LALONDE: Yes. The translation was made by the R.C.M.P.

Mr. GRÉGOIRE: Do you serve all the traffic papers for the R.C.M.P.?

Mr. DÉLISLE: No.

(*Text*)

The CHAIRMAN: Again I fail to see the relevancy of whether he served all the papers or only a part of them. Surely the question is the matter now before us, namely, who served the papers on you.

(*Translation*)

Mr. GRÉGOIRE: Then, Mr. Chairman, if you agree we shall ask the witnesses to remain available?

The CHAIRMAN: Very well.

(*Text*)

Are there members of the committee who have questions to ask this witness?

Mr. MACQUARRIE: Did you enter the centre block?

Mr. DÉLISLE: Yes, I did, sir.

Mr. MACQUARRIE: Were you in uniform?

Mr. DÉLISLE: Yes, I was.

Mr. MACQUARRIE: Was Constable Miller in uniform?

Mr. DÉLISLE: Constable Miller was not in the centre block, sir.

The CHAIRMAN: Was he in uniform? That was the question.

Mr. DÉLISLE: Yes.

Mr. MACQUARRIE: When you made the procession to the jail, there were two constables in the front seat?

Mr. DÉLISLE: Yes.

Mr. MACQUARRIE: And one constable in the rear seat with Mr. Grégoire?

Mr. DÉLISLE: Yes, sir.

Mr. MACQUARRIE: I did not get the import of your gesture at the time that the watch loss was reported to you. Was Mr. Grégoire shaking his fist at someone?

Mr. DÉLISLE: No.

Mr. MACQUARRIE: Was he waving his arm?

Mr. DÉLISLE: No, he waved his watch in the air.

Mr. MACQUARRIE: Thank you.

The CHAIRMAN: Now, Mr. Lessard.

(*Translation*)

Mr. LESSARD (*Lake St. John*): I have two very brief questions for Constable Délisle. According to the present law, can any other procedure be followed to arrest a criminal or a delinquent than the one you followed in Mr. Grégoire's case?

Mr. DÉLISLE: No, there is no other procedure.

Mr. LESSARD (*Lake St. John*): Now, it is stated here that the man on the left—according to the evidence you have given you were the one—apparently pulled his left arm hard enough to break his wrist-watch. Are you the one who pulled Mr. Grégoire's arm (hard enough) to break his wrist-watch.

Mr. DÉLISLE: I did not at any time pull Mr. Grégoire's arm.

Mr. GRÉGOIRE: Mr. Délisle, quite often men who are very strong are not aware of their own strength. Are you aware of your own strength?

Mr. DÉLISLE: I do not consider myself to be very strong.

Mr. GRÉGOIRE: Do you have that reputation?

(*Text*)

Mr. LALONDE: That question goes to the reputation of the witness, Mr. Chairman.

(*Translation*)

Mr. GRÉGOIRE: To his reputation, Mr. Chairman, regarding his physical strength only. Because if he pulls hard it may not seem hard to him.

Mr. LALONDE: I respectfully submit that a witness's reputation is established by other witnesses and not by the witness himself.

Mr. GRÉGOIRE: In that case, Mr. Chairman—

(*Text*)

The CHAIRMAN: We might entertain it if you produce the evidence.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, usually, to know that, you are obliged to establish it through other witnesses, but indirectly. Are you in the habit of doing physical exercises.

Mr. DÉLISLE: No sir never.

Mr. GRÉGOIRE: You never do any weight lifting?

Mr. DÉLISLE: Never.

Mr. GRÉGOIRE: No exercises like that at all?

Mr. DÉLISLE: No.

Mr. GRÉGOIRE: When you have to arrest a man where there are more difficulties than in my case, do you usually have difficulty or can you do so easily?

(*Text*)

The CHAIRMAN: The question was quite improperly drawn. As I understand the question you said that in apprehending other criminals was he able to effect—That is a conclusion.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, just one or two questions. Where did you push me with your hand?

Mr. DÉLISLE: In the back.

Mr. GRÉGOIRE: In the back. And Constable Stamler was holding my head so that I would bend over; so I was bent over. If you were pushing me in the back I was going down rather than to the side. That is a normal conclusion. If someone leans on my head my back bends and if someone leans on my back I bend down.

(*Text*)

The CHAIRMAN: Order, Mr. Grégoire. Surely that is argument which you may make before the committee, drawing upon the testimony of the witnesses.

Mr. GREENE: May I suggest that we have a demonstration at the top of the peace tower. I think that would solve a lot of problems.

The CHAIRMAN: Order.

(*Translation*)

Mr. GRÉGOIRE: Did you not rather push me in the lower back to get me in.

Mr. DÉLISLE: It was in the back. You were standing up with one foot on the running board. You were standing straight so it might have been in the lower back but it was in the back.

Mr. GRÉGOIRE: Now, with your fist, your hand or your elbow?

Mr. DÉLISLE: With my hand.

Mr. GRÉGOIRE: With your open hand?

Mr. DÉLISLE: That is right.

Mr. GRÉGOIRE: It might have been in the lower back.

Mr. DÉLISLE: It was in the back.

(*Text*)

The CHAIRMAN: If there are no further questions we will excuse this witness, and I think this would be a good point to halt the proceedings. We might call Constable Miller first at our next meeting, and I would like to have some direction from the committee on that. I suggest we not have a meeting tomorrow, but if you wish to proceed on Thursday I shall make the necessary inquiries concerning a room and so on, if that is possible, and notices would go out tomorrow.

(*Translation*)

Mr. PRUD'HOMME: Mr. Lalonde, will you be available Thursday?

Mr. LALONDE: Unfortunately, I have another appointment but I do not want to impose my time schedule on the Committee. If the Committee will decide I shall make arrangements.

The CHAIRMAN: We might be able to finish on Thursday or Friday of this week?

(*Text*)

Well, I had another committee to attend, which is dealing with a bill in which I am quite interested. I could attend if necessary, but Thursday morning is preferable, if that is agreeable.

Mr. FRANCIS: At nine o'clock?

The CHAIRMAN: Whether it is nine o'clock or not will depend on the availability of a room and staff. That decision, therefore, should be made in the light of what other committees are doing. I would ask the committee that I be given some latitude on that point.

The meeting is adjourned.

APPENDIX "A"

EXHIBIT I
C - 272

Jan. 15 — RCMP - 7013

CANADA
PROVINCE OF ONTARIO
COUNTY OF CARLETON

CANADA

The information and complaint of Rodney Thomas STAMLER
Name of Complainant

of Ottawa in the said County, a Member of the Royal Canadian
Place

Mounted Police, acting for and on behalf of Her Majesty the Queen, duly authorized for the purpose of these presents, taken this 11th day of December, in the year of Our Lord One Thousand Nine Hundred and sixty-four, before the undersigned, one of Her Majesty's Justices of the Peace in and for the said county of Carleton,

who saith that: he has reasonable and probable grounds to believe and does believe that:

Gilles GREGOIRE of the City
Name of Accused *Village, Town, City, Etc.*

of Quebec in the Province of Quebec
Name of Place

did, on or about the 26th of October, 1964 at upon the property of Her
Date of Offence *Place*

Majesty, at the Department of Transport Airport, Township of Gloucester, in the said County and Province, unlawfully drive a motor vehicle bearing Quebec Licence No. 3A3-533 on a road at a greater rate of speed than 35 miles

per hour, indicated for that road by a sign, namely at about 55 miles per hours, contrary to Section 19 of the Airport Vehicle Control Regulations.

R. T. STAMLER

.....

Signature of Complainant

SWORN before me the day and year first above mentioned at Ottawa

in the said County of Carleton

ELSIE M. LAUGHLIN

.....

Signature of J.P. or Magistrate

J.P. for the County of Carleton

(Reverse side)

Jan. 22/65
$30.00 + $3.50 Costs or 5 days
H. G. WILLIAMS

Jan. 22/65
Committed Feb. 12/65
Pd. $33.50
Feb. 15/65

No. 517

INFORMATION

By

THE QUEEN

R.C.M.P. Complainant

vs.

Gilles GREGOIRE
837 Père Albanel
Québec, P.Q.

Respondent

15th JANUARY, 1965

APPENDIX "B"

EXHIBIT II

Jan. 15 — RCMP - 7013 C - 272

CANADA

PROVINCE OF ONTARIO

COUNTY OF CARLETON

CANADA

The information and complaint of Rodney Thomas STAMLER
Name of Complainant

of Ottawa in the said County, a Member of the Royal Canadian
Place

Mounted Police, acting for and on behalf of Her Majesty the Queen, duly authorized for the purpose of these presents, taken this 16th day of December, in the year of Our Lord One Thousand Nine Hundred and sixty-four, before the undersigned, one of Her Majesty's Justices of the Peace in and for the said county of Carleton,

who saith that: he has reasonable and probable grounds to believe and does believe that:

Gilles GREGOIRE of the City
Name of Accused *Village, Town, City, Etc.*

of Quebec in the Province of Quebec
Name of Place

did, on or about the 4th of October, 1964 at upon the property of Her
Date of Offence *Place*

Majesty, at the Department of Transport Airport, Township of Gloucester, in the said County and Province, pursuant to Sec. 3(1) of the Government Property Traffic Act, being the registered owner of a motor vehicle bearing

Quebec Licence No. 3A3-533, unlawfully cause or permit the said vehicle to be parked in an area designated by sign as being a No Parking Area, contrary to Sec. 13 of the Airport Vehicle Control Regulations.

R. T. STAMLER

.....

Signature of Complainant

SWORN before me the day and year first above mentioned at Ottawa

in the said County of Carleton

ELSIE M. LAUGHLIN

.....

Signature of J.P. or Magistrate

J.P. for the County of Carleton

(Reverse side)

Jan. 22/65
$5.00 + $3.50 Costs or 2 days
H. G. WILLIAMS, Mag.

Jan. 22/65
Committed Feb. 12/65
Paid $8.50
Feb. 15/65

No. 516

INFORMATION

By

THE QUEEN

R.C.M.P. Complainant

vs.

Gilles GREGOIRE
837 Père Albanel
Québec, P.Q.

Respondent

Airport Vehicle Control Regs. sec. 13

HOUSE OF COMMONS

Second Session—Twenty-sixth Parliament

1964-1965

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: MR. MAURICE J. MOREAU

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 12

THURSDAY, MARCH 4, 1965

Respecting the circumstances relating to the arrest on February 12, 1965, of the honourable Member for Lapointe (Mr. Grégoire)

WITNESSES:

Dr. Maurice Ollivier, Q.C., Parliamentary Counsel; Mr. Marc Lalonde, Counsel for the Royal Canadian Mounted Police; 2/Cst. I. R. Miller and Staff Sgt. C. Rachel, both of the R.C.M.P.; and Mr. Gilles Grégoire, M.P.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

21586—1

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Maurice J. Moreau

Vice-Chairman: Mr. Jean-Eudes Dubé

and Messrs.

Balcer	Jewett (Miss)	O'Keefe
Beaulé	Lessard (*Saint-Henri*)	Peters
Cashin	Macdonald	Prud'homme
*Chapdelaine	Macquarrie	Rhéaume
Chrétien	Marcoux	Rochon
Francis	Martineau	Scott
Girouard	Mullally	Valade
Grégoire	Nielsen	Vincent
Greene	Nugent	Woolliams—29.

(Quorum 10)

Gabrielle Savard,
Clerk of the Committee.

*Mr. Chapdelaine replaced Mr. Lessard (*Lac-Saint-Jean*) on March 3.

ORDER OF REFERENCE

WEDNESDAY, March 3, 1965.

Ordered.—That the name of Mr. Chapdelaine be substituted for that of Mr. Lessard (*Lac-Saint-Jean*) on the Standing Committee on Privileges and Elections.

Attest.

LÉON-J. RAYMOND,
The Clerk of the House.

21586—1½

MINUTES OF PROCEEDINGS

THURSDAY, March 4, 1965.
(26)

The Standing Committee on Privileges and Elections met this day at 11:10 o'clock a.m. The Chairman, Mr. Maurice J. Moreau, presided.

Members Present: Miss Jewett and Messrs. Beaulé, Cashin, Chapdelaine, Chrétien, Dubé, Francis, Girouard, Grégoire, Lessard (*Saint-Henri*), Macdonald, Marcoux, Moreau, O'Keefe and Prud'homme (15).

In attendance: Dr. Maurice Ollivier, Q.C., Parliamentary Counsel; Mr. Marc Lalonde, Counsel for the Royal Canadian Mounted Police; 2/Cst. I. R. Miller, and Staff/Sgt. C. Rachel, both of the R.C.M.P.

On motion of Mr. Macdonald, seconded by Mr. Francis,

Resolved,— That the relevant sections of the Government Property Traffic Regulations and orders in council ordered tabled at the first sitting of the Committee last Tuesday be printed as appendices to the proceedings. (*See Appendices "A", "B", "C", "D", and "E".*)

2/Cst. Miller was called, sworn and examined. The witness was retired.

At 12:00 o'clock the Committee recessed for a 10 minute period.

The Committee resumed at 12:10 p.m.

On motion of Mr. Grégoire, seconded by Mr. Macdonald,

Resolved,— That Staff/Sgt. Rachel be called to give testimony.

The motion carried on the following division: YEAS: 9; NAYS: 1.

Staff/Sgt. Rachel was called, sworn and examined.

Mr. Grégoire, M.P., was called and sworn; he made a statement and was questioned.

The Chairman having ruled that certain questions to the witness were out of order and Mr. Girouard having appealed the Chairman's ruling, it was not sustained on the following division: YEAS: 3; NAYS: 6.

The Committee agreed to postpone further questioning of Mr. Grégoire in order to permit Mr. Lalonde to make some remarks before leaving for another engagement.

The Committee discussed the calling of other witnesses, and it was agreed to leave this matter to the Subcommittee on Agenda and Procedure.

At 1:10 p.m., on motion of Mr. O'Keefe, the meeting was adjourned until after Orders of the Day.

AFTERNOON SITTING

(27)

The Standing Committee on Privileges and Elections reconvened at 4:35 p.m. The Chairman, Mr. Maurice J. Moreau, presided.

Members present: Messrs, Beaulé, Cashin, Chapdelaine, Chrétien, Francis, Girouard, Greene, Grégoire, Lessard (*Saint-Henri*), Macdonald, Macquarrie, Marcoux, Moreau, O'Keefe, Prud'homme, Rochon and Scott (17).

In attendance: Dr. Maurice Ollivier, Q.C., Parliamentary Counsel.

Mr. Gilles Grégoire, M.P. was recalled. The witness still being under oath, was examined and retired.

At 6:10 p.m. the Committee adjourned to the call of the Chair.

Gabriel Savard,
Clerk of the Committee.

EVIDENCE

THURSDAY, March 4, 1965

(All the evidence adduced in French and translated into English was recorded by an electronic recording apparatus, pursuant to a recommendation contained in the Seventh Report of the Special Committee on Procedure and Organization, presented and concurred in, on May 20, 1964.)

(Text)

The CHAIRMAN: Gentlemen, on Tuesday, after some discussion we passed a motion moved by Mr. Greene, seconded by Mr. Scott, concerning the including in our proceedings of a copy of the Government Property Traffic Act. The motion read that the documents be tabled.

Mr. FRANCIS: Excuse me, Mr. Chairman. We tabled the act and the regulations under the act, the two documents.

The CHAIRMAN: The point I was making was that we passed a motion to table the documents. On reviewing the discussion that went on, it was not my impression that that was the intention of the committee. From what I can gather, there was a wish to have the documents included in our proceedings. It is rather a long act and much of it does not apply to our present situation, so I am in the hands of the committee as to exactly what you would like to do.

Mr. MACDONALD: Mr. Chairman, both documents, the act and the regulations, are public documents, and in that sense tabling is not really required; it does not provide anything for the members. I would suggest as an alternative that the relevant sections be printed as an appendix to the proceedings so that they will be available to the members. It is quite true that they are available in the statutes and the government regulations but I can testify that they are not easy to find. Therefore, I would like to move that the relevant sections of the act and the regulations relating to traffic on government property be printed as an appendix to the proceedings of the committee.

Mr. FRANCIS: I would like to say the relevant sections of the act and the regulations.

The CHAIRMAN: I have a motion by Mr. Macdonald that only the relevant sections of the act be affixed to the proceedings. Do I have a seconder to that motion.

Mr. FRANCIS: I will second it.

The CHAIRMAN: I would remind the members, rather than get into a discussion on what may be relevant and what may not, that they are public documents and I think if an effort were made to include the pertinent sections it would meet with the wishes of most of the members of the committee. Is that agreed?

Some hon. MEMBERS: Agreed.

Motion agreed to.

The CHAIRMAN: The motion is carried.

Our witness today will be Second Constable I. R. Miller who is the third officer referred to in our testimony thus far and I would ask our clerk to swear the witness in.

(*Translation*)

Mr. MARCOUX: Mr. Chairman, might I have your permission to say a word in connection with an article which appeared yesterday, March 3, 1965, in *La Presse*; this was a wire from the Canadian Press emanating from Ottawa and it stated that a Committee of the House of Commons was studying the circumstances surrounding the arrest of Mr. Grégoire. Mr. Grégoire having been arrested because he had not paid attention to a summons written in English; and I would like to know if it has not been established here that the summonses which had been served on Mr. Grégoire were not in effect written in both languages but that it was the summons for his arrest which had been written in English only. So I would ask whether it would not be possible to have a correction made by the Canadian Press to appear in the paper in the same way as the first information did.

The CHAIRMAN: Are you making a motion, Dr. Marcoux?

Mr. MARCOUX: I was just making an observation, if there is need for a motion I am ready to make one. So, I will make a motion.

(*Text*)

The CHAIRMAN: Mr. Marcoux, I do not really feel that that matter is before the committee. Perhaps you have a question of privilege concerning the matter, and maybe that should be entertained in the house. However, the fact that you made the point in the committee perhaps will be sufficient here today.

(*Translation*)

Mr. GRÉGOIRE: Might I add that not only were the costs for arrest established in English only, but also the notices to pay which I received and which were dated January 25th, 1965, approximately seventeen or eighteen days before the warrant for my arrest was served on me.

(*Text*)

Mr. FRANCIS: These are documents of the court of Ontario.

The CHAIRMAN: Yes. I think that matter is not before the committee. *La Presse* is not an official document of the house or the committee and I do not feel that any further comment is warranted here.

SECOND CONSTABLE I. R. MILLER, Sworn.

The CHAIRMAN: Mr. Lalonde would you like to begin your direct examination.

Mr. MARC LALONDE (*Counsel for R.C.M.P.*): Yes. Constable Miller, would you state your full name, please.

Mr. MILLER: Ian Radcliffe Miller.

Mr. LALONDE: How long have you been a member of the Royal Canadian Mounted Police?

Mr. MILLER: Two years.

Mr. LALONDE: Two years?

Mr. MILLER: Yes.

Mr. LALONDE: Were you on duty on February 12, 1965 on parliament hill?

Mr. MILLER: Yes, I was.

Mr. LALONDE: Did you participate in the arrest of Mr. Gilles Grégoire?

Mr. MILLER: Yes, I did.

Mr. LALONDE: Would you tell this committee exactly what you did.

Mr. MILLER: About 12.45 on February 12, Constable Stamler attended to our office in the east block and requested my assistance in an effort to locate

the car of Mr. Grégoire as he had a warrant of committal for this gentleman. We proceeded out to the police car which was parked out in front with Constable Delisle in it and a short patrol was made of the areas of parliament hill. We were unable to locate Mr. Grégoire's car so the police car was parked in front of the peace tower. Shortly thereafter the Deputy Sergeant-at-Arms walked in front of the car and I got out to converse with Mr. Groulx. He is responsible for the parking administration for half the hill up here and I had not seen him since the recess. While I was discussing certain matters with Mr. Groulx, Mr. Grégoire walked behind us. He had just come out of the centre door of the centre block. I called to him. He had gone past us possibly 20 feet. I called to him by name. He stopped. I said "there are a couple of members in the car who would like to see you, Mr. Grégoire." He walked towards the police car and the police car in the meantime was advancing towards us. It stopped and Constable Stamler got out and produced the warrant to Mr. Grégoire and informed him that he had this warrant for his arrest. He said: would he care to pay the fine. If not, he would have to come with us, whereupon Mr. Grégoire said: "I thought the matter had been settled by Mr. Raymond, the Clerk of the house." Constable Stamler informed him that such was not the case, that we had the warrant for his arrest and the matter would have to be settled at the present time. Mr. Grégoire then stated that he would like to get in touch with the Minister of Justice, Mr. Favreau. We told him that Mr. Favreau had just been seen leaving the House of Commons door of the centre block in a taxi. Whereupon he called Mr. Groulx who was still standing, I believe,—maybe he started to walk away—but he was still in the vicinity, within ear call. He called Mr. Groulx and asked him to get in touch with someone from the minister's office if possible. Then the other conversation took place in French. I do not understand the language at all so I would not be aware of this.

In any event, Mr. Groulx departed into the house and I was under the impression that he would try and locate someone from the justice minister's office. Then more discussion took place. Constable Stamler got in the patrol car to make a call, I presume to his office, and what transpired I could not hear. Then Constable Delisle proceeded to read the warrants to Mr. Grégoire in French. He did not seem overly interested in the warrants; he was not paying very much attention that I could see.

The CHAIRMAN: Just a little louder, please.

Mr. MILLER: We waited for 10 to 15 minutes. No one came from the justice department. About this time Corporal Berthiaume came on the scene. He said something to Mr. Grégoire or Constable Stamler in French to which Constable Stamler replied: "No, we have a warrant for his arrest and he will have to come with us". Whereupon he asked Mr. Grégoire if he would get in the car and Mr. Grégoire said he was not going or words to that effect and we would have to put him in the car.

I stepped around—I was standing at the back of Mr. Grégoire at the time and I stepped around the front and opened the right hand door of the police car, pulled the seat down and Constable Stamler and Constable Delisle proceeded to, it appeared to me, to lead Mr. Grégoire over to the police car. When they got to the police car Mr. Grégoire put his hands on the roof. I was standing at the corner of the doorway. I was in no position to get out. It forms a V. I could see that Constable Stamler just took him by his wrist or his arm and put it down to his side and bent Mr. Grégoire over and placed him in the car. Whereupon I believe I said: "Will I go along" or something to that effect, and crossed in front of Mr. Grégoire and sat behind the driver. I did not think anything of it at the time as far as too many men going or anything like that. This is something I was accustomed to doing, sitting behind the driver when you take anyone in, and we took him to the jail. When we got in the car I noticed Mr. Grégoire had his watch in his hand. It appeared to me that the

pin was out. It looked like a nylon band. I could not see if it was ripped or torn. It just looked to have fallen loose. He said something to one of the constables. I cannot actually recall the words. Whereupon we drove down to the Carleton county jail and Constable Stamler and myself got out; Mr. Grégoire got out. There was no trouble at all, and we walked into the jail office. Constable Delisle followed a short time later. He parked the car and to the best of my knowledge I never touched or conversed with Mr. Grégoire whatsoever at any time outside of saying that the Justice Minister had departed in a taxicab.

Mr. LALONDE: You do not remember having touched him at all?

Mr. MILLER: I do not believe I actually touched Mr. Grégoire whatsoever.

Mr. LALONDE: Did you hear Mr. Grégoire complain at any time that people were hurting him or anything like that?

Mr. MILLER: No, nothing outside of the fact that his watch was broken. I could not recall what he said but his watch had been broken.

Mr. LALONDE: That is all the questions I have, Mr. Chairman.

The CHAIRMAN: Are there any questions of the witness, Mr. Grégoire?

(Translation)

Mr. GRÉGOIRE: Mr. Miller, at that particular moment you were on duty on Parliament Hill.

(Text)

Mr. MILLER: That is correct.

(Translation)

Mr. GRÉGOIRE: As an RCMP officer, what was your duty on Parliament Hill at that particular time?

(Text)

Mr. MILLER: I am responsible for traffic enforcement on the hill.

(Translation)

Mr. GRÉGOIRE: You are responsible for the traffic laws on Parliament Hill when you are on duty?

(Text)

Mr. MILLER: That is correct primarily.

(Translation)

Mr. GRÉGOIRE: Are you also... Who was your superior officer at that particular time on Parliament Hill?

(Text)

Mr. MILLER: Corporal Berthiaume is in charge of parliament hill at the present time.

(Translation)

Mr. GRÉGOIRE: Did you ask him to take part in that particular arrest?

(Text)

Mr. MILLER: I was requested by Constable Stamler for assistance and Corporal Berthiaume was in the office at the time. He offered no reason why I should not assist him. Therefore, I did.

(Translation)

Mr. GRÉGOIRE: Was it Constable Stamler who asked you for help?

(Text)

Mr. MILLER: He asked me for assistance in the office in locating your auto.

(*Translation*)

Mr. GRÉGOIRE: It was he who asked for your help to find my automobile on Parliament Hill?

(*Text*)

Mr. MILLER: That is correct.

(*Translation*)

Mr. GRÉGOIRE: But to help in my arrest, was it Constable Stamler who asked for help to arrest me?

(*Text*)

Mr. MILLER: Not in so many words. I was in the immediate vicinity and felt it only natural that I should stay in the area.

(*Translation*)

Mr. GRÉGOIRE: You decided on your own that your help was necessary to carry out my arrest?

(*Text*)

Mr. MILLER: I could see no reason why not.

(*Translation*)

Mr. GRÉGOIRE: But at that particular time, your duty was to help with traffic or to enforce traffic laws on Parliament Hill?

(*Text*)

Mr. MILLER: That is my duty generally, yes, during the day.

(*Translation*)

Mr. GRÉGOIRE: And your specific duty was not necessarily to help or to participate in the arrest of an individual on Parliament Hill or to help two other members of the RCMF to participate in such an arrest?

(*Text*)

Mr. MILLER: Not specifically. I would help them if he needed any.

(*Translation*)

Mr. GRÉGOIRE: At that moment, you judged that Constable Delisle and Constable Stamler were not enough and that is why you offered your help?

(*Text*)

Mr. MILLER: No. I was in the general area and it was a very delicate situation, I felt, due to the adverse publicity that could be forthcoming out of such an arrest, and the less trouble the better.

(*Translation*)

Mr. GRÉGOIRE: You believe that in the delicate situation you have just mentioned, your help was necessary, or that you had a special style in helping out in delicate situations?

(*Text*)

Mr. MILLER: Could that be repeated, please?

The CHAIRMAN: Repeat your question, Mr. Grégoire. I think it is rather on the borderline but we will permit it. Would you clear it up for the witness?

(*Translation*)

Mr. GRÉGOIRE: You judged at that moment that you had a special talent to help out in delicate situations such as that?

(*Text*)

Mr. FRANCIS: Mr. Chairman, I think that is a little—

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, I believe, after all: I can explain the reason for this line of questioning; it is that the RCMP in many cases, as I have mentioned ....

(*Text*)

The CHAIRMAN: Order, Mr. Grégoire. You have asked your question. I will now ask the witness to answer it. I do not think the comment is required.

(*Translation*)

Mr. GRÉGOIRE: If he can answer, I have no comment to make.

Mr. BEAULÉ: Mr. Chairman, for instance, Constable Miller was allowed to give his impressions, nobody interrupted him. You allowed Mr. Lalonde to answer, and you are interrupting every second because Mr. Grégoire is asking questions ....

The CHAIRMAN: Mr. Beaulé, if Mr. Grégoire wants to testify directly, the Committee will give him the opportunity to do so, I am sure. But it is ....

Mr. GRÉGOIRE: Mr. Chairman, on a point of order. I stated the other day that I was ready to testify, but at this particular moment, I am asking questions of the witness with regard to his actions and the part he played at the time.

The CHAIRMAN: Your questions are in order, Mr. Grégoire.

Mr. GRÉGOIRE: Well, this is the reason we are protesting against the interruptions from the other side.

(*Text*)

The CHAIRMAN: Would you answer the question concerning whether you felt if you had any special talents, if I understand this correctly?

Mr. MILLER: No special talent whatsoever.

(*Translation*)

Mr. GRÉGOIRE: But you intervened because you believed the situation to be a delicate one?

(*Text*)

Mr. MILLER: That is correct.

(*Translation*)

Mr. GRÉGOIRE: But do you not believe that at the time Constable Miller and Constable Delisle would have sufficed?

(*Text*)

Mr. MILLER: Not necessarily.

(*Translation*)

Mr. GRÉGOIRE: They weren't necessarily sufficient.

(*Text*)

Mr. MILLER: No. There was no reason why it should be actually insufficient.

(*Translation*)

Mr. GRÉGOIRE: Mr. Miller, has anyone ever mentioned to you that the business of the RCMP on Parliament Hill, when they are on duty, consists only in handling traffic and parking?

(*Text*)

The CHAIRMAN: That is a matter of legal opinion, Mr. Grégoire, and I do not feel that it is within the competence of this witness.

(*Translation*)

Mr. GRÉGOIRE: Before helping the other constables to carry out my arrest, did you ask permission from your superior, Corporal Berthiaume?

(*Text*)

Mr. MILLER: Not in so many words, no.

(*Translation*)

Mr. GRÉGOIRE: And you were the one who asked to come, together with the other two constables, in the automobile, to the prison?

(*Text*)

Mr. MILLER: I was not asked to accompany you. I offered my assistance and I was not told not to go so—

(*Translation*)

Mr. GRÉGOIRE: Were you invited to go?

(*Text*)

Mr. MILLER: If I do not have I am not aware of it.

The CHAIRMAN: I do not think there was full understanding of that question.

(*Translation*)

Mr. GRÉGOIRE: Have you—

The CHAIRMAN: One moment, Mr. Grégoire.

(*Text*)

I think by way of clarification the question was: "Did you have specific orders to—

Mr. GRÉGOIRE: Now, did you have a request from the—

The CHAIRMAN: A specific request to accompany the other officers.

Mr. MILLER: No, not a specific request.

(*Translation*)

Mr. GRÉGOIRE: Did you, before leaving for the prison, at any given moment, ask permission of Corporal Berthiaume?

(*Text*)

Mr. MILLER: No, I did not.

(*Translation*)

Mr. GRÉGOIRE: And your duty, at that particular time, was to help with the traffic on Parliament Hill?

Mr. LALONDE: I have not objected to Mr. Grégoire's questions. I have been allowing the greatest freedom to the Committee as I feel I am in a delicate position. I am not a member of the Committee for obvious reasons. I am here simply to represent the Royal Canadian Mounted Police and the constables concerned. Now, I believe, on the other hand, that it is necessary, and I respectfully submit to the chairman of this Committee, that the line of questioning now undertaken by Mr. Grégoire is not within the terms of reference of this enquiry at the present time, i.e., whether yes or no, Constable Miller had obtained permission from his superior to get into the automobile. Even if he had not asked permission and that this constitutes an irregularity in the discipline of the RCMP, this would be then a problem for the internal administration of the RCMP and would have nothing to do, in my respectful opinion, with the question of privilege. Now, I only submit this point and I do not want to prevent Mr. Grégoire from asking questions. I draw the attention of the committee....

(*Text*)

The CHAIRMAN: Order. Mr. Francis, on a point of order.

Mr. FRANCIS: If. Mr. Grégoire does not mind me saying a word or two, I have listened—

The CHAIRMAN: On a point of order, Mr. Francis?

Mr. FRANCIS: Yes. I think there is a limit as to how far Mr. Grégoire can question the R.C.M.P. witnesses. This is the third one and he is repeating himself. He is not bringing in anything new. I feel there is a limit to how far he, as a member of this committee, can abuse a witness.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, the reason for these questions is a simple one; it is that it has been stated that I received special treatment and I am attempting to discover what this special treatment was. Does it mean three constables instead of two? Instead of one? Does it mean that the RCMP detachment on Parliament Hill at that particular moment had received orders or had been given the mission to take part in the arrest. It is only about this special treatment that I am supposed to have received that I am asking questions. In this special treatment there is the matter of three constables instead of two or one; it is about the special circumstances which surrounded my arrest that I am asking questions.

(*Text*)

Mr. MACDONALD: On a point of order, Mr. Chairman, I suggest that now Mr. Grégoire has made his intentions clear in this regard it should be perfectly evident that there is no suggestion of privilege dealt with in this line of questioning and that the entire line of questions should be ruled out of order. It is entirely irrelevant whether someone said he had special treatment or not. I suggest this line of questioning bears no relevance at all to the question which is before the committee.

(*Translation*)

Mr. BEAULÉ: Mister Chairman, on a point of order. Mr. Grégoire is asking Constable Miller the same questions that he asked Constable Stamler. Constable Stamler has answered that the orders came from Corporal Berthiaume, Mr. Miller....

(*Text*)

Several hon. MEMBERS: No.

The CHAIRMAN: Mr. Beaulé, the members of the committee will be quite able to study the transcript of the evidence.

Mr. BEAULÉ: All right. We will wait for the transcript.

The CHAIRMAN: Mr. Grégoire, it seems to me that you have pursued this line fairly extensively, and I think you have asked the same questions more than once in this area. I would hope that you will soon reach an end of this line of questioning. I do not think it is strictly relevant. We have tried to give you as much latitude as possible.

(*Translation*)

Mr. GRÉGOIRE: I believe Mr. Chairman, that in that particular respect, the point has been made sufficiently clear. I would now like to ask Constable Miller who it was who asked him to help find my automobile on the Parliament Hill?

(*Text*)

Mr. MILLER: Constable Stamler.

(*Translation*)

Mr. GRÉGOIRE: You did not find my automobile on Parliament Hill?

(*Text*)

Mr. MILLER: No, we did not.

(*Translation*)

Mr. GRÉGOIRE: It was you who spoke to me first to tell me that someone was waiting for me at the foot of the Peace Tower, when I came out?

(*Text*)

Mr. MILLER: That is correct.

(*Translation*)

Mr. GRÉGOIRE: Was this customary in the carrying out of your mission on Parliament Hill?

(*Text*)

The CHAIRMAN: Mr. Grégoire, under what orders this constable was acting or, at least, what were his general duties is not a matter for this committee. Under what authority Constable Stamler and the other officer were acting was thoroughly explored, and the authorization for the arrest and so on were quite relevant in that way, but it seems to me you are going very far in inquiring into all the duties concerning the officer who is before us now. I would hope that you will confine yourself to the matters of fact concerning the arrest which was made on February 12 and that you will restrict yourself to reasonable limits within that area.

(*Translation*)

Mr. GRÉGOIRE: Mr. Miller, when you said: "Will I go along?", according to your testimony a while back, did you receive any answer?

(*Text*)

Mr. MILLER: I could not say yes, no or indifferent; I did not hear any objection to it.

(*Translation*)

Mr. GRÉGOIRE: When you stated "I don't remember having touched him", after all, could it not be within the realm of possibility that you had touched me at that time?

(*Text*)

Mr. MILLER: Which moment?

(*Translation*)

Mr. GRÉGOIRE: At the time of the arrest?

(*Text*)

Mr. MACDONALD: He said he did not remember.

Mr. MILLER: When I first called to you, Mr. Grégoire?

Mr. GRÉGOIRE: No.

Mr. MILLER: When Constable Stamler....

(*Translation*)

Mr. GRÉGOIRE: At the time I entered the automobile?

(*Text*)

Mr. MILLER: No, Constable Stamler was between you and me.

(*Translation*)

Mr. GRÉGOIRE: Is it you who opened the automobile door?

(*Text*)

Mr. MILLER: I did.

(*Translation*)

Mr. GRÉGOIRE: Who asked you to open the automobile door?

(*Text*)

Mr. MILLER: Nobody asked me.

(*Translation*)

Mr. GRÉGOIRE: No one. You held the automobile door while I got in?

(*Text*)

Mr. MILLER: I opened the car door before you were brought over to the car.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, if the member for Saint-Denis . . . You allow him to ask the most silly questions that have been asked in this committee and no one objects. Therefore, why should we not have the same opportunity?

(*Text*)

The CHAIRMAN: Order.

Mr. FRANCIS: He is out of order.

The CHAIRMAN: Order.

(*Translation*)

Mr. PRUD'HOMME: He can withdraw from the Committee if it does not suit him.

Mr. GRÉGOIRE: Read over his questions and you will see that they are stupid questions.

(*Text*)

The CHAIRMAN: Order.

(*Translation*)

Mr. PRUD'HOMME: Go on, Mr. Grégoire. We are not electioneering yet.

(*Text*)

The CHAIRMAN: Mr. Grégoire, will you put your question.

(*Translation*)

Mr. PRUD'HOMME: The election campaign has not started yet.

Mr. GRÉGOIRE: You held the door while I got into the car?

(*Text*)

Mr. MILLER: Before you got into the car, Mr. Grégoire. Just prior to your being led to the car, yes.

Mr. GRÉGOIRE: Did you hold the door while I was getting in?

Mr. MILLER: When the door opens it forms a "V". I opened the door and stepped between the door and the car, and I pulled the front seat down. I would be next to the door jamb when you were placed in the car.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, I would like to ask Constable Miller the question I asked Constables Stamler and Delisle, namely, Mr. Chevrier's statement to the House of Commons on the 25th . . . .

The CHAIRMAN: Order!

Mr. GRÉGOIRE: Mr. Chairman, if you will allow me, on a point of order, you let me ask Constables Stamler and Delisle that question. I just want to ask them whether any of their superiors informed them of Mr. Chevrier's statement.

(*Text*)

The CHAIRMAN: Mr. Grégoire, you have persisted in asking a lot of questions which I did not permit you to ask but which I could not prevent you from asking. Whatever Mr. Chevrier said in the house at some other time has no bearing at all on the arrest which was made on February 12 and the matters contained in our order of reference from the house. I hope you will confine yourself to that area.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, you allowed me to ask those questions. You accepted and allowed the answers at that time. I am not going to ask questions about what Mr. Chevrier said. I am just going to ask them whether, since they commenced their duties, any of their superiors have informed them about that statement. I am not going to ask them a specific question about Mr. Chevrier's statement. Did their superiors tell them about it? You allowed it for the other two constables.

(*Text*)

The CHAIRMAN: Mr. Grégoire, this is not an inquiry into the practices of the Royal Canadian Mounted Police. This is not an inquiry into how the Royal Canadian Mounted Police conduct their internal operations except only that area concerning your arrest on February 12, and your question is quite outside the order of reference to this committee from the house.

(*Translation*)

Mr. GRÉGOIRE: Then why did you allow it for the other two constables, Mr. Chairman?

(*Text*)

The CHAIRMAN: I am not under questioning, Mr. Grégoire.

Mr. MACDONALD: On a point of order, you could not prevent him asking the question. My recollection is that you made the same ruling before that you did just now, that the question was not in order.

The CHAIRMAN: I would not prevent Mr. Grégoire from asking the question, but I do not think I ever indicated that it was in order.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, could we have the transcript of the reporter's notes, then you would see that you allowed those questions to be asked.

(*Text*)

The CHAIRMAN: Well, Mr. Grégoire, whether I permitted the question or not is not the point at issue.

(*Translation*)

Mr. GRÉGOIRE: You allowed them to answer?

(*Text*)

The CHAIRMAN: The order of reference before us states the circumstances relating to the arrest on February 12. If you were given too much latitude in the early part of this hearing it seems to me that that does not give you any special rights.

Mr. O'KEEFE: Yesterday afternoon Mr. Grégoire said he agreed with the evidence that the first constable gave. That being so, was it necessary to go through all this routine again? I ask Mr. Grégoire that.

Mr. GRÉGOIRE: What is that?

Mr. O'KEEFE: Since you said you agreed with the evidence that the first constable gave, I asked you if you thought it was necessary to go all through this routine again.

Mr. GRÉGOIRE: You are quite right. What I said was generally; I did not say all of his points. I am asking some other questions.

The CHAIRMAN: Do you have any more questions of this witness, Mr. Grégoire?

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, I wanted it placed on record that you have not allowed me to ask questions you allowed me to put to the other constables, and that I have not been able to establish the same evidence with the present witness as I did with the two other constables.

(*Text*)

The CHAIRMAN: Mr. Grégoire, if you wish to appeal the ruling, that course is open to you.

Mr. GRÉGOIRE: Oh, no.

The CHAIRMAN: The matter is therefore closed. Now, Mr. Prud'homme.

(*Translation*)

Mr. GRÉGOIRE: You are the chairman. You know what the results would be.

The CHAIRMAN: Mr. Chapdelaine.

Mr. PRUD'HOMME: Mr. Chairman, the member for Lapointe has no right to speak like that.

(*Translation*)

Mr. GRÉGOIRE: The facts are there.

The CHAIRMAN: Mr. Chapdelaine.

Mr. CHAPDELAINE: Mr. Miller, you stated at the beginning of your testimony that when you questioned Mr. Grégoire he said Mr. Raymond had settled the matter. Did he state how Mr. Raymond had settled the matter or was to have settled the matter?

(*Text*)

Mr. MILLER: No, I believe there were words to the effect that he thought the matter had been settled, and that we would not come until Monday.

(*Translation*)

Mr. CHAPDELAINE: He did not make any further comments as to how Mr. Raymond was to settle the matter.

(*Text*)

Mr. MILLER: Not to my recollection.

(*Translation*)

Mr. CHAPDELAINE: You stated that Constable Delisle had read the warrant to Mr. Grégoire in French? Is that correct?

(*Text*)

Mr. MILLER: Well, I presume he was reading it. He held it up in front of him. I do not understand French.

(*Translation*)

Mr. CHAPDELAINE: Was he speaking French at that time?

Mr. GRÉGOIRE: Mr. Chairman, the constable has said that he does not understand French. There is no need to repeat the question.

Mr. CHAPDELAINE: Was he speaking French, Chinese or English?

The CHAIRMAN: You do not have to speak a language to understand it. I think the question is relevant.

Mr. GRÉGOIRE: The constable answered that he did not know (French).

The CHAIRMAN: He neither speaks nor understands French but he may recognize the language without knowing what is being said.

Mr. CHAPDELAINE: I did not ask whether the witness had understood what was being said but rather whether he had realized that Constable Delisle was speaking French at that time.

(*Text*)

The CHAIRMAN: Mr. Chapdelaine, I realize that this is an area that Mr. Grégoire was getting into, but I think it is quite irrelevant to the matter of the arrest. What the general orders were, or what particular course of action the constable would take in other circumstances is quite irrelevant. We are dealing with the circumstances concerning the arrest of Mr. Grégoire, and I hope you will confine yourself to them.

(*Translation*)

Mr. CHAPDELAINE: Mr. Miller, when you are on duty on Parliament Hill does your work merely consist in controlling traffic or do you also have instructions from your superiors to keep order at all times, in all places and in every way? Mr. Chairman, I have a comment on that. Mr. Grégoire is trying to show that at the time of his arrest a police officer who had not been expressly told to arrest Mr. Grégoire was going beyond his duty. I would like to know whether the witness was ordered by his superiors to maintain order at all times when he is on duty.

(*Text*)

The CHAIRMAN: I think, Mr. Chapdelaine, that is pretty obvious to most members of the committee and I do not feel you should get into that area.

(*Translation*)

Mr. CHAPDELAINE: If the witness stated that it is his duty at all times to maintain law and order the matter would be settled and the evidence Mr. Grégoire is trying to place on record would not hold.

Mr. GRÉGOIRE: Mr. Chairman, on a point of order.

The CHAIRMAN: The question is out of order and the comment is also out of order.

Mr. CHAPDELAINE: Mr. Miller, you stated—or Mr. Grégoire tried to get you to state—what you mean by special treatment. You have also told us that you opened the door of the car, is it special treatment to open the door of a car for an individual to get in when you arrest him? Do you think you treated Mr. Grégoire in a special way by opening the door for him to get into the car?

(*Text*)

Mr. MILLER: Not in a special manner, no.

(*Translation*)

Mr. CHAPDELAINE: As there were three of you to arrest him do you not think it is a nicer way to carry an individual than for one man to carry him because three can carry a man better than one.

(*Text*)

Mr. MILLER: I am afraid I did not get it.

The CHAIRMAN: No answer is required. Now, Mr. Prud'homme.

(*Translation*)

Mr. PRUD'HOMME: Mr. Chairman, I would like to begin by a point of order. I made no comment on the member for Lapointe's statement when he said I asked stupid questions but I will tell you why I am bringing up the point.

First of all I would like to repeat my questions, Mr. Chairman, the same kind of stupid questions I asked the first time, since my questions are essentially based on the statement the hon. member for Lapointe made in the House.

The CHAIRMAN: Will you go ahead and ask your questions Mr. Prud'homme.

Mr. PRUD'HOMME: All right. I would like to ask Constable Miller whether at any time he or one of the men with him—I apologize for the stupid statement but the hon member for Lapointe was the one who made it—whether he or one of the constables with him pushed Mr. Grégoire into the car by applying his knee to his seat?

(*Text*)

Mr. MILLER: Not that I was aware of.

(*Translation*)

Mr. PRUD'HOMME: To your knowledge, did you or the constables who accompanied you have anything against Mr. Grégoire in the sense of taking revenge?

Mr. GRÉGOIRE: Mr. Chairman, if that question is answered it will allow me to ask others in a similar vein.

Mr. PRUD'HOMME: In that case I withdraw my question.

Mr. GRÉGOIRE: No. I have no objection to the question.

Mr. PRUD'HOMME: I withdraw my question. To your knowledge did you or the constables who were with you treat Mr. Grégoire roughly enough to break the bracelet of his watch.

(*Text*)

Mr. MILLER: No, I would say not.

(*Translation*)

Mr. PRUD'HOMME: In your opinion, could Mr. Grégoire's watch have been broken before that?

(*Text*)

The CHAIRMAN: Well, Mr. Prud'homme that calls for a conclusion by the witness, and I do not feel that the question is in order.

Mr. GRÉGOIRE: I have no more questions.

(*Translation*)

Mr. PRUD'HOMME: When you were told to resort to force if necessary, could that have meant to "inform the member that if he did not want to get into the car of his own accord...."

(*Text*)

The CHAIRMAN: Mr. Prud'homme, this witness has not testified as to the orders concerning the force. This is not within his personal knowledge and I feel that the question is quite out of order. Now. Mr. Marcoux.

(*Translation*)

Mr. PRUD'HOMME: All right. That will be all for the time being.

Mr. MARCOUX: Mr. Miller, would you tell us your height?

(*Text*)

The CHAIRMAN: How tall are you?

Mr. MILLER: I am five feet, 11 inches.

(*Translation*)

Mr. MARCOUX: So you are less than six feet? What is your weight?

(*Text*)

The CHAIRMAN: What is your weight?

Mr. MILLER: I weigh 185 pounds.

(*Translation*)

Mr. MARCOU: Did you see Mr. Grégoire's arrest? Did you assist in arresting Mr. Grégoire?

(*Text*)

The CHAIRMAN: Did you see the arrest?

Mr. MILLER: I was there, yes.

(*Translation*)

Mr. MARCOUX: In your opinion, did the R.C.M.P. behave disgracefully and brutally towards a member of Parliament during his arrest?

(*Text*)

Mr. MILLER: No, I did not.

The CHAIRMAN: Well, I think this is a question arising out of your discussion in the house, and it is perhaps relevant whether or not the witness felt that undue force was used.

(*Translation*)

Mr. GRÉGOIRE: I have no objection to your finding the question relevant because it has to do with my statement in the House of Commons. But in that case I would like my statement to the House of Commons to . . .

(*Text*)

The CHAIRMAN: No, Mr. Grégoire. It also relates to the arrest.

(*Translation*)

Mr. GRÉGOIRE: So you find it relevant because it bears on my statement in the house and is also more or less connected with the arrest.

Mr. MARCOUX: Mr. Chairman, I shall continue my questioning. I just want to say that I only asked that question because it is closely and directly related to Mr. Grégoire's arrest and not because it has to do with any comment he may have made in the House.

Mr. Miller, do you know of any rules or regulations according to which a police officer could follow some other procedure to arrest a criminal than the one you followed?

(*Text*)

The CHAIRMAN: Well, Mr. Marcoux, that again is perhaps a legal opinion you are asking of the constable and I do not think it is within his competence.

(*Translation*)

Mr. MARCOUX: All right. Mr. Miller, without calling for a legal opinion, could the officers have arrested Mr. Grégoire in some other manner?

(*Text*)

Mr. MILLER: Under the circumstances, no.

(*Translation*)

Mr. MARCOUX: Mr. Miller, at the time of Mr. Grégoire's arrest how many R.C.M.P. officers were there?

(*Text*)

Mr. MILLER: There were originally three of us, then Corporal Berthiaume came in just prior to our placing Mr. Grégoire in the car.

(*Translation*)

Mr. MARCOUX: Well, in view of the fact that the two constables we questioned earlier were there, could you be considered as the third one?

(*Text*)

Mr. MILLER: I would presume so.

(*Translation*)

Mr. MARCOUX: Mr. Miller, did you yourself get Mr. Grégoire into the car by pushing him in the seat with your knee?

The CHAIRMAN: Dr. Marcoux, that question has already been asked and it was answered. I do not see . . .

Mr. MARCOUX: What was the answer, then?

(*Text*)

The CHAIRMAN: The answer was no, Mr. Marcoux.

(*Translation*)

Mr. MARCOUX: That is all Mr. Chairman.

(*Text*)

The CHAIRMAN: Now, Mr. Cashin.

Mr. CASHIN: Constable Miller, you knew—and I think you have testified to this—what Constable Stamler was about when he asked you to assist him in placing Mr. Grégoire in the car.

Mr. MILLER: Yes, I did.

Mr. CASHIN: Have you responsibility as an R.C.M.P. constable to assist in the arrest of a fugitive from justice or a criminal when you are in the presence of the arresting officer?

The CHAIRMAN: I realize that we got into this area earlier. However, I have ruled on a couple of questions this morning on similar grounds as to his general duties and so on. I think it is only for this committee to determine whether or not the witness was acting under orders or within normal practice. The question is relevant; however I think the point has been rather exhausted and I would ask you to leave it.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, if you will allow me to ask questions that have a direct bearing on privileges in general, is that provided in the committee's terms of reference?

The CHAIRMAN: Yes, Mr. Grégoire, but I do not think it is—

(*Text*)

It is not within the competence of this witness to determine the immunities and privileges of members.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, if you would allow me to answer a question before allowing it to be answered you could judge whether it is relevant to the matter of privileges in general. I am going to ask a question and you can decide. I would like the constable to tell me whether the R.C.M.P. or the senior R.C.M.P. officers issued instructions to the effect that a member could be arrested for a civil offence or a quasi offence on Parliament Hill and at the same time be given assistance by the R.C.M.P. officers on duty at the time?

(*Text*)

The CHAIRMAN: I do not think the question is in order.

(*Translation*)

M. GRÉGOIRE: I wanted to find out how much the R.C.M.P. know about the privileges of members of Parliament.

(*Text*)

Mr. LALONDE: May I make representations in this respect and say that the case here before this committee is not a civil case but a criminal case, and that on the question of immunity, as you have said before, this witness is not in a position to state anything in that regard.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, to come back to the matter of privilege in general, I wonder, in this case, whether there is not a point that should be defined. It is stated that it is a criminal offence and I think it would be a good thing to establish when it becomes a criminal offence and when an individual who gets a speeding ticket becomes a criminal. Is it when he is sentenced by the court or when he receives the ticket?

(*Text*)

The CHAIRMAN: Surely this is a matter, if you wish to pursue it, which can be dealt with without the presence of the arresting officers and I would hope that we might get through with the examination of these witnesses who have other duties, and that we as a committee could proceed toward that end as quickly as possible. The other issues relating to the immunity and privileges of members of parliament and so on are things which members of this committee will have to decide, when they determine the stand or position that they will take. I think you may be excused, constable.

(*Translation*)

Mr. LESSARD (*Saint-Henri*): Could I ask Constable Miller whether it is not in order for him, as a constable, to assist one of his colleagues at an opportune moment without asking a senior officer to help him?

(*Text*)

The CHAIRMAN: The question I believe, Mr. Lessard, and you will correct me if this is not the essence of it, is as follows: Would it be normal for you to assist another fellow constable in a normal arrest without asking for permission?

Mr. MILLER: I believe it would be normal.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, I have a supplementary question on this point. You say you think it would be in order for a police officer to go and help others without the authorization of his superiors. In that case, do you think the other constables you are going to help should necessarily be in difficulties and need such assistance?

(*Text*)

Mr. MILLER: Not necessarily.

M. FRANCIS: Mr. Chairman, there is one question I would like to ask Constable Miller. Would it be normal for you to call for assistance in an arrest if necessary from any law abiding citizen?

Mr. MILLER: Yes, I think so.

Mr. FRANCIS: Including members of parliament if they happened to be there?

Mr. MILLER: Yes.

(*Translation*)

Mr. CHAPDELAINE: At the time of the arrest, was Mr. Grégoire told that he could pay (his fines) there and then instead of going to jail?

(*Text*)

Mr. MILLER: Yes, he was. Constable Stamler informed him.

The CHAIRMAN: That is all, constable.

Well, gentlemen, I think we might take a five minute recess for the benefit of the staff in the translation booths. The only point I would like to make before we have a brief recess is that so far as I have been able to determine we have concluded the examination of the witnesses who were involved in the arrest.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, do you not think it would be appropriate to question the sergeant who is in charge of issuing orders over the radio telephone?

(*Text*)

The CHAIRMAN: Well, Mr. Grégoire, the committee may see fit to call the sergeant to whom the radio message was given. However, perhaps you should be required to show cause to the committee in respect of why he should be called. I was not aware that any of the testimony given by Constable Stamler on that point was in dispute. I feel that in doing this we would be going somewhat far afield, but I certainly am willing to meet the wishes of the committee on this point.

Mr. MACDONALD: I would suggest it might be in order to call the sergeant on this point.

The CHAIRMAN: If it is the wish of the committee, we could do so.

Mr. CASHIN: Before we call the sergeant, I think Mr. Grégoire should be called upon to answer the question you asked; that is, can he show some reason for doing so? At the moment I do not see any good reason, any bad reason, or any reason we should call the sergeant.

(*Translation*)

Mr. GRÉGOIRE: He is here, Mr. Chairman.

Mr. PRUD'HOMME: Mr. Chairman, before we adjourn, could we ask Mr. Grégoire—I would like to put this question to him at each sitting—whether he has thought the matter over and decided to withdraw from the committee, or whether he is in a somewhat exceptional position as he has to appear himself and question (the witnesses). As I was saying, could we know whether he has changed his mind?

The CHAIRMAN: Mr. Prud'homme, you can ask him yourself. The matter has already been discussed by the committee and I do not want to deal with it again.

(*Text*)

—Upon resuming.

Gentlemen, before we adjourned we were discussing who our next witness should be. I would like the guidance of the committee on this point.

Mr. FRANCIS: Mr. Chairman, perhaps Mr. Grégoire would give us a brief statement concerning the line of questioning he would like to follow with the sergeant. I have no objection to the sergeant being called if Mr. Grégoire can give use a brief explanation of how the questioning of this witness would be relevant to the problem before the committee.

(*Translation*)

Mr. LESSARD (*Saint-Henri*): Mr. Chairman, I object. I do not think it is in order to alow Mr. Grégoire to express a grievance or make a statement.

Mr. GRÉGOIRE: I am also of that opinion.

Mr. LESSARD (*Saint-Henri*): It is up to the committee to decide.

Mr. GRÉGOIRE: Sergeant Rachel has been called and he is here. I do not see why I should ask my questions twice. If my questions are out of order, just say that they are out of order.

(*Text*)

Mr. CASHIN: Mr. Chairman, I do not think it had been contemplated that the sergeant would come before us and, since Mr. Grégoire is the person who suggested he should appear, perhaps Mr. Grégoire would give us some argument with regard to why he should be called. Some persons may feel that it is not necessary, while others may be of the opinion that it is desirable to hear this witness.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, all the members of the committee do not necessarily have questions to ask.

The CHAIRMAN: Will you move that Sergeant Rachel be called, Mr. Grégoire?

Mr. GRÉGOIRE: All right, I move that Sergeant Rachel be called as a witness.

(*Text*)

The CHAIRMAN: Do we have a seconder?

Motion seconded by Mr. Macdonald.

The CHAIRMAN: All those in favour? All those against?

I declare the motion carried.

STAFF SERGEANT CLARENCE RACHEL, Sworn.

The CHAIRMAN: Would you like to proceed, Mr. Lalonde?

Mr. LALONDE: Sergeant Rachel, would you state your full name?

Mr. RACHEL: Clarence Rachel.

Mr. LALONDE: How long have you been in the force?

Mr. RACHEL: Twenty three and one half years.

Mr. LALONDE: What are your present functions?

Mr. RACHEL: I am the n.c.o. in charge of the A division, traffic section.

Mr. LALONDE: Were you occupying that position on February 12, 1965?

Mr. RACHEL: I was, sir.

Mr. LALONDE: Did you participate either directly or indirectly in the arrest of Mr. Grégoire on February 12, 1965?

Mr. RACHEL: Indirectly, sir.

Mr. LALONDE: Would you state to the committee what your role was in that connection?

Mr. RACHEL: At 1.50 p.m. I was summoned by the radio dispatcher on duty to attend at the radio room. When I got there he advised me that Mr. Grégoire had been arrested on parliament hill and that he had refused to get into the police car. Bearing in mind the contents of section 25(1)(b) and section 26 of the Criminal Code, I advised the dispatcher on duty to instruct Constable Stamler to use necessary force but not excessive force in putting him in the police car.

Mr. LALONDE: Is this all you said to the dispatcher?

Mr. RACHEL: That is all I said.

Mr. LALONDE: Was this decision made on your own?

Mr. RACHEL: That decision was made on my own, yes.

Mr. LALONDE: Did you have anything to do with the arrest apart from this?

Mr. RACHEL: I had discussed the arrest with my superior, Inspector Currie.

(*Translation*)

Mr. GRÉGOIRE: Sergeant Rachel, you have just said that you discussed the matter with your superior Lt.—what was his name?

(*Text*)

Did you discuss the problem with Inspector Currie before you answered the call on the radio telephone?

Mr. RACHEL: No. I discussed the matter of the arrest at approximately ten minutes to 12 on the same date. When the radio call came in that you had been placed in lawful custody—as you were under arrest at the time—it would be normal procedure to refer to section 25(1)(b) of the Criminal Code to use whatever force is necessary to effect the arrest.

Mr. GRÉGOIRE: That is what you discussed with Inspector Currie?

Mr. RACHEL: No, not at that time. This was the radio call which came to me and I gave this answer.

Mr. LALONDE: But you discussed this with Inspector Currie at ten minutes to 12?

Mr. RACHEL: The arrest.

Mr. GRÉGOIRE: And he said to use all necessary force?

Mr. RACHEL: The question never came up at that time.

Mr. GRÉGOIRE: Did the question of force come up with him?

Mr. RACHEL: With Inspector Currie?

Mr. GRÉGOIRE: Yes.

Mr. RACHEL: No, it did not.

(*Translation*)

Mr. GRÉGOIRE: No reference was made to force being used by Inspector Currie?

(*Text*)

Mr. RACHEL: No.

(*Translation*)

Mr. GRÉGOIRE: Inspector Currie simply told you to proceed with the arrest?

(*Text*)

Mr. RACHEL: That is correct, sir.

(*Translation*)

Mr. GRÉGOIRE: And that was all. After the calls you received from Constable Stamler over the car radio, after the radio messages you did not communicate with Inspector Currie again?

(*Text*)

Mr. RACHEL: I did after I gave the instructions to use necessary force; I reported to my superior, Inspector Currie, yes.

(*Translation*)

Mr. GRÉGOIRE: After the first 'phone call?

(*Text*)

The CHAIRMAN: If I might say, by way of clarification, it seemed to me on Tuesday there was a misunderstanding on this point.

As I understood the testimony there was only one series of transmissions, in that the officer called once and received the reply, and then spoke again and received the reply. This is a two way radio, as I understand it, and you have to cease transmitting in order to receive. Therefore, there was really only one conversation, so to speak.

Mr. GRÉGOIRE: There was only the one radio call?

The CHAIRMAN: That is what I understood. Perhaps the staff sergeant could clarify that.

You were referring to the previous testimony on Tuesday, and it seemed to me there was no clarity in your mind at that point, and this is why I raise it now.

(*Text*)

Mr. LALONDE: I think we will agree on this point.

(*Translation*)

There was a call from Constable Stamler who spoke to the dispatcher. After that he got an answer and Constable Stamler again asked the dispatcher if he had obtained, if he had got things clear with Sergeant Rachel. The dispatcher answered to the effect that he had cleared things up with Sergeant Rachel, that he was to use force but not more than was absolutely necessary.

Mr. GRÉGOIRE: All that in the same call.

Mr. LALONDE: Yes, all that.

Mr. GRÉGOIRE: But after the first 'phone call, the first part of Constable Stamler's call to headquarters, did the radio operator go and consult Sergeant Rachel, and did he answer during the same call or was there a second telephone call?

(*Text*)

Mr. LALONDE: Radio telephone.

Mr. RACHEL: I received only one call from the dispatcher on duty, and I immediately attended at the radio room.

(*Translation*)

Mr. GRÉGOIRE: And it was after that telephone call that you saw Inspector Currie for the second time about the matter that day?

(*Text*)

Mr. RACHEL: Yes, this was after I had given the instructions to use whatever force is necessary.

(*Translation*)

Mr. GRÉGOIRE: And after you had spoken to Inspector Currie there were no other telephone communications with the car?

(*Text*)

Mr. RACHEL: Not that I am aware of. I subsequently learned from the dispatcher they had got to Carleton County jail all right.

(*Translation*)

Mr. GRÉGOIRE: Sergeant Rachel, Constable Stamler has told us . . .

(*Text*)

The CHAIRMAN: Mr. Grégoire, I wish you would refrain from quoting previous testimony.

Mr. GRÉGOIRE: I will rephrase that question.

(*Translation*)

Sergeant Rachel, did you receive orders from your superiors to the effect that the warrants or summonses to be served by the R.C.M.P. were to be bilingual?

(*Text*)

The CHAIRMAN: Mr. Grégoire, these documents, the summonses, were tabled for the information of the committee and they are bilingual. I do not see that there is a point at issue here. I really feel we are straying very far from the terms of reference in that connection.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, that is the only question and if the . . . some things are just in English. I have had copies made, I do not know whether they are ready yet, of the other papers I received in English only. All I want to ask Sergeant Rachel in this connection is whether he received comments or orders from his superiors to the effect that the summonses and the warrants for arrest the R.C.M.P. were to serve, should be in both languages.

(*Text*)

The CHAIRMAN: Well, Mr. Grégoire, you might consider that the committee has heard testimony earlier, and that the warrants for arrest are documents of a provincial court; they were not directed or addressed to the accused but are directed to the arresting police officer. I feel this area is quite outside the order of reference of the house. This is not even within the jurisdiction of this parliament. Therefore, I will rule the question out of order.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, it would simply be ... a witness stated that he received no instructions to that effect. It is just to have it confirmed or denied.

(*Text*)

The CHAIRMAN: Well, you might put a specific question rather than a general one. You might ask the staff sergeant if he had any order to that effect concerning one or the other. But you should not put a general blanket sort of question. Even then, I think you are getting very far afield. I will have to judge the question after you have put it.

(*Translation*)

Mr. GRÉGOIRE: In my case, Sergeant Rachel, you received instructions to the effect that the warrants and summonses should be in both languages?

(*Text*)

Mr. RACHEL: I did not, sir.

(*Translation*)

Mr. GRÉGOIRE: You received no (instructions).

(*Text*)

Mr. RACHEL: No, sir.

(*Translation*)

Mr. GRÉGOIRE: A second one . . . and you did not have the warrant of arrest sent to me in both languages?

Mr. LESSARD (*Saint-Henri*): Mr. Chairman, he asked a question and he answered it.

(*Text*)

The CHAIRMAN: Order.

(*Translation*)

Mr. GRÉGOIRE: And you did not have the warrant sent in both languages because you were never asked to do so.

(*Text*)

The CHAIRMAN: Mr. Grégoire, this asks for a conclusion. You asked him if he received such an order and he answered, and now you are asking him for something else.

Mr. GRÉGOIRE: I think that is sufficient.

Mr. LESSARD (*Saint-Henri*): No questions.

Mr. PRUD'HOMME: No questions.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, I would just like to ask Corporal Berthiaume whether he suggested we should discuss the matter in his office. It is just a matter of answering yes or no.

(*Text*)

The CHAIRMAN: I gather then we are finished with sergeant Rachel. Thank you.

Mr. LALONDE: Mr. Chairman, are you allowing this request?

(*Translation*)

Mr. GRÉGOIRE: Is counsel for the R.C.M.P., following evidence by the other witnesses, ready to recognize that Corporal Berthiaume suggested we should discuss the matter in the R.C.M.P. office in the East Block?

Mr. LALONDE: To speed things up . . .

To speed things up, I am prepared to admit that Corporal Berthiaume suggested to Constable Stamler that they should discuss the matter in the East Block.

Mr. GRÉGOIRE: In the R.C.M.P. office.

Mr. LALONDE: Yes, probably.

(*Text*)

The CHAIRMAN: Therefore, gentlemen, I would conclude that we have finished the examination of the arresting officers.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, I have just been asked whether I am ready to testify. I have already mentioned on two or three occasions that I was ready to testify. Now I would like to reserve—I have a witness I would like to produce. Unfortunately I was unable to ask him to come here this morning so perhaps time could be reserved for a witness to the arrest after I have given my evidence.

(*Text*)

The CHAIRMAN: I understand that Mr. Grégoire would like to testify now, and he would like permission to call a witness.

Mr. GRÉGOIRE: One witness.

The CHAIRMAN: I think we might discuss the relevancy of this in the steering committee. I am sure that the steering committee would like to give every latitude.

We will now call Mr. Grégoire to the head table. We will proceed with him. I think this will occupy the rest of the morning.

(*Translation*)

Mr. GRÉGOIRE: And I could produce the other witness afterwards.

The CHAIRMAN: I think that is the sub-committee's intention. Will you come here Mr. Grégoire.

(*Text*)

Is it the wish of the committee that the witness be sworn?

Some hon. MEMBERS: Agreed.

Mr. GILLES GRÉGQIRE:, sworn.

The CHAIRMAN: Would you like to proceed now, Mr. Grégoire?

(*Translation*)

Mr. OLLIVIER: Do you solemnly, sincerely and legally declare—

(*Text*)

The CHAIRMAN: Mr. Grégoire.

(*Translation*)

Do you want to begin with a statement or do you just want to answer questions? I think that if the witness wants to begin by making a statement he should be allowed to do so.

Mr. GRÉGOIRE: Well, Mr. Chairman, perhaps the only statement I can make to begin with, before I am questioned, as I have already made a statement, is that, personally, I have nothing against the R.C.M.P. as such, and have always considered it as an exemplary police force and I have never had any reason to complain about them except in the matter of bilingualism within the R.C.M.P., and that the only disagreement I have with them today is precisely about this matter of bilingualism within a federal government police corps. That is the only statement I have to make now.

The CHAIRMAN: Let us have the questions then.

Mr. CHRÉTIEN: As the clerk has not asked the questions usually asked of witnesses, I shall ask you one or two. How old are you Mr. Grégoire?

Mr. GRÉGOIRE: Thirty-eight.

Mr. CHRÉTIEN: What is your profession?

Mr. GRÉGOIRE: Member of the federal government.

Mr. CHRÉTIEN: Is it a permanent or a temporary profession?

Mr. GRÉGOIRE: Yes sir, permanent in my case, and temporary in others.

Mr. CHRÉTIEN: Before you were elected to the House of Commons what was your profession?

Mr. GRÉGOIRE: I was—Mr. Chairman, I wonder whether this—

Mr. CHRÉTIEN: Let me explain, Mr. Chairman, I want to make my point immediately. The witness has maintained several times that this whole matter revolves around a warrant for arrest, and we want to know—of course, a warrant for arrest is an order given to a police officer which was not intended at all for Mr. Grégoire. We presume and we want to establish, of course, whether he knew this and whether he has caused all this commotion just to get publicity. I think it very important for the Committee to know this.

(*Text*)

The CHAIRMAN: I must object because you are imputing motives to the witness.

Mr. CASHIN: Mr. Chairman, I would like to point out that it is quite in order to ascertain some of the background, the qualifications of the witness and so on.

The CHAIRMAN: But he was referring to reasons.

Mr. CASHIN: Well, perhaps Mr. Chrétien should not be referring to some of the reasons he wants to know these things. But, I think it is standard procedure to ask the type of questions he was putting. This gentleman's reasons are not in issue, unless they are obvious on the face of the question, which they are not in this case.

The CHAIRMAN: I would point out to the committee that Mr. Grégoire is not on trial and questions concerning his conduct should relate only to the arrest on February 12. I hope we get the co-operation of members of the committee in adhering to the terms of reference.

(*Translation*)

Mr. GIROUARD: Mr. Chairman, on the same point of order, in his statements Mr. Grégoire had alleged that he was roughly treated by the R.C.M.P. It is extremely important to know something about Mr. Grégoire's position, as one thing is certain, a murderer is not arrested in the same way as a gentleman, a lawyer, a doctor or anyone else because the police always use, as they say, the necessary amount of force. So it is essential that we find out something about Mr. Grégoire's character to know whether the police used excessive force or whether force was required.

(*Text*)

The CHAIRMAN: Well, the point is not well taken. This is not a character investigation of anyone. I would ask Mr. Chretien if he would proceed within the terms of reference which were given to us by the house.

(*Translation*)

Mr. CHAPDELAINE: Mr. Chairman, in this connection we may be obliged later on, during Mr. Grégoire's testimony—I would like to point out that if the evidence concerning his character cannot be placed on file it will not serve the facts of our inquiry. If, for example, the fact is well-known that Mr. Grégoire was in the habit of not paying his traffic tickets, if the police were aware of that it could have influenced the action of the police or have justified their attitude at the time of the arrest, because in that case if an individual always places himself in a position where he refuses to comply with a court order, be it a municipal, a provincial or a federal court, I think it influences the behaviour both of the accused, or the person charged, and the police. I think that if today anyone met Mr. Rivard on the street he would be arrested—

(*Text*)

The CHAIRMAN: Order. Mr. Chapdelaine, the only thing that is before this committee are the circumstances relating to the arrest on February 12. The charges on which that arrest was made is admissable evidence, but any other hypothetical or possible infractions of the Highway Traffic Act, or any other charges are not before this committee. As I have said, the questioning should be directed only within the confines of the terms of reference, relating to the arrest on February 12.

(*Translation*)

Mr. CHAPDELAINE: Mr. Chairman, if you will allow me, for your information, before you render your final decision, I would like to place on the record that it is very important for the Committee to know who was arrested. It is one of the circumstances of the arrest. It is not merely a matter of an arrest, this is a very specific case and we should know who was arrested. In my opinion, the Committee should be informed as to the character of the person who was arrested and the way in which he was arrested.

(*Text*)

The CHAIRMAN: Mr. Chapdelaine, that may be relevant in determining the innocence or guilt of an accused in a court. However, the guilt or innocence

of Mr. Grégoire was established in another court under another jurisdiction and is not now germane to this inquiry. What we are concerned with is the arrest on February 12 and any invasion of the privileges of the member of parliament that may have arisen out of that arrest. I feel that is the only point before us and again I would ask for the co-operation of the members.

(*Translation*)

Mr. CHAPDELAINE: Mr. Chairman, if you will allow me one last comment. I think that if we follow the procedure usually followed in a court of justice, in the presence of a jury—I am relating such a case to the one actually before us—one rule of procedure is generally recognized, namely, that proof of character is always admitted in court when it can help to guide the judges who have to hand down a decision. I think that to some extent this is happening now and that this evidence should be allowed.

(*Text*)

The CHAIRMAN: Again, Mr. Chapdelaine, I think perhaps your point would be well taken in a court of law where a man was being charged with a crime, and the matter of his credibility was being questioned. Perhaps in this case questions would be allowed in respect of his past character, his previous record and so on. But, in this case I fail to see any connection whatsoever and, again, I would ask for the co-operation of the members.

I hope we can proceed now with the examination of Mr. Grégoire in respect of the arrest on February 12, and the circumstances relating to that arrest.

(*Translation*)

Mr. GIROUARD: Mr. Chairman, as the point seems to be both questioned and questionable I ask for permission to appeal your decision.

(*Text*)

The CHAIRMAN: You are appealing my decision?

Mr. GIROUARD: Yes.

The CHAIRMAN: I will ask for the committee to decide whether the chairman's ruling shall be upheld.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, do we have a quorum at the present time?

The CHAIRMAN: We had a quorum a while ago.

Mr. PRUD'HOMME: There are ten of us, Mr. Grégoire, so we have a quorum.

A MEMBER: Eleven.

Mr. PRUD'HOMME: Unless you decide to withdraw from the Committee.

Mr. GRÉGOIRE: Then I am a member of the Committee.

Mr. Chairman, I appeal the decision of the Committee of the House itself which, moreover, we are allowed to do—

The CHAIRMAN: No, that is not allowed Mr. Grégoire.

(*Text*)

The committee divided on the question:

Shall the ruling of the chairman be confirmed?

And the ruling was confirmed.

Mr. MACDONALD: Mr. Chairman, there has been a clear indication that none of the other Royal Canadian Mounted Police witnesses will be called. Mr. Lalonde has indicated that he has no questions to ask Mr. Grégoire. In these

circumstances I would like to ask the indulgence of the committee to allow Mr. Lalonde to make a brief statement now. He has another engagement out of town and would like to leave Ottawa before lunch.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, beforehand, if Mr. Lalonde is allowed to make a speech it means that I shall get down from the witness stand. I would like to ask whether in view of the fact that it is allowed to establish proof of character, the same thing will be allowed in the case of the members of the R.C.M.P., namely, how many traffic tickets they issued? And to find out what part they usually play in such cases, how many traffic tickets they have issued lately to members of the House of Commons? How many were settled with the help of the Department of Justice, without the members paying anything; it would establish proof of character regarding the actions of the R.C.M.P. and I wonder whether—

Mr. PRUD'HOMME: We are not here to take action against the R.C.M.P. regarding their procedures, we are here to deal with a specific point, namely, the arrest of the member for Lapointe and the circumstances surrounding Mr. Grégoire's arrest. The rest has absolutely nothing to do with this committee.

(*Text*)

The CHAIRMAN: Mr. Grégoire, I do not feel any arrests other than the arrest on February 12 or any other members are involved in the matters to be dealt with by this committee.

My own feeling concerning the decisions made by the committee is that they are going very far indeed, and in spite of the ruling made by the committee, I serve due warning that I intend to keep as much as possible within the terms of the arrest on February 12. Again, I appeal to the members of the committee to co-operate. I think they should very seriously consider the direction in which they are going in this matter.

I suggest we hear Mr. Lalonde's statement at this time. There are a number of Royal Canadian Mounted Police officers here and I think they would be subject to call later on. Mr. Lalonde has another engagement and I think we should afford him the courtesy of hearing him now.

(*Translation*)

Mr. PRUD'HOMME: That is no concern of ours.

Mr. CHAPDELAINE: Mr. Chairman, regarding the statement you have just made to the effect that the committee should not take undue advantage of the authorization it has granted itself to establish evidence of character, I would just like to point out to the committee and to the chairman that if it had not been for the fact that Mr. Grégoire is a member of Parliament we would not be here. So I think the committee is now entirely free because if there is a committee it is solely because Mr. Grégoire is a member of Parliament, and that is why we are here.

The CHAIRMAN: Mr. Lalonde.

Mr. LALONDE: Mr. Chairman, hon. members of the committee, I shall be very brief. As counsel for the R.C.M.P. before your committee my position is, of course, a very delicate one. It is neither up to the R.C.M.P. nor to myself to intervene in the debates or the decisions of the committee in any way, and it is certainly not up to us to adopt a position regarding the fundamental matter of whether there were privileges or not. That is up to the committee and the members of Parliament to decide, and both in my capacity of counsel and on behalf of my clients, the R.C.M.P., there can be no question of expressing an opinion in this regard. I would merely like, in a very few words, to sum up the facts as I see them. The first important fact to be noted, in my opinion, is

that in this case a court rendered a decision on an offence of a criminal nature. Secondly, the R.C.M.P. took all the required precautions and contacted even the Sergeant-at-Arms and the Clerk of the House of Commons before proceeding to arrest Mr. Grégoire. In particular, you have had the evidence of Mr. Raymond's statement to Constable Stamler as reported by the latter, to the effect that whatever the members of the R.C.M.P. did outside the parliament buildings was their own responsibility. I would also like to recall the numerous times Constable Stamler contacted Mr. Grégoire regarding the offence committed in December, the offences comitted in December. Finally, I would like to emphasize the fact that Mr. Grégoire did not refer to his privilege as a member of Parliament at the time of his arrest. In fact, there is no evidence to the effect that he asked to see the Speaker of the House; on the contrary, he asked that the Minister of Justice be called or he asked to see him. Now, may I remind you that the order was issued by a court in the province of Ontario, a court over which the Minister of Justice, as such, has no jurisdiction and no responsibility, And, regarding the matter of the translation of the warrant for arrest, that warrant, even if it was signed in French, if the translation had been signed by the Minister of Justice it had no more value than the paper on which it was written and the only valid document was the one issued by the court calling for the arrest. Such are the facts connected with the arrest itself. Two other questions have been raised which, in our opinion, are not provided for in the terms of reference of this committee, namely, the bilingualism of the forms and the matter of the rough treatment that occurred during the arrest. Nevertheless, I am grateful to the committee and its chairman for having allowed the constables concerned to give evidence in this regard, as serious allegations were made in the house and those allegations, in the house, if they had not been made under cover of parliamentary privilege might have served as a basis for an action for libel. These statements made headlines in the press throughout the country, and, once again, I thank the committee for having allowed the members of the R.C.M.P. to relate the events as they occurred in their opinion. I would point out, regarding the matter of bilingualism, that all the documents issued by the R.C.M.P. were bilingual and that all other documents addressed to Mr. Grégoire by the court, and which had gone through the hands of the R.C.M.P., had been translated. A translation had been attached which may not have any official value in the province of Ontario, but which, nevertheless, was made to make matters easier for Mr. Grégoire. Throughout the procedure, moreover, at least one French-speaking constable was present and took part in all the incidents. As far as the matter of rough handling is concerned, well you have heard the evidence and I leave it to the committee to judge that evidence in this respect. The R.C.M.P. has always recognized that the rights of the citizens of this country are very important, and the rights of members of Parliament even more so. The R.C.M.P. has always defined itself as a body serving the community. But while the rights of citizens are important, the R.C.M.P. believes that its constables and senior officers, even the Commissioner of the R.C.M.P., are also citizens of this country. That is why, in view of the allegations that have been made, we wanted the witnesses of the R.C.M.P. to be heard in order to reconstitute the facts, if possible, as, in our opinion, they occurred and to remedy the injustice which may have been done to the constables concerned in this case. Hon. members of the committee, Mr. Chairman, I thank you for your attention.

Mr. GRÉGOIRE: Mr. Chairman, if you will allow me, on a point of order, there is just one word in Mr. Lalonde's statement I would like to deal with. He mentioned that proof had been established—I would just like to point out that all the evidence has not yet been received.

(*Text*)

The CHAIRMAN: Thank you, Mr. Lalonde.

That is fine, Mr. Grégoire.

Mr. O'KEEFE: I move that we adjourn.

The CHAIRMAN: Before we adjourn I would like to point out that Mr. Gregoire has indicated to me that he wishes to have Commissioner McClellan called before the committee and another witness, as yet unnamed to me—

Mr. GRÉGOIRE: Monsieur Raymond.

The CHAIRMAN: Yes, I was just about to add that Mr. Gregoire has indicated to me that he would like to have Mr. Raymond, the Clerk of the house, called before the committee. I propose to take up this matter with the steering committee. I feel the steering committee should at least be given some idea what line Mr. Gregoire intends to pursue. The steering committee will then report to the committee at our next meeting.

Mr. MACDONALD: In that regard, Mr. Chairman, in my request to the committee that Mr. Lalonde should be heard, I expressed the condition that no other witnesses from the Royal Canadian Mounted Police would be required. I think to suddenly change the direction at this last minute puts Mr. Lalonde in a very unfair position.

The CHAIRMAN: Mr. Macdonald, perhaps the error was mine. Mr. Gregoire had mentioned this to me during our short recess and I completely missed the point you made.

Perhaps we might schedule this very much at the convenience of the commissioner and Mr. Lalonde for some future time, if the steering committee decides that Commissioner McClellan should be called, and I do not wish in any way to prejudice what the steering committee will decide in this matter. May we leave it at that?

At our next meeting we will proceed with the examination of Mr. Gregoire and we will then have had a steering report on what further action the committee will take.

I suggest that this meeting should now adjourn. I would like some direction as to when our next meeting should be called.

Mr. CHRÉTIEN: I suggest 3.30 this afternoon.

Mr. CASHIN: After orders of the day.

(*Translation*)

Mr. PRUD'HOMME: Now, before we leave, Mr. Chairman I would like to know whether it is quite clear that if you decide to call the Commissioner of the R.C.M.P. you will first submit the case to the committee. Even if the subcommittee decides to call him and this report . . .

(*Text*)

The CHAIRMAN: The steering committee naturally, Mr. Prud'homme, will report to this committee and the report would have to be adopted.

Mr. LESSARD (*Saint-Henri*): It would have to be adopted?

The CHAIRMAN: The report would be put to the committee for decision.

Mr. LESSARD (*Saint-Henri*): That is better!

The CHAIRMAN: The meeting is adjourned.

AFTERNOON SITTING

(*Text*)

The CHAIRMAN: Gentlemen, when we adjourned Mr. Gregoire was our witness. I would ask him to come forward.

I would like to point out to the committee that notwithstanding the appeal of the ruling this morning, I intend to treat each question on its own merits and do what I feel is relevant in this connection. I would again ask the cooperation of members of the committee in my effort to stay within certain bounds.

Personally, I do not feel that any examination concerning character and events which may have occurred prior to the events which have been referred to us by the house should be carried on. I do not believe it is relevant to this hearing. Again I would ask the members to co-operate with the Chair in this matter.

Mr. Chrétien had the floor when we adjourned. Mr. Chrétien.

(*Translation*)

Mr. CHRÉTIEN: Mr. Gégoire, under the same oath you took this morning, I would like to ask you a few questions. This is what I am trying to get at. I would like to ask you some questions on legal training you may have had in the past because obviously, we believe that the warrant which was served on you by the police—

Mr. BEAULÉ: On a point of order.

(*Text*)

The CHAIRMAN: I have not heard the points. We may let Mr. Chretien finish.

(*Translation*)

Mr. CHRÉTIEN: I would like to explain to the committee that I am not trying to prove character. But I would like to establish that Mr. Grégoire had previous knowledge of the situation.

Mr. CHAPDELAINE: Mr. Chairman, if I might—

The CHAIRMAN: Mr. Chapdelaine—

Mr. BEAULÉ: On a point of order.

(*Text*)

The CHAIRMAN: I will hear your point of order.

(*Translation*)

Mr. CHAPDELAINE: This morning, the committee decided that we could prove character. I believe your judgment can help us to determine what can enter into this proof of character. But I believe that, basically, it has been accepted that we can testify to character. Therefore, I would ask that before the questions are declared irrelevant they at least be listened to.

Mr. BEAULÉ: Mr. Chairman, on this same point of order. I don't believe that there is any question of proving character here. It was been a question of whether a member's immunity has been violated in parliament on the occasion of the arrest of the member, Mr. Grégoire.

(*Text*)

The CHAIRMAN: Order, please.

Mr. Chapdelaine, I think you should think very seriously about the direction you would like to have this committee take. I intend to treat every question on its own merits. Despite the fact that you overruled me this morning, that still is my position, and I intended to proceed in that manner.

I feel the members should very carefully consider, whether under some pretext or other, a member of parliament should be summonsed before this committee and exposed to an examination into character. I think this is a very important principle and one which requires very careful consideration by every member of this committee.

(*Translation*)

Mr. CHAPDELAINE: I will abide by your decision, Mr. Chairman. I only mean to say that the proof of character which we wish to present has a direct connection with the arrest. Personally, I have no intention of exceeding the permitted questions only to establish who it was and who caused our being gathered here in committee as a result of a police arrest. It is I believe, the line of questioning that should be permitted.

(*Text*)

The CHAIRMAN: Mr. Chapdelaine, I intend to review every question in terms of relevancy it may have to the circumstances surrounding the arrest of February 12. If my rulings are not acceptable to the members of the committee, they may appeal them. These rulings will be made on an individual basis and not as a general blanket policy; that is the way in which I intend to proceed. Any member of the committee may appeal any ruling I make concerning a question being out of order.

(*Translation*)

Mr. CHRÉTIEN: Mr. Grégoire, do you have any form of legal training?

Mr. BEAULÉ: Mr. Chairman, this question has no connection with the arrest of Mr. Grégoire at the House of Parliament, on February 12.

Mr. GIROUARD: On a point of order, Mr. Chairman. This question with regard to Mr. Grégoire's profession was asked this morning. You stated that it was irrelevant. The committee has decided otherwise. Therefore this question is actually authorized.

Mr. BEAULÉ: Mr. Chairman, would you please repeat the instructions you gave Mr. Girouard.

The CHAIRMAN: This was discussed this morning and has been settled.

Mr. GIROUARD: We reversed your decision with regard to this question of profession, this morning.

The CHAIRMAN: I did not hear your question Mr. Beaulé.

Mr. BEAULÉ: Mr. Chairman, we are here to find out whether the immunity of a member of parliament was violated on February 12th in respect of his arrest, and not to inquire into his legal training or whether he has a legal diploma. We are here to find out whether his immunity was violated. If you so permit, according to the decision which was rendered this morning, if you will allow the questions to be asked, we will bring all the witnesses back to the bar and will ask them to testify as to character also.

Mr. CHAPDELAINE: On a point of order Mr. Chairman, it was also discussed and decided this morning that if your decision was reversed at that time it was because we wanted to ascertain who was the individual who was arrested by the police and that, had it not been that Mr. Grégoire was a member of parliament we would not be here today. I think that is the one and only reason why this committee is being held. Therefore, we may continue to ascertain the identity of Mr. Grégoire in order to determine exactly the nature of the inquiry carried out by this committee.

(*Text*)

The CHAIRMAN: Mr. Scott.

Mr. SCOTT: Mr. Chairman, on the point of order, Mr. Grégoire is here as the hon. member and in no other capacity. We are here to investigate whether

or not the privileges of a hon. member of the house—whether he is a doctor, a lawyer, an accountant, a farmer, or anything else—have been interfered with. The actual background of the person or his occupation, to me, seems to be irrelevant. I would like to ask the person proposing the question to lay some foundation with reference to its relevancy.

The CHAIRMAN: I think Mr. Chrétien was in the process of doing that when the series of points of order were raised. From the arguments I heard this morning I feel we are straying quite far from our terms of reference, but I am prepared to hear Mr. Chrétien's foundation. I think that is what we should do. I would ask him to proceed. After he has done so, I will make a ruling on whether or not I feel the foundation is relevant.

(*Translation*)

Mr. CHRÉTIEN: This is the situation. In this particular matter, I am of opinion that it is relevant because when Mr. Grégoire received the telephone call on February 12, he was informed that there was a warrant out for his arrest. Mr. Grégoire maintains that this particular warrant for his arrest was not bilingual. So, it is in the interest of the committee to find out about Mr. Grégoire's background, because he knew full well that he had no right to insist on a bilingual warrant for his arrest, because the warrant for arrest is an order given by the Court to an officer of that Court to execute an act recognized by law. So, it is to prove that Mr. Grégoire, obviously, had absolutely no reason to bring up the question of privilege inasmuch as he knew that the warrant for arrest was not addressed to him and that he had no right to insist that it be in the two languages. Obviously, in establishing his legal training, it will become apparent to all the members of this committee that he acted in bad faith when he refused to obey the traffic officer.

Mr. GRÉGOIRE: Mr. Chairman, on a question of privilege, inasmuch as there has been a mention of bad faith . . .

Mr. CHAPDELAINE: I would like to know . . .

Mr. GRÉGOIRE: Mr. Chairman, I am dealing with the question of privilege.

Mr. CHAPDELAINE: I would like to know, before you ask your question, if you are speaking as a witness or as a member of this committee.

Mr. GRÉGOIRE: I have not yet answered one single question as a witness.

Mr. GIROUARD: As for me, Mr. Chairman, when the committee has voted, its decision cannot be reversed by the same committee unless there is another motion. The matter of Mr. Grégoire's profession, as you said this morning, is relevant. We voted, we reversed your decision and the question must now be put. There is no other authority to oppose it but the committee itself.

(*Text*)

The CHAIRMAN: Mr. Girouard, the vote that was taken this morning concerned examination into character which was proposed by Mr. Chapdelaine and appealed by yourself. We got off the specific question.

(*Translation*)

Mr. GIROUARD: On a point of order, Mr. Chairman, Mr. Chrétien had asked: "What is your profession, Mr. Grégoire?" He replied: "Member of Parliament." He asked: "What was your profession before being a Member of Parliament?" and at this point, he objected. You said: "Out of order." This question must not be asked. We appealed your decision on the point.

(*Text*)

The CHAIRMAN: But the arguments all centred around an examination into character.

Mr. SCOTT: May I ask this question of our legal counsel, for information: In the event that a witness before this committee feels questions put to him

are outside the terms of reference, does he have the right to decline to answer and to ask the house itself to rule?

Mr. OLLIVIER: No, not the house. I think it has been decided three or four times previously—first by Speaker Beaudoin—that the committees would have to make their own decisions, that the Speaker of the house should not be called upon to consider the appeal, and that no reference of difficulty in the committee shoud be made to the House of Commons. I think I gave this legal opinion to the Chairman; he has it in front of him. I believe the last time this same point came up was about a year ago and it was decided in the house itself that the appeal should not be made to the house.

Mr. SCOTT: What are the rights of a witness before a committee to refuse to answer?

Mr. OLLIVIER: He can always ask for the protection of the committee and refuse to answer any question that would incriminate him, or something like that. In truth, he has the same protection, I think, as he would have before a court.

Mr. GREENE: Does he have the same responsibilities?

Mr. CHAPDELAINE: Can he be committed?

Mr. OLLIVIER: It says in May's Parliamentary Practices, 16th edition, page 669:

> When a member submits himself to examination without any order of the house, he has to be treated precisely like any other witness, and is not at liberty to qualify his submission by stipulating that he has to answer only such questions as he pleases.

Mr. GREENE: Can he be committed to jail for contempt if he refuses to answer?

Mr. SCOTT: To an Ontario jail?

(*Translation*)

Mr. CHAPDELAINE: I believe that rules have been established with regard to the procedure to be followed in court when a witness, who is considered a principal witness, when such is the case, refuses to answer relevant questions which are asked of him. One has the right to have him declared hostile to the Court. When a witness is declared hostile, all questions, are then allowed, one way or the other. Should the Court need enlightening and the witness continues his refusal to answer, there are ways to force him to do so, which can even include imprisonment until he submits to the questions as they are asked. So, I would like to know what would be the attitude of this Committee concerning the questions that we will have to ask and the eventual complications which may occur in the present case.

Mr. OLLIVIER: I must say that the rules of procedure cannot obviously be completely similar to the rules of procedure established for a Court of law. All I can say, is that a member of Parliament who appears as a witness is in the same position as any other witness who would appear before this committee. It is for this very reason that Mr. Grégoire has been sworn in. Otherwise, if he was appearing as a favourable witness for someone else he would not be sworn in. But to say that we could declare a witness hostile, I could only say that during the many years I have been attending Committee sittings, never have I witnessed procedures for declaring a witness hostile before a Committee of the House.

(*Text*)

The CHAIRMAN: Mr. Chrétien, I would suggest perhaps that the type of question you are putting, that is, if he is a lawyer, would be sufficient for our

needs, and then perhaps we might go on from there. I would ask that you not get too far afield because I personally feel we are straying somewhat far indeed.

(*Translation*)

Mr. CHRÉTIEN: I am asking him if he has legal training. Let him answer yes or no.

Mr. GRÉGOIRE: Legal training? Yes, Mr. Chrétien.

Mr. CHRÉTIEN: In what university did you study?

Mr. GRÉGOIRE: Laval.

Mr. CHRÉTIEN: In what year?

Mr. GRÉGOIRE: 1950 and onwards.

Mr. CHRÉTIEN: 1950 and onwards. Did you study criminal law at Laval University?

Mr. GRÉGOIRE: Yes sir. Did you study at Laval University?

Mr. CHRÉTIEN: Criminal law?

Mr. GRÉGOIRE: Yes, sir.

Mr. CHRÉTIEN: Do you know what a warrant for arrest is?

Mr. GRÉGOIRE: Yes, sir.

Mr. CHRÉTIEN: Did you know, on February 12, 1965 what a warrant for arrest was?

Mr. GRÉGOIRE: Yes, sir.

Mr. CHRÉTIEN: Did you know that a warrant for arrest was an order given to the policemen and not to you?

Mr. GRÉGOIRE: Yes, sir. Which was to be presented to me, but not lodged with me.

Mr. CHRÉTIEN: Was the warrant for arrest presented to you?

Mr. GRÉGOIRE: Yes, it was shown to me.

Mr. CHRÉTIEN: Did you realize that it was a document which came from an Ontario Court.

Mr. GRÉGOIRE: Yes, sir.

Mr. CHRÉTIEN: Did you know that legal procedures before the Court of Ontario are carried on in the English language?

Mr. GRÉGOIRE: I had evidence to the effect that any warrant served by the Royal Canadian Mounted Police was established in both languages and this evidence came from the Minister of Justice, of the time, the Honourable Lionel Chevrier.

Mr. CHRÉTIEN: Did you know that the warrant itself was not a document emanating from the R.C.M.P.?

Mr. GRÉGOIRE: I knew it was served on me by the Mounted Police.

Mr. CHRÉTIEN: But that it did not emanate from the Mounted Police, did you know that?

Mr. GRÉGOIRE: One moment. As a matter of fact, I only saw that the Mounted Police were serving it and I did not look into what Court had issued the warrant.

Mr. CHRÉTIEN: You mean, in other words that you did not examine the warrant at all?

Mr. GRÉGOIRE: It was shown to me. They attempted to read it to me, but I cannot say that I examined it.

Mr. CHRÉTIEN: When you were served the warrant at the door of the Peace Tower, did you know that they were waiting for you, at that particular moment to serve this warrant on you?

Mr. GRÉGOIRE: No.

Mr. CHRÉTIEN: Is it not a fact that the constable had telephoned you that morning to tell you that they had issued a warrant against you?

Mr. GRÉGOIRE: Yes.

Mr. CHRÉTIEN: When you requested that they wait until Monday before serving the warrant, was it because you wanted to raise the necessary money to pay your fines?

Mr. GRÉGOIRE: No.

Mr. CHRÉTIEN: For what reason did you want to wait until Monday? Was it because it was the day of the flag inauguration?

Mr. GRÉGOIRE: No. For what reason? It was because I had just received that very morning in the mail two letters written in English only, and asking me to remit to a certain address. These two letters were written only in English. I had received them that very morning and I believed I had at least the right to some delay in order to answer them.

Mr. CHRÉTIEN: Were those particular letters from the Mounted Police or from the Court?

Mr. GRÉGOIRE: At that particular moment, I had just received them; I only examined them later.

Mr. CHRÉTIEN: Where were they from?

Mr. GRÉGOIRE: Magistrate's Court; the Court House, Magistrate's Court House, 2 Daly Avenue, Ottawa, Ontario.

(Text)

Magistrate's Court, Court House, 2 Daly Avenue, Ottawa, Ontario.

(Translation)

The CHAIRMAN: Mr. Girouard.

Mr. GIROUARD: Mr. Grégoire, you have just declared under oath that you asked the Mounted Police to come back on the Monday because you had just received two letters which were not bilingual. In your statement to the House, you said: "After having refused to go with the members of the Mounted Police or to pay as long as I had not been served the warrant of arrest in the French language, it became with me a matter of principle. Mr. Grégoire, you are under oath; you are going to tell us once and for all at what moment you decided to make of this whole affair a matter of principle. At the moment of your arrest or at the moment when you received the letters which were written only in English?

Mr. GRÉGOIRE: Mr. Chairman, at the very moment I received the traffic ticket, because despite previous statements by the Prime Minister, the constable who on the very grounds of the federal government, served me the ticket, could only do so in English.

Mr. GIROUARD: So, Mr. Grégoire, tell me; how is it that on the telephone you said to the officer of the R.C.M.P.: "Come back and get me Monday, to take me to prison?". Why did you not say to him that it was a matter of principle with you, that you did not want to pay because you had received these papers and that they were not bilingual?

Mr. GRÉGOIRE: Because in my opinion I did not think that it was fitting to discuss a matter of principle with an officer of the R.C.M.P.

Mr. GIROUARD: Well, Mr. Grégoire, why did you discuss the matter with Mounted Police officers when they came to get you to arrest you?

Mr. GRÉGOIRE: Precisely, when they came to arrest me, I did not discuss the matter with them, I only asked to be served the paper in both languages.

Mr. GIROUARD: In the interval, between your receipt of the letter which was not bilingual, you said it was not with the Mounted Police that you wished to discuss it. Did you attempt to discuss it with others?

Mr. GRÉGOIRE: I did not have time to do so.

Mr. GIROUARD: Could you tell me the date on which you received the letter, which we are discussing, which was not bilingual, and notified you that you had a fine to pay? On what date did you receive it?

Mr. GRÉGOIRE: On Friday, February 12.

Mr. GIROUARD: On Friday February 12, you received the letter. In your office?

Mr. GRÉGOIRE: Yes.

Mr. GIROUARD: In Ottawa?

Mr. GRÉGOIRE: Yes.

Mr. GIROUARD: How long had it been since you had come to Ottawa office during your holidays? How long had it been since you had come to your office?

Mr. GRÉGOIRE: I had been coming to my office once a week.

Mr. GIROUARD: On what date according to you, around February 12, did you come to your office for the last time? Once a week. The 12th of February is a Friday, had you come in during that week?

Mr. GRÉGOIRE: No.

Mr. GIROUARD: Had you come in the previous Friday?

Mr. GRÉGOIRE: Mr. Chairman, I believe that ten days might have elapsed since I had come to my office.

Mr. GIROUARD: Some ten days. Which would bring you to—

Mr. GRÉGOIRE: Approximately.

Mr. GIROUARD: —Approximately the 2nd of February. Could you give us the date which appeared on the letter that you received and—

Mr. GRÉGOIRE: It was dated January 25.

Mr. GIROUARD: Dated January 25. And to what address had the letter been sent?

Mr. GRÉGOIRE: I do not have the envelope. There was one of the two letters addressed to 873 Pere-Albanel St. Quebec.

Mr. GIROUARD: And the other?

Mr. GRÉGOIRE: 837 Père-Albanel St., Quebec.

Mr. GIROUARD: 837 Père-Albanel St., Quebec. Now could you tell us on what date you received this letter in your office?

Mr. GRÉGOIRE: I did not open it; I only opened it on Friday February 12, for the first time.

Mr. GIROUARD: Could you tell us Mr. Grégoire whether you have a secretary in your office?

Mr. GRÉGOIRE: Yes.

Mr. GIROUARD: Could you tell us if you always open your letters yourself?

Mr. GRÉGOIRE: Always.

Mr. GIROUARD: You always open your letters yourself every time you come to Ottawa?

Mr. GRÉGOIRE: Yes.

Mr. GIROUARD: Do you declare under oath that you did not open this letter until February 12?

Mr. GRÉGOIRE: Yes.

Mr. GIROUARD: At what time approximately did you open this letter?

Mr. GRÉGOIRE: I must have opened my mail between 10:15 and 11 o'clock, approximately.

Mr. GIROUARD: In the morning? Did you decide at that moment to refer the matter to a superior authority?

Mr. GRÉGOIRE: I was intending to write to this address and ask them for a copy written in French.

Mr. GIROUARD: To this address? What do you mean?

Mr. GRÉGOIRE: Magistrate's Court, Court House, 2 Daly Avenue, Ottawa, Ontario.

Mr. GIROUARD: You have just admitted, Mr. Grégoire, that you knew that an Ontario Court was not obliged to notify you in both languages. Why do you say that you wanted to appeal to the same Court to ask them for a letter in both languages?

Mr. GRÉGOIRE: Because these were procedures which had originated, that is that the whole business had originated on federal government ground, the first papers were delivered by officers of the Mounted Police and I believed that anything which had originated from the Mounted Police should be carried on from one end to the other in both languages.

Mr. GIROUARD: On the contrary, you have just declared to Mr. Chrétien, here, that you knew that procedures emanating from the Ontario Court were to be only in one language, you have just said so.

Mr. GRÉGOIRE: I never said any such thing.

Mr. GIROUARD: Did you not declare this to Mr. Chrétien a while back?

Mr. GRÉGOIRE: It is always to me, a procedure originating from the Mounted Police.

Mr. GIROUARD: Yes I know. But did you not state to Mr. Chrétien a while back that you knew that any procedure emanating from an Ontario Court could only be in English?

Mr. GRÉGOIRE: No.

Mr. GIROUARD: Did you not declare that? Sir, could you give us the address of your residence?

Mr. GRÉGOIRE: 837 Père Albanel St., Quebec.

Mr. GIROUARD: 837 Père Albanel St., in Quebec. Would this be Quebec city?

Mr. GRÉGOIRE: Yes.

Mr. GIROUARD: Now, if an attempt had been made to serve you there at 837 Père Albanel, who could have been found to represent you?

Mr. GRÉGOIRE: Myself.

Mr. GIROUARD: If you had not been—

Mr. BEAULÉ: Mr. Chairman, on a point of order, I think that the questions have already been asked of the constable in this respect and besides you have not received the questions to this effect because he was arrested on February 12 in Ottawa and there should be no question of "if". So I think that if the "ifs" are involved it will probably be February 12—

The CHAIRMAN: Mr. Beaulé, the only reason for which I was listening to the questions, that I was allowing the questions, was because it was stated that letters were opened, that is letters were received on February 12, the day in question and I think perhaps that that is approximately to use an English expression the "Border line" and I allowed this because Mr. Grégoire's evidence was opened on February 12.

Mr. BEAULÉ: Yes, but, Mr. Chairman, on a point of order, you mentioned to us that the arrest took place on the 12th. Questions should not be asked

whether there was this or that. The letter mentions 837 Père Albanel St. and there is no need to know whether he was at home or whether he was not at home. The only question to determine is whether the immunity was violated on February 12.

The CHAIRMAN: The matter of whether he was there or whether he was not—

Mr. BEAULÉ: That is what he is asking.

Mr. GIROUARD: Well Mr. Chairman, what is very important for us to find out, is whether the R.C.M.P. decided particularly to arrest Mr. Grégoire here or whether it could have done so there. So, I asked him whether he was always at his address or when he wasn't there if there was someone there to represent him. It must be ascertained what the Mounted Police had on their mind at that particular time. It must be ascertained whether it intended to violate the privilege of the member.

Mr. BEAULÉ: Mr. Chairman, he has no business to answer for the Mounted Police, he has but to ask questions of the constables who were present.

(*Text*)

The CHAIRMAN: I do not think the matter is relevant, Mr. Girouard, to the consideration before the committtee. I think there has been some question by some members of the committtee concerning the date of receipt of the letter. It has been part of the evidence which Mr. Grégoire himself introduced into the questioning of Constable Stamler. For that reason, I have permitted it but I would hope—

(*Translation*)

Mr. GIROUARD: Very well, I will continue. So, you state that one of the letters was addressed to 837 Père Albanel, Mr. Grégoire?

Mr. GRÉGOIRE: I said that one of the letters, not one of the envelopes, but one of the letters bore the address, 837 Père Albanel.

Mr. GIROUARD: And that is your home address? How do you explain that this letter was returned to Ottawa?

Mr. GRÉGOIRE: In the same way that I can explain that the summons reached me in Ottawa when my address, as indicated on them, was in Quebec and the warrant for my arrest reached me in Ottawa when the warrants—

Mr. GIROUARD: Do you have a postal box Mr. Grégoire?

Mr. GRÉGOIRE: Could I finish my answer?

The CHAIRMAN: Will you allow the witness to finish his answer Mr. Girouard?

Mr. GIROUARD: Very well.

Mr. GRÉGOIRE: And I will finish in the same way also as the warrant for my arrest—

Mr. GIROUARD: Mr. Chairman, I am interrupting right away. When I question the witness, I don't expect him to give me an explanation, I am only expecting an exact answer. I have asked him a question. Could you explain how it is that this was returned? He answered: "In the same way as the others were returned". I don't need anything else.

The CHAIRMAN: I would ask the witness to try and answer the questions.

Mr. GRÉGOIRE: Sir—I have been asked in what way? It was delivered in Ottawa in the same way as the summonses were delivered in Ottawa and the warrant for my arrest was delivered in Ottawa.

Mr. GIROUARD: You do not swear to it?

Mr. GRÉGOIRE: Despite the fact that they were addressed to 837 Père-Albanel St., Quebec.

The CHAIRMAN: So, you don't have any explanation?

Mr. GIROUARD: Don't you know? Do you have a postal box at 837 Père Albanel?

Mr. GRÉGOIRE: Yes.

Mr. GIROUARD: A postal box outside your residence?

Mr. GRÉGOIRE: Inside the house, it is an apartment house.

Mr. GIROUARD: An apartment house? Normally, then, is the mail left in the postal box inside?

Mr. GRÉGOIRE: Yes.

Mr. GIROUARD: And you have no explanation why the letter was returned to Ottawa?

Mr. GRÉGOIRE: None whatever.

Mr. GIROUARD: Is there anyone living in your house when you are not in Quebec, at this address.

Mr. GRÉGOIRE: Certainly at times, yes.

Mr. GIROUARD: Who lives at your residence? Mr. Chairman, this is very important.

The CHAIRMAN: Out of order.

Mr. GIROUARD: It is absolutely necessary to establish whether Mr. Grégoire had a residence in Quebec or not. If Mr. Grégoire had a residence in Quebec and the Mounted Police preferred to arrest him in Ottawa, it is guilty of violating a Member's privilege because it waited to arrest him during a Session, here. If he had a regular residence in Quebec, the Mounted Police should have done so in Quebec.

The CHAIRMAN: That is not the question, Mr. Girouard.

Mr. GRÉGOIRE: Mr. Chairman if I might—

Mr. BEAULÉ: Mr. Chairman, returning to decisions, the question has been asked of the constables who have been present here. They explained clearly —you could read the reports—why they did not go to Quebec?

The CHAIRMAN: Mr. Beaulé, the question is out of order and I do not believe that we can accomplish much by discussing the matter.

Mr. GIROUARD: Mr. Grégoire, you have maintained in the House that the officers had arrested you in a brutal fashion. You have heard the evidence of the officers who have testified. Since you have heard the evidence, are you still prepared to declare under oath, that you were arrested in a brutal fashion?

Mr. GRÉGOIRE: Mr. Chairman, I will read over to you exactly what I said. I was arrested in a way—

Mr. CHRÉTIEN: On a point of order. One cannot read a text, this was a question and it should be answered.

(*Text*)

The CHAIRMAN: The question was based on the declaration made in the House of Commons. I feel the witness has every right to refer to it if the question is based on that.

Mr. SCOTT: Mr. Girouard was certainly given that privilege when he was a witness. I do not see why he should deny it to Mr. Grégoire.

(*Translation*)

Mr. GRÉGOIRE: Mr. Chairman, I answered: "I was arrested in a way which I would describe as brutal. Having refused to follow the officers of the Mounted Police or to pay, as long and until I had been served with the warrant for arrest in the French language, it had become a matter of principle

with me. Despite the fact that I made this clear, three officers whose total weight was some 600 pounds, while I bearly tip the scale at 130 pounds, jumped on me in a way reminiscent of a spirit of vengeance."

Mr. GIROUARD: Very well. Mr. Grégoire do you still insist, after hearing the evidence, that the weight of the three officers totalled at least 600 pounds?

Mr. GRÉGOIRE: Mr. Chairman, personally my total weight is 130 pounds dressed. Perhaps I stated 130 instead of 126, in my case, after hearing the evidence of the officers in question. I noticed that this amounted to 560 instead of 600.

Mr. GIROUARD: 40 pounds, we can let pass. Do you state, under oath, that an officer twisted your right arm behind your back?

Mr. GRÉGOIRE: Yes, Mr. Chairman. Twisted, that is he raised my right arm behind my back.

Mr. GIROUARD: You stated in the House, that he had twisted it.

Mr. GRÉGOIRE: Yes.

Mr. GIROUARD: He took it on himself to twist my right arm behind my back. Did he twist your right arm behind your back?

Mr. GRÉGOIRE: Mr. Chairman, because in order to press it to the back, one has to twist it.

Mr. GIROUARD: Mr. Grégoire, do you declare under oath that: "the third one pushed me into the car by shoving his knee into the lower part of my back"? Do you still maintain this under oath?

Mr. CHRÉTIEN: It is impossible.

Mr. GRÉGOIRE: Mister Chairman, am I receiving a comment?

The CHAIRMAN: Order, please.

Mr. GRÉGOIRE: Mr. Chairman, one of the constables said that it was done with his hand. I am willing to accept the idea of his hand or of his closed fist, but a part as hard as a knee which pushed me in the lower part of my back.

Mr. GIROUARD: Mr. Grégoire, you stated earlier that you had legal training. You stated to the House and what is more important, Mr. Chairman, as a final fact: The Mounted Police brought me a Quebec citizen, having committed an offence while on the road to the Federal Parliament, while I was on Federal Government territory. Despite all the procedures being carried out by the Mounted Police, they brought me to an Ontario prison. Did you know, Mr. Grégoire, when you made that statement, that when you receive your warrant for arrest from an Ontario Court, you must if you are accused of contempt of Court, be brought to an Ontario prison?

Mr. GRÉGOIRE: In circumstances such as those, Mr. Chairman, it was my opinion and it still is my opinion and that is why I brought it up—I believe that the Federal Government should have its own prisons for such cases. Mr. Chairman, I know that at the present time, many members of the Press Gallery have been served summonses for similar offences and they are ready to appear to assert this right.

Mr. GIROUARD: Mr. Grégoire, I was not speaking of the summons; I was speaking of the arrest. Did you know that when one is guilty of contempt of Court in Ontario, one must be imprisoned in an Ontario prison? Did you know this at the time?

Mr. GRÉGOIRE: In this particular case, there is no question of contempt of Court towards an Ontario Court.

Mr. GIROUARD: I am asking you if you knew, at the moment of the arrest, that when one is guilty of contempt of Court toward an Ontario Court, one must be imprisoned in an Ontario prison. Did you know this, yes or no?

Mr. GRÉGOIRE: Mr. Chairman, are we dealing here with a general case, such as the case of the man who is guilty of contempt of Court towards a Quebec Court and is imprisoned in Quebec? I would like to have more information with regard to this question.

(*Text*)

The CHAIRMAN: Order. I think, Mr. Girouard, you are getting somewhat far from the point before us. I hope you will come back to the question of privilege or violation of privilege and so on.

I appreciate that in the case of alleged brutality and in view of the statement which was made in the house concerning possible brutality, perhaps there was a need to expose this point or at least to hear the other side of the case. However, I think we have gone beyond that at this point. Whether or not Mr. Grégoire has any knowledge of the fact that he would have to serve a sentence in an Ontario jail if the warrant was issued by an Ontario court, I do not think is the issue before us. I would ask you to deal with our order of reference.

(*Translation*)

Mr. GIROUARD: Well, Mr. Chairman, a question of privilege has been raised in the house by the Chairman of the Privy Council. On this question of privilege, the Member for Lapointe, Mr. Grégoire, stood and said: "Mr. Speaker, on the same question of privilege," then he proceeded to give details to the House. We also have his statement. I believe that it is quite normal for the Committee of Privileges, on a question of privilege, to use the Member's question of privilege in order to obtain information.

(*Text*)

The CHAIRMAN: The order of reference which was made in the house was quite precise and notwithstanding what Mr. Grégoire may or may not have said in the house at that time, that is not the issue before the committee. I appreciate that it is difficult to draw the line here because of certain statements that were made, certain allegations. We did permit some of the evidence concerning that declaration or that statement before the committee and particularly in view of the charges of alleged brutality, I think that we have gone about as far as we can in that area. I think that you should get back to the issue.

(*Translation*)

Mr. GIROUARD: Mr. Grégoire, you stated to the Committee or to the Chairman of the Committee, that you had witnesses who would testify, is this so?

Mr. GRÉGOIRE: Do you mean as a Member of the Committee or as a witness?

Mr. GIROUARD: As a member of the Committee or as a witness. You had witnesses to testify?

Mr. GRÉGOIRE: Yes, sir.

Mr. GIROUARD: Would this be a witness to your arrest?

Mr. GRÉGOIRE: There is Mr. McClellan.

Mr. GIROUARD: I am asking you: Would this be a witness to your arrest, yes or no?

Mr. GRÉGOIRE: In a sense, yes.

Mr. GIROUARD: In a sense, this is a witness to your arrest. Could one ask you the name of this witness to your arrest?

Mr. GRÉGOIRE: I will say to you that at the present moment, I don't even know his name.

Mr. GIROUARD: Could you say what witness you are referring to even if you don't even know his name.

Mr. GRÉGOIRE: No.

Mr. GIROUARD: What makes you think that you have a witness to the arrest?

Mr. GRÉGOIRE: Because someone mentioned to me.

Mr. GIROUARD: Someone mentioned to you? Did this individual speak to you on that subject?

Mr. GRÉGOIRE: Yes.

Mr. GIROUARD: Is this someone you knew already?

Mr. GRÉGOIRE: Whom I had already met? Mr. Chairman—

The CHAIRMAN: Mr. Girouard, if Mr. Grégoire wants to call some witnesses he will make his wishes known on the question. Our steering committee will decide whether or not we will listen to them.

Mr. GIROUARD: Well, Mr. Chairman, in view of the circumstances surrounding the arrest, it is possible that there might be a witness and we want to know whether in fact there is a witness yes or no. We are not getting an answer. In order to study the circumstances surrounding the arrest, I believe that the Committee should be informed immediately, whether there is a witness to the arrest or not.

The CHAIRMAN: Do you know of any, Mr. Girouard?

Mr. GIROUARD: No, I don't know of any, but Mr. Grégoire has stated that he knew of one.

(*Text*)

The CHAIRMAN: I think if Mr. Grégoire wishes to call a witness in support of his case he will do so and I feel that is about as far as you should go.

(*Translation*)

Mr. GIROUARD: Thank you, Mr. Chairman. Now, Mr. Grégoire, I am going to ask you a very important question. I am going to ask it of you slowly: I want you to think about it. Did you not, in the beginning of December, state to a newspaper man that you would try to become a victim of the Mounted Police in an arrest, in order to become a martyr in connection with this question of bilingualism?

Mr. GRÉGOIRE: Never, Mr. Chairman.

Mr. GIROUARD: Very well Mr. Grégoire that will be all for the moment.

Mr. PRUD'HOMME: Mr. Chairman, if you will allow me. I believe that if other witnesses here, and if other members of the Committee wish to ask questions along the same line as those asked by Mr. Girouard; it will be quite in order. In my humble opinion, it is quite in order for such questions to be asked. I have a few questions along the same lines as those just asked by Mr. Girouard and I believe it is essential that they be asked in the Committee of Privileges and Elections before which the Member from Lapointe is actually appearing.

The CHAIRMAN: The question has been put, Mr. Prud'homme and it has ben answered.

(*Text*)

Within my judgment I feel that it is out of order. I would so rule. However, the witness did answer before I could rule it out of order. If you wish to place your questions we will meet them as we come to them.

(*Translation*)

Mr. PRUD'HOMME: If you would allow me to determine that particular point of order, I am certain that—

(*Text*)

The CHAIRMAN: Mr. Prud'homme, we will met your questions as we come to them.

(*Translation*)

Mr. CHAPDELAINE: Mr. Grégoire, you stated in the beginning that you knew that the warrant for your arrest emanated from an Ontario Court, is this not so?

Mr. GRÉGOIRE: I mentioned in the beginning that I had not looked to see where the warrant came from, on the warrant itself, but that I knew that it had been served on me by the Mounted Police.

Mr. CHAPDELAINE: Did you know, Mr. Grégoire, that you had been arrested in Ontario?

Mr. GRÉGOIRE: At the moment of the arrest it was on Parliament Hill.

Mr. CHAPDELAINE: Were you arrested for speeding in Ontario or on Parliament Hill?

Mr. GRÉGOIRE: On Federal Government property, namely, the Ottawa airport.

Mr. CHAPDELAINE: It was not on Parliament Hill?

Mr. GRÉGOIRE: When there was speeding?

Mr. CHAPDELAINE: Yes.

Mr. GRÉGOIRE: No. At the Ottawa Airport.

Mr. CHAPDELAINE: Then, you knew that the Ottawa Airport was not on Parliament Hill.

Mr. GRÉGOIRE: Yes.

Mr. CHAPDELAINE: And you knew, inasmuch as you were a law student, you had learned by that time, that in Ontario, it was the Ontario Police who look after the administration of justice.

Mr. GRÉGOIRE: Well, it was nevertheless an officer of the Mounted Police who gave the ticket to me.

Mr. CHAPDELAINE: I am asking you a question Mr. Grégoire. Did you know that it was the Ontario Police and the Ontario Court who issued warrants for arrest in criminal cases?

Mr. GRÉGOIRE: In Ontario, in general, this is the way it is done.

Mr. CHAPDELAINE: You know this, Mr. Grégoire.

Mr. GRÉGOIRE: In Ontario, yes.

Mr. CHAPDELAINE: Did you know that in the province of Quebec, it was the police of Quebec. You knew that in the province of Ontario that it was the Ontario police.

Mr. GRÉGOIRE: In my case, on Airport property, it was the Mounted Police.

Mr. CHAPDELAINE: But you knew that the Airport was not on Parliament Hill?

Mr. GRÉGOIRE: Yes.

Mr. CHAPDELAINE: You knew that it was the Ontario Police.

Mr. BEAULÉ: What is the member for Sherbrooke trying to get at with all this? Two or three times now, he has been playing around the Hill and the Airport with the same question.

Mr. CHAPDELAINE: Mr. Chairman, I want to get an answer that the witness will not give me. Obviously, he knows the answer, but he is going around in a circle, in order to not give the answer that we want and one that is very relevant, as the question is very relevant.

The CHAIRMAN: Mr. Chapdelaine, ask your questions. Up until now, the witness has answered the questions. I do not think that you should—

Mr. CHAPDELAINE: I am not commenting on his answers, Mr. Chairman, but when I ask a question I think that, in my capacity as a lawyer who is asking questions, I should be allowed to take the means to obtain an answer.

The CHAIRMAN: Continue.

Mr. CHAPDELAINE: Therefore, Mr. Grégoire, you know that you were arrested in Ontario?

Mr. GRÉGOIRE: Yes.

Mr. CHAPDELAINE: You knew that you were coming under the jurisdiction of the Ontario Court?

Mr. GRÉGOIRE: No.

Mr. CHAPDELAINE: You did not know, Mr. Grégoire, inasmuch as you were a law student, that when one is arrested in Ontario, one comes under the jurisdiction of the Ontario Courts?

Mr. GRÉGOIRE: Mr. Chairman, it would be wise to have these questions clarified. I don't think that it is particularly the answers that are not clear. If I am asked about a person who is arrested in Ontario, it is obvious that this will come under the jurisdiction of Ontario. But being arrested at the airport—

Mr. CHAPDELAINE: This is all I want to know, if it is obvious.

Mr. GRÉGOIRE: Being arrested at the Ottawa Airport, and having a ticket given to me by the Mounted Police, I could just as well imagine that this came under Federal jurisdiction.

Mr. CHAPDELAINE: In any case, Mr. Grégoire, you have admitted, at the beginning of your testimony, that you knew that the warrant for your arrest, which was served on you by an officer of the Mounted Police came from an Ontario Court, for an offence committed in Ontario.

Mr. GRÉGOIRE: Mr. Chairman, I said, on two occasions already, that I did not look to see from whence came the warrant for my arrest.

Mr. CHAPDELAINE: Could you, if you had looked, have been able to see whether the warrant came from an Ontario Court?

The CHAIRMAN: It is a hypothetical question.

Mr. CHAPDELAINE: This is not a hypothetical question, Mr. Chairman, I believe that we are beginning to pinpoint—

Mr. CHAIRMAN: The papers have been tabled with the Committee, I believe that.

Mr. CHAPDELAINE: I will re-phrase my question. Did you see the documents which were tabled before the Committee, Mr. Grégoire?

Mr. GRÉGOIRE: I saw some of them, yes.

Mr. CHAPDELAINE: Did you see the warrant for arrest which was served on you to arrest you and caused all this business, for which we are here today.

Mr. GRÉGOIRE: By now, yes, I have seen it.

Mr. CHAPDELAINE: You know that it came from an Ontario Court?

Mr. GRÉGOIRE: Now, yes, I know it.

Mr. CHAPDELAINE: Can you swear to us that you did not know, at the moment of your arrest, that this was a document coming from the Ontario Court?

Mr. GRÉGOIRE: Mr. Chairman, I did not even try to find out.

Mr. CHAPDELAINE: I am asking you if you could swear to us that you did not know, at the moment of your arrest, that this was a legal document coming from an Ontario Court.

Mr. GRÉGOIRE: Not having looked at the document, Mr. Chairman, and having seen but the paper which was served on me by the Mounted Police, this is the only answer I can make to this question.

Mr. CHAPDELAINE: I am asking you if you can swear to us, whether, at the moment of the arrest, you did not know that this was a document coming from an Ontario Court.

Mr. GRÉGOIRE: I did not look at the document with this in mind, sir.

Mr. CHAPDELAINE: Can you swear it did not come from an Ontario Court?

Mr. GRÉGOIRE: My answer is the same.

Mr. BEAULÉ: Mr. Chairman, he says he did not look—

Mr. CHRÉTIEN: If he did not look at it he cannot know whether it was in English or French.

Mr. CHAPDELAINE: Can you swear to us, Mr. Grégoire, that at the time of your arrest you did not know that the document came from an Ontario Court?

Mr. GRÉGOIRE: My answer is the same, Mr. Chairman.

Mr. CHAPDELAINE: Can you swear that at the time of your arrest you did not know the document came from an Ontario Court?

Mr. GRÉGOIRE: My answer is the same, Mr. Chairman.

Mr. CHAPDELAINE: What answer?

Mr. GRÉGOIRE: That I did not look at the document in order to see where it came from.

Mr. CHAPDELAINE: Mr. Chairman, I think the witness has stated several times that the document was written only in English. We know that Mr. Grégoire can read English, that he was able to realize whether the document was written in English and not in French. This is really all the discussion is about. Mr. Grégoire is actually refusing to answer a specific question, namely, whether he looked at the document to see if it came from an Ontario Court and he will not answer that question. If the witness insists on answering along these lines I shall be obliged to ask the committee to declare him a hostile witness.

(*Text*)

Mr. SCOTT: Mr. Chairman, on a point of order, how far are you going to let this inquisition that is taking place go on? The witness is on the stand and the members of the committee are entitled to put questions to him and he to answer them. They may not like the answer that he gives; the answers may not suit their purposes. But surely they are not entitled to put the question again and again, and impute motives to the witness that are not necessarily there.

The CHAIRMAN: Mr. Chapdelaine, I feel that you have gone far enough. You have put the question and, as Mr. Scott has indicated, you may not like the answer. The members of the committee may draw their conclusions from the answers given. I feel that this is as far as you should proceed in this area.

(*Translation*)

Mr. CHAPDELAINE: In that case, Mr. Chairman, I am obliged to ask you to decide whether the question I asked has been answered?

(*Text*)

The CHAIRMAN: Mr. Chapdelaine, I do not think I am to judge whether the answer was complete enough for the members of the committee. I think they should make that decision themselves. I feel certain they will take into consideration the testimony that was given here before the committee

when we are preparing our report. Surely that is as far as you should comment and I should not take any position on whether the answers were complete answers or whether they were accurate enough; that is not my function.

(*Translation*)

Mr. CHAPDELAINE: In any case, Mr. Chairman, if you leave it up to us to determine whether he answered or not, I personally say he has not answered. Did you know you were being served a warrant for arrest at the time of your arrest Mr. Grégoire?

Mr. GRÉGOIRE: That is what I was told, yes.

Mr. CHAPDELAINE: Did you know from your legal training that it was a warrant for arrest?

Mr. GRÉGOIRE: Yes sir.

Mr. CHAPDELAINE: You knew that?

Mr. GRÉGOIRE: Yes.

Mr. CHAPDELAINE: Then, when you resisted arrest you knew you were committing another illegal act by resisting a court order?

Mr. GRÉGOIRE: Mr. Chairman, I stated—it was the first thing I stated—that I was ready to follow them or to pay as soon as I received a copy in French and I put that principle first.

Mr. CHAPDELAINE: You know that a warrant for arrest is an unconditional order from the court, Mr. Grégoire?

(*Text*)

The CHAIRMAN: Mr. Chapdelaine, I think this is very thin ice. The legal competence of the witness on this question is really not at issue. I feel you are pursuing this very far indeed.

(*Translation*)

Mr. CHAPDELAINE: Mr. Chairman, I shall repeat what I stated this morning, that is, that if Mr. Grégoire had not been a member of Parliament we would not be here costing the Canadian public thousands of dollars for an inquiry by a committee of the House of Commons. I think it is only fair we should know exactly what happened. Did he just act on the impulse of the moment and was it really worth while putting a committee of the House of Commons to all this trouble for such a matter?

(*Text*)

The CHAIRMAN: Well, Mr. Chapdelaine, you are entitled to ask questions of fact as to what happened or what transpired. That does not lead us into the area of asking for legal conclusions of the witness, or what his legal competence was. So I feel that you should stick to questions of fact about what happened. Let us proceed in that manner.

(*Translation*)

Mr. CHAPDELAINE: Mr. Chairman, if you want to know exactly what my intentions are, I do not intend to hide them at all, I just want to show that it is terrible to spend thousands of dollars of the Canadian taxpayers' money for a matter that could have been settled in another way.

(*Text*)

The CHAIRMAN: That is not the issue before us.

Mr. SCOTT: If Mr. Chapdelaine wants to give evidence, then he should get into the box.

The CHAIRMAN: This is very difficult. I must confess that I find it very difficult to keep the members of the committee as it were on the rails. Again

I would ask you for your co-operation. I feel the order of reference from the house is quite clear; it deals with the circumstances of the arrest on February 12 and I hope that the members of the committee will keep that continually in mind when asking their questions.

Mr. MACQUARRIE: Mr. Chairman, on a point of order, I wonder, since our colleague is also the witness here, when the members of the committee will have an opportunity to elicit from Mr. Grégoire the various stages and reasons for his feeling that his privileges were violated or disregarded. I notice that you are constantly checking back on Mr. Chapdelaine. I thought this was the very direction in which he was leading, and I wonder at what stage we may be able to look into this very important matter.

The CHAIRMAN: I think whether or not the privileges of a member were violated in this particular instance is the issue before the committee. Certainly the members of the committee will have an opportunity when we make our report. When we arrive at our decision in this matter, after hearing the evidence, there will be an opportunity for the members of the committee to make arguments on that point, and I would accept any guidance from members of the committee concerning this. That would seem to me to be the time when this issue or argument concerning questions of privilege or the precincts of parliament—that is the other issues which are before the committee—can be dealt with. I think we are here today not to hear Mr. Grégoire as a witness, but to question him as to his recollection of the events which took place on that day. We are here to determine matters of fact.

Mr. MACQUARRIE: Do you suggest that we should draw upon Mr. Grégoire's experience and views at a time when he is a member of the committee and not a witness?

The CHAIRMAN: If Mr. Grégoire feels that his privileges were violated he will have an opportunity to make arguments. He remains a member of the committee, and he will have an opportunity to make arguments on the point. Mr. Chapdelaine may also make his arguments whether there was or was not. I feel that is the way we should proceed. However, I am ready to meet the wishes of the committee in this matter.

Mr. SCOTT: May I ask a question? We had some difficulty at the previous hearing on privilege. Perhaps our counsel could tell us who it is who decides the privilege. Is it the witness or the committee? There is a difficulty here, in that Mr. Grégoire has one idea of what the privileges are, and the committee another.

Dr. P. M. OLLIVIER (*Law Clerk and Parliamentary Counsel, House of Commons*): It is the committee which decides the question of privilege. First of all, I think the committee has been asked to study the circumstances under which the arrest was made. It should not go beyond that. Having studied those circumstances—and when I say that I mean the facts of the case, and not what someone may have in the back of his mind—you can then open up a general discussion in committee, and Mr. Grégoire, who is the witness now and who is answering as a witness, when he comes back to his seat as a member of the committee afterwards, just like in any other committee, will have an opportunity to enter into the discussion.

I do not think it is the time now to discuss the question of privilege. I think it derives naturally from the circumstances. The committee will have to consider the question of privilege only after having heard the witnesses. And the only question of privilege would be the question of freedom from arrest. I might as well make that statement now. I do not think the question of whether you have the right to speak English or French is the question of privilege which has been submitted to this committee.

(*Translation*)

Mr. CHAPDELAINE: Mr. Chairman, if you will allow me to add—

The CHAIRMAN: Proceed with your questions.

Mr. CHAPDELAINE: If you will allow me to add something to those comments, I would just like to say that it was the fact that an arrest was made on Parliament Hill which brought us in the House of Commons to refer the matter to the committee on Privileges and Elections in order to determine what rights members enjoy when they are members and when they are in Ottawa?

(*Text*)

The CHAIRMAN: Mr. Chapdelaine, my interpretation of what is before us is not to determine what the privileges of members are but rather to determine whether there has been a violation in this particular case of the privileges of a member. I think that should be borne in mind. This is not a general inquiry into what the privileges of a member of parliament are. The job of this committee is not to try to define those privileges. Rather we are here to hear evidence of what took place on February 12 and the circumstances which perhaps led up to that.

(*Translation*)

Mr. CHAPDELAINE: In that case, Mr. Chairman, you will certainly allow me to show that in committing a criminal offence or in surrounding an act with criminal circumstances, to show that, so that afterwards we can decide, here in the committee, whether a member who commits a criminal offence is entitled to certain privileges other than ordinary individuals who are not members of Parliament, knowing he committed that criminal offence on purpose.

(*Text*)

The CHAIRMAN: The innocence or guilt of Mr. Grégoire and the charges which were made against him were decided in another jurisdiction, and again they are not before this committee. I would like the members also to bear that in mind.

(*Translation*)

Mr. CHAPDELAINE: In that case, Mr. Chairman, I just have one or two final questions to put to Mr. Grégoire. I am going to attempt for the last time to find out whether Mr. Grégoire knew that at the time of his arrest, when a warrant for arrest had been issued by a court of Ontario, that by resisting the arrest he was committing another offence?

(*Text*)

The CHAIRMAN: This is out of order.

(*Translation*)

Mr. CHAPDELAINE: Mr. Grégoire you allege you were brutally arrested?

Mr. GRÉGOIRE: Yes, that is, according to the terms used here.

Mr. CHAPDELAINE: You made a statement in the house which the R.C.M.P. Commissioner qualified this morning as libellous and slanderous, are you prepared to repeat that statement before the committee now to maintain the statement you made under oath to the house.

Mr. GRÉGOIRE: Mr. Chairman, I have just been told—

The CHAIRMAN: I did not hear the first part of the question, Mr. Chapdelaine. Could you repeat your question?

Mr. CHAPDELAINE: I said that this morning counsel for the R.C.M.P. in his argument told us that the things Mr. Grégoire had said in the house about the R.C.M.P. were libellous and slanderous and could have been proceeded against

if they had not been said under cover of parliamentary privilege. I am asking Mr. Grégoire whether he is prepared to repeat what he said in the house, the statements the R.C.M.P. have qualified as libellous and slanderous. Whether he is prepared to repeat them without being covered by parliamentary privilege?

(*Text*)

Mr. CASHIN: I do not think this is relevant.

The CHAIRMAN: Mr. Chapdelaine, I do not think this is the issue before the committee. Mr. Lalonde's conclusions and his submissions made before this committee may or may not be accepted by the committee members. The question of immunity still exists in this committee. Therefore, I do not feel this really is before us. Whether Mr. Grégoire is prepared to make the same declaration before this committee is not very relevant to the matter before us.

(*Translation*)

Mr. CHAPDELAINE: No, Mr. Chairman, the statements he made in the house were contradicted by each and every one of the witnesses for the R.C.M.P. I would like to know whether Mr. Grégoire is prepared to use the same terms under oath because we shall certainly have to decide who was right in the case of this arrest.

(*Text*)

Mr. CASHIN: I do not think this is a relevant question because this committee is competent to adjudicate the evidence which has come before us. I do not think a question like that is a matter of concern to us in the way in which it has been asked here.

The CHAIRMAN: Mr. Chapdelaine, I would suggest that if you have any questions concerning what took place, or Mr. Grégoire's impression of what took place, during that arrest, you put your question to Mr. Grégoire and proceed in that manner.

(*Translation*)

Mr. CHAPDELAINE: In that case, Mr. Chairman, I shall ask Mr. Grégoire whether he is prepared to repeat all the statements he made in the house as evidence before this committee. All the statements he made in the house are to serve as evidence before this committee.

Mr. GRÉGOIRE: Let him ask me questions so that I can repeat my evidence, Mr. Chairman, I am prepared to answer them. As to repeating them all, I think they have all been repeated before the committee together with the matter of privilege.

(*Text*)

The CHAIRMAN: Mr. Chapdelaine, perhaps I am straying from the point in a sense, but it seems to me that what a member says in the house is accepted as fact unless there is some evidence to the contrary. The members of the committee are aware of what was said in the house. They certainly can read this. They already have heard the testimony here by other witnesses and by Mr. Grégoire. Surely they can form their own conclusions, based on all the evidence they have heard. I do not see that you are accomplishing anything. I would suggest that if you have any points you would like to have clarified you put those points to Mr. Grégoire in a direct manner. We will then judge the evidence in toto that has been placed before us.

(*Translation*)

Mr. CHAPDELAINE: I bow to your decision, Mr. Chairman, but allow me to point out that personally, I have the greatest respect for statements made to the House of Commons even though at times one is inclined to laugh at them. Even if we are to take for granted that everything that is said in the house

is true, the person who made the statements should be the first one to confirm the truth of the facts submitted to the house. As the evidence given by the R.C.M.P. contradicts what was said in the house, I am wondering whether the witness would not be prepared to support and recognize as true what he said in the house.

Mr. GRÉGOIRE: Mr. Chapdelaine seems to be implying that I do not want to answer. Just let him ask his questions and I shall answer.

Mr. CHAPDELAINE: I am asking you, Mr. Grégoire, whether everything you said in the House of Commons was true and whether you support your statements.

(*Text*)

The CHAIRMAN: Out of order. If you have any particular point you wish clarified concerning the arrest, Mr. Chapdelaine, please ask it.

(*Translation*)

Mr. CHAPDELAINE: Mr. Chairman, I have one very specific point. It is about pages 11545, 11546 and 11547 in the *Hansard*. I want to ask the witness whether what he says there is true.

Mr. GRÉGOIRE: He should ask me questions on each point, Mr. Chairman; I am ready to answer.

(*Text*)

The CHAIRMAN: Mr. Chapdelaine, that evidence as such is not before the committee. If you wish to ask any questions concerning the circumstances on February 12, please do so. However, I would ask you to restrict yourself to that extent.

(*Translation*)

Mr. CHAPDELAINE: Mr. Chairman, if the witness is not prepared to tell me that what is there is true, could he tell us if there are some things that are not true.

Mr. GRÉGOIRE: Mr. Chairman, let him ask me questions and I shall reply.

Mr. GIROUARD: Instead of asking the witness what is true in the passages, it would be simpler to ask him what is not true.

(*Text*)

Mr. SCOTT: Surely, Mr. Chairman, this type of questioning is not going to do anyone any good.

The CHAIRMAN: Mr. Scott, I have pleaded with the members of the committee for some co-operation in this matter. I cannot rule the question out of order until I have heard it because I have no way of foreseeing what the question will be.

Mr. SCOTT: I appreciate the difficulty you are in, but surely an appeal could be made to the committee. I know that Mr. Grégoire gets under everyone's skin at times and every one likes to have a go at him, but he is entitled to the same courtesy which is extended to all witnesses appearing before a committee of this kind. This type of slurring question should not be put to him.

Mr. FRANCIS: This committee has conducted a number of investigations and I like to think that we observe the same standard all the time, no matter who the witnesses are or what parties they belong to.

(*Translation*)

Mr. CHAPDELAINE: Mr. Grégoire, the things you said in the house regarding the R.C.M.P.'s behaviour, or the way you were treated, did you repeat them outside the house?

Mr. GRÉGOIRE: Yes.

Mr. CHAPDELAINE: Where?

Mr. GRÉGOIRE: On television at Chicoutimi.

Mr. CHAPDELAINE: On what date?

Mr. GRÉGOIRE: The next evening.

Mr. CHAPDELAINE: What date was that?

Mr. GRÉGOIRE: The following Saturday evening.

Mr. CHAPDELAINE: Could you tell us briefly what you repeated.

(*Text*)

The CHAIRMAN: Mr. Chapdelaine, I do not think that is really within the terms of reference. I do not feel that type of question is in order, unless you are prepared to make some charge concerning something that may have been said and you feel the witness is in contempt of the committee; or if there is some question of privilege arising out of what he may have said and you are prepared to make such a charge and provide some of the circumstances for our consideration.

(*Translation*)

Mr. BEAULÉ: Mr. Chairman, on a point of order, if the hon. member for Sherbooke has any statements to make about what occurred outside the house let him make them.

Mr. CHAPDELAINE: Did you state, more or less, that the R.C.M.P. had behaved disgustingly.

Mr. GRÉGOIRE: In the house?

Mr. CHAPDELAINE: Or on television.

Mr. GRÉGOIRE: Mr. Chairman, I have no objection to answering that question but if it concerns what I stated outside the house I can be questioned about it, I accept, but on condition I can also question the people who made statements outside the house in that connection, like Commissioner McClellan.

(*Text*)

The CHAIRMAN: Order. Mr. Chapdelaine, I would ask you again to restrict yourself. If you feel there were any improper declarations or statements made on television this should be handled in another way.

(*Translation*)

Mr. CHAPDELAINE: In that case, I shall reword my question, Mr. Chairman. Did you state in the house that the R.C.M.P. officers behaved disgustingly towards you or towards any citizen?

(*Text*)

The CHAIRMAN: Mr. Chapdelaine, what Mr. Grégoire said in the house surely is available to every member of the committee.

(*Translation*)

Mr. CHAPDELAINE: Mr. Chairman, you asked me a while ago to ask more specific questions regarding Mr. Grégoire's statements in the house and I am asking a—

(*Text*)

The CHAIRMAN: If you feel there are some discrepancies in the evidence given in this committee and you wish to get on the record some of the testimony concerning what happened on February 12, that is in order. But, surely what Mr. Grégoire said or did not say in the house is available to the members of the committee without going through this procedure.

Mr. CASHIN: Mr. Chairman, on a point of order, I agree with the Chair that the questions being put to the hon. member from Lapointe in this regard are not in order. It seems to me the only way we can question the hon. member is by putting specific questions in respect of what transpired at the actual time of his arrest; these other questions with regard to what he said in the house or on television are not within the terms of reference to this committee.

(*Translation*)

Mr. CHAPDELAINE: In any case, Mr. Chairman, if we can no longer rely on what members say in the house—

Mr. GRÉGOIRE: Mr. Chairman, I think the hon. member for Sherbrooke can rely on what I said in the house. If he wants to know what I said he only has to look it up in *Hansard*.

Mr. CHAPDELAINE: I simply asked you to tell us whether everything you said in the house was true. You refuse to do so, Mr. Grégoire. Had you previously refused to pay traffic or parking tickets other than those mentioned in the statement before the court. I have no other questions, Mr. Chairman.

Mr. PRUD'HOMME: I would like to ask the hon. member for Lapointe how he knew the document was in English?

Mr. GRÉGOIRE: That was the way it was shown me, and I asked whether they had a copy in French.

Mr. PRUD'HOMME: I am asking the hon. member for Lapointe how he knew in that case—I do not want to be interrupted if possible—the document was in English?

Mr. GRÉGOIRE: It was shown me and I asked whether they had a copy in French. They said they did not.

Mr. PRUD'HOMME: Then, when it was shown to you you saw it was in English since you immediately asked—if it had been bilingual—you must have seen somehow whether it was bilingual, or in English only, in order to ask for a French translation. First you asked or you looked at it. You read it or it was read to you. How did you know it was only in English?

Mr. GRÉGOIRE: I saw it, Mr. Chairman, but I did not read it. I knew it was in English when I looked at it.

Mr. PRUD'HOMME: Did it not occur to you that it might have begun in English and been repeated in French.

Mr. GRÉGOIRE: I asked the constable whether there was a copy in French; he immediately answered no.

Mr. PRUD'HOMME: So you looked at it? But you did not read it? You looked at it?

Mr. GRÉGOIRE: I saw it but I did not read it.

Mr. PRUD'HOMME: Then, I apologize for repeating the question other people have asked but I think it is very important. You are well aware that we have no comments to make here as to whether what I am about to say is justified or not, but you are well aware that the Ontario courts are exclusively English.

(*Text*)

The CHAIRMAN: That calls for a conclusion, Mr. Prud'homme.

(*Translation*)

Mr. PRUD'HOMME: It is not a conclusion, the thing is that the witness, in that case, knew very well he could not have a French version.

Mr. GRÉGOIRE: Mr. Chairman, in that connection I have the honourable Mr. Chevrier's statement to the contrary.

(*Text*)

The CHAIRMAN: Order. That does call for a conclusion of the witness, Mr. Prud'homme.

(*Translation*)

Mr. PRUD'HOMME: Mr. Grégoire, in addition to your statement on television, did you hold a conference with the students of the Ottawa University in the "Semaine juridique" explaining all the details of your arrest on Parliament Hill?

(*Text*)

The CHAIRMAN: Order. Mr. Prud'homme, the same thing applies on this question as applied in the television station—

(*Translation*)

Mr. PRUD'HOMME: Mr. Chairman, in that case will you allow me to finish my question and then you can tell me whether the witness may answer or not. Will that be all right?

It seems quite important to me in view of Mr. Grégoire's statement this afternoon or this morning regarding the R.C.M.P., when he said that he had nothing against the R.C.M.P. and that as far as he was concerned it is a worthy and noble body and has many qualities, I think. But he was only blaming them regarding the matter of bilingualism. That is clearly what the witness said this morning. He is not blaming the force as such or the individuals as such, that is what he said.

The CHAIRMAN: Mr. Prud'homme . . .

(*Text*)

Mr. Prud'homme, your assertions as to what he said or did not say are not relevant here. I think the transcript will show what the witness testified to this morning.

(*Translation*)

Mr. PRUD'HOMME: Very well. Mr. Grégoire, did you refer to the R.C.M.P. as a bunch of bandits?

Mr. GRÉGOIRE: In the house or outside the house?

Mr. PRUD'HOMME: Outside the house since it is not in your statement to to the house.

Mr. GRÉGOIRE: Mr. Chairman, I am prepared to answer that question, as I said before, but on condition the statements made outside the house . . .

Mr. PRUD'HOMME: I am sorry, Mr. Chairman, it is not up to the witness to make reservations, either he answers or he does not.

Mr. GRÉGOIRE: I was not allowed to ask questions about that. That is why I want to ask questions about that.

(*Text*)

The CHAIRMAN: Order. I think, Mr. Prud'homme, that your—

(*Translation*)

Mr. PRUD'HOMME: Mr. Grégoire, did you agree—a constable has confirmed it, moreover—to spend seven days in jail rather than pay the fine? Do you admit the statement one of the constables made this morning? Were you ready to go to jail and spend seven days there?

Mr. GRÉGOIRE: Mr. Chairman, I was prepared to spend five days there, moreover . . .

Mr. PRUD'HOMME: Five, I apologize, I withdraw. Five days.

Mr. GRÉGOIRE: Rather than pay the fine unless I got copies in French of the notices to pay . . .

Mr. PRUD'HOMME: Just a minute. One question at a time Mr. Grégoire. You could not know at the time that the warrant for arrest would be in English, since you had already agreed to spend five days in jail. You had not yet seen the warrant for arrest. You could not know that it was only in English.

Mr. GRÉGOIRE: The same Constable Stamler made a 'phone call at 12.30 or 12.45. There was no question of my seeing a warrant for arrest at that time . . .

Mr. PRUD'HOMME: Mr. Chairman, that is not the question. I do not think the witness should continue to answer. The question is quite clear and quite specific. I am asking him whether, prior to his arrest, he agreed to spend five days in jail. Did he agree, yes or no? Is he denying the evidence given by the constable who made that assertion?

Mr. GRÉGOIRE: Mr. Chairman, I accept the constable's statement because he also mentioned letters written in English only.

Mr. PRUD'HOMME: Thank you for reminding me of the letters, I was nearly forgetting. I would like to thank you, you repeated it a moment ago—I would like to make sure of it before we call a witness, if possible—did you not read, prior to February 12, the two letters from an Ontario court written in English only and dated January 25? Do you solemnly state that you only read them on February 12?

Mr. GRÉGOIRE: I did not read them before the morning of February 12.

Mr. PRUD'HOMME: You open all your mail yourself even if you are away from the house or from your office on business etc. for three weeks? You open your mail yourself? Your secretary never opens your mail?

Mr. GRÉGOIRE: Mr. Chairman, I always opened my mail except when I went to the International Congress of the Interparliamentary Union at Copenhagen. But even during recess, during holidays, I open all letters addressed to me.

Mr. PRUD'HOMME: Mr. Grégoire, did you tell anyone you would go to jail rather than pay the tickets? In that case, moreover, this is the question I am asking you, you could deny it. At a time when you did not know the warrant for arrest was only in English you had already agreed to go to jail. Is it true or not that at that time you had decided to go to jail to show up the R.C.M.P. and not necessarily as a matter of principle?

Mr. GRÉGOIRE: Mr. Chairman, if he asks me a question like that I may be able to answer. I would like to answer it, Mr. Chairman.

(*Text*)

The CHAIRMAN: I do not think that question is in order, Mr. Prud'homme. It does call for a conclusion from the witness, and it was a difficult question to follow.

Now, Mr. Beaulé.

(*Translation*)

Mr. PRUD'HOMME: All right, that will be all for now, Mr. Chairman.

The CHAIRMAN: Mr. Beaulé.

(*Text*)

I was hoping that we might finish with Mr. Grégoire. I do not think we have very much more to go. Please continue, Mr. Beaulé.

(*Translation*)

Mr. BEAULÉ: Mr. Chairman, I would like to ask the witness some questions because there have been no questions regarding February 12. I would like

to ask Mr. Grégoire if he would relate the circumstances of his arrest on February 12 under the Peace Tower. All the circumstances surrounding his arrest, since the constable was given the same opportunity.

(*Text*)

The CHAIRMAN: Mr. Beaulé, I asked Mr. Grégoire if he wished to make a statement at the beginning of his testimony. I feel that the allegation contained in your question that Mr. Grégoire was not given the same opportunity as the other members is most unfair to the Chair. I asked him as a matter of fact three times if he would like to make a statement at the beginning of his testimony and he did make a statement.

I feel, therefore, he was afforded every courtesy which was afforded to other witnesses, and I do not think the allegation contained in your question is a fair one.

(*Translation*)

Mr. BEAULÉ: I asked that because some members do not seem to have understood all the explanations given us regarding February 12, as all kinds of questions come into conflict with the arrest of February 12.

Mr. GRÉGOIRE: Mr. Chairman, I thought I had to make a statement not so much regarding the facts themselves as regarding a general principle or a general idea, so—

The CHAIRMAN: Order. You may ask questions if you have—

Mr. BEAULÉ: Mr. Grégoire, regarding the R.C.M.P. you admit that body is a good police force?

Mr. GRÉGOIRE: As far as a police force goes, I have never had any reason for complaint, I have never had anything against them.

Mr. BEAULÉ: But as in any police force some are good and some are bad?

Mr. GRÉGOIRE: Possibly.

Mr. BEAULÉ: Thank you.

(*Text*)

The CHAIRMAN: Now, Mr. Scott.

Mr. SCOTT: I have just one question of Mr. Grégoire. You do admit that on February 12 of this year you were arrested at the front door of the parliament buildings by a warrant issued out of the county court of the county of Carleton and executed by the R.C.M.P.

Mr. GRÉGOIRE: Yes.

The CHAIRMAN: Now, Mr. Marcoux.

(*Translation*)

Mr. MARCOUX: Mr. Chairman, I am sorry to be late but I had a—Mr. Grégoire, did you meet Mr. Raymond, the Clerk of the House, when you were arrested, either just before or just after?

Mr. GRÉGOIRE: I did not meet him but he telephoned me.

Mr. MARCOUX: Could you tell us on what day he called you?

Mr. GRÉGOIRE: On February 12, around dinner time.

Mr. MARCOUX: So on the day of your arrest Mr. Raymond called you first without your having called him beforehand.

Mr. GRÉGOIRE: I did not call him beforehand.

Mr. MARCOUX: Did you call another officer of the house before?

Mr. GRÉGOIRE: No.

Mr. MARCOUX: Did you call the Speaker of the House of Commons before?

Mr. GRÉGOIRE: No.

Mr. MARCOUX: When Mr. Raymond called you, was it about your arrest?

Mr. GRÉGOIRE: Yes it was. That is, there were two members of the R.C.M.P., or I am not too sure how many, who had a warrant or two warrants, that I had the choice and could settle the matter immediately by paying.

Mr. MARCOUX: So it was Mr. Raymond who told you that?

Mr. GRÉGOIRE: Yes.

Mr. MARCOUX: Did he 'phone you before the R.C.M.P. constable told you about the same warrant by 'phone.

Mr. GRÉGOIRE: No, after.

Mr. MARCOUX: So you received the call from the R.C.M.P. before Mr. Raymond's call?

Mr. GRÉGOIRE: Yes.

Mr. MARCOUX: Did Mr. Raymond tell you that you might quite well avoid the sentence mentioned in the warrant?

Mr. GRÉGOIRE: No.

Mr. MARCOUX: Did Mr. Raymond tell you that if you followed certain procedures you would be protected by your privilege?

Mr. GRÉGOIRE: No.

Mr. MARCOUX: Did Mr. Raymond warn you to leave the centre block telling you you might be arrested by the R.C.M.P.?

Mr. GRÉGOIRE: No.

(*Text*)

The CHAIRMAN: Are there any further questions?

Mr. GREENE: I have two questions. You received a parking ticket and a speeding ticket at the airport. They were both in English and French. Did you do anything as a result of getting those tickets?

(*Translation*)

Mr. GRÉGOIRE: After that? No, nothing.

(*Text*)

Mr. GREENE: And they were bilingual?

Mr. GRÉGOIRE: Yes.

Mr. GREENE: I have one other question. Did you go to the doctor as a result of these injuries you received?

Mr. GRÉGOIRE: No.

Mr. GREENE: That is all.

Mr. SCOTT: There is one question I neglected to ask. At the time of your arrest, did you claim any sort of parliamentary immunity against arrest?

Mr. GRÉGOIRE: I had received a telephone call from Mr. Raymond. He asked me to arrange this problem and I told him I had just received the two notices to pay and I told him if it was possible to delay it until Monday—

The CHAIRMAN: Mr. Grégoire—

Mr. PRUD'HOMME: That is a very direct question.

Mr. SCOTT: I am not interested in your conversations with Mr. Raymond or anybody else. At the time you were arrested by the officers, in your conversation with the police officers did you claim any sort of parliamentary immunity against arrest?

Mr. GRÉGOIRE: The only sort of parliamentary immunity I asked was Mr. Raymond told me he would ask the R.C.M.P. to delay it for two days. That is the only one.

Mr. SCOTT: All I want to know is, at the time the officers arrested you and when you were talking to them did you say to the officers "I have parliamentary immunity and I am not subject to arrest".

Mr. GRÉGOIRE: No.

Mr. SCOTT: You did not claim parliamentary immunity at all?

Mr. GRÉGOIRE: No.

The CHAIRMAN: Are there any further questions?

(*Translation*)

Mr. CHAPDELAINE: Mr. Chairman, there are some other questions I would like to ask in view of the fact that the entire evidence reveals, this afternoon, that there was no serious reason why Mr. Grégoire—I would like to finish my—

(*Text*)

The CHAIRMAN: Mr. Chapdelaine, I must call you to order. The arguments you might make concerning the evidence surely will come at a later stage in our proceedings and are not germane to the immediate problems here before us. Certainly the procedure we had agreed on was that we would hear the witnesses concerning the facts. Your questioning and your remarks at this point should be related to the events of February 12, what transpired at that time, and what led up to the arrest. I feel any argument concerning the question of privilege and the testimony we have heard should be made at a later date in our proceedings.

Mr. Chapdelaine, that is not the issue before us.

(*Translation*)

Mr. CHAPDELAINE: Mr. Chairman, on this point, when the committee decided this morning to establish evidence regarding character . . . You have just mentioned that all the circumstances leading up to the arrest, there may have been physical circumstances, moral circumstances, natural tendencies on the part of the individual which led to this arrest, and if those circumstances were used as evidence we could consider them or not once they had been submitted as evidence. If we do not use them as evidence we shall never be able to consider them and when I ask the witness whether he was in the habit of not paying his traffic tickets I want it placed on evidence that it may just be a direct consequence owing to the fact that he was in the habit of not paying them and it might be a cause we should consider.

(*Text*)

The CHAIRMAN: Order.

(*Translation*)

Mr. CHAPDELAINE: I did not say he did not pay them, I am saying I wanted to know whether he did pay them.

The CHAIRMAN: Order.

(*Text*)

Surely what we are determining is whether there was any infringement on the privileges of a member, and Mr. Grégoire is appearing before the committee as a member. I would hope that the members of this committee would bear that in mind.

(*Translation*)

Mr. PRUD'HOMME: Mr. Chairman, there is just one question I would like to ask Mr. Grégoire, and it is quite in order I am sure. When you made your statement in the House, when you brought up the matter of privilege, you clearly stated firstly, secondly and thirdly but among other things you said:

"A violation of a member of Parliament's privilege to arrest him on Parliament Hill". This follows Mr. Scott's question. It was only during your statement to the House that you thought of bringing up the matter of your privilege as a member to be arrested on Parliament Hill.

Mr. GRÉGOIRE: Mr. Chairman, right at the start the only matter I was referring to was the matter of bilingualism in the documents but later on, as I had, between the time of my arrest and the time of my point of privilege, in the House of Commons—

(*Text*)

The CHAIRMAN: Order.

(*Translation*)

Mr. PRUD'HOMME: You thought of all that?

Mr. GRÉGOIRE: I did not think about it, I had so many comments on the matter that I thought I should add it to my statement. The comments came from elsewhere, from the president of the Privy Council himself.

(*Text*)

The CHAIRMAN: The meeting will now be adjourned. Mr. Grégoire is excused as a witness.

We will have a steering committee meeting prior to our next meeting. The steering committee will meet next Monday. If it meets the wishes of the members of the committee we probably will meet again next Tuesday to consider what our next step shall be. The steering committee will have a report to submit at that time.

APPENDIX "A"

(R.S., 1952)

CHAPTER 324.

An Act for the Control of Traffic on Government Property.

Short title.

1. This Act may be cited as the *Government Property Traffic Act.*

Regulations.

2. (1) The Governor in Council may make regulations for the control of traffic upon any lands belonging to or occupied by Her Majesty in right of Canada, and in particular, but without restricting the generally of the foregoing, may make regulations.

(*a*) regulating the speed and parking of vehicles and prescribing routes of travel;
(*b*) respecting one-way traffic, obstruction of traffic, and pedestrian traffic;
(*c*) for directing traffic and erecting signs;
(*d*) prohibiting traffic by such vehicles at such times, in such places and in such circumstances as may be prescribed in the regulations;
(*e*) prohibiting unnecessary noise in the vicinity of buildings;
(*f*) authorizing officers to enforce the regulations; and
(*g*) prescribing a fine not exceeding fifty dollars or a term of imprisonment not exceeding two months, or both fine and a term of imprisonment, to be imposed upon summary conviction as a penalty for violation of any regulation.

Classification of vehicles.

(2) The Governor in Council may classify vehicles according to dimensions, design, use, weight, kind or otherwise, and may make regulations under subsection (1) with respect to any or all such class or classes.

Liability of owner.

3. (1) Where a vehicle is operated or parked in contravention of any regulation, the owner of the vehicle is liable to the penalties prescribed by the regulations for such contravention, unless at the time of such contravention the vehicle was not operated or parked, as the case may be, by the owner or by any other person with the owner's consent, express or implied.

Operator not relieved of liability.

(2) Nothing in this section relieves a person who operates or parks a vehicle in contravention of a regulation from the penalty prescribed for such contravention.

Evidence.

4. In any prosecution for a violation of a regulation, a certificate stating that Her Majesty in right of Canada is the owner or occupant of the lands described therein and purporting to be signed by

(*a*) the Minister of Public Works or his Deputy, Assistant Deputy or Acting Deputy,
(*b*) the Minister of the department having the control and management of the lands or his Deputy, Assistant Deputy or Acting Deputy, or

(c) the officer or person having custody of the documents of title or other appropriate records,

shall be received in evidence without proof of the signature or the official character of the person appearing to have signed the certificate, and without further proof thereof, and is *prima facie* proof that the lands belong to or are occupied by Her Majesty in right of Canada as the case may be.

Repeal.

5. The *Vehicular Traffic Act*, chapter 277 of the Revised Statutes of Canada, 1952, is repealed.

APPENDIX "B"

9-10 ELIZABETH II

CHAP. 34

An Act to amend the Government Property Traffic Act.

[*Assented to 22nd June, 1961.*]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subsection (1) of section 2 of the *Government Property Traffic Act* is amended by striking out the word "and" after paragraph (*f*) thereof and by repealing paragraph (*g*) thereof and substituting therefor the following paragraphs:

(*g*) prescribing a fine not exceeding five hundred dollars or a term of imprisonment not exceeding six months, or both such fine and term of imprisonment, to be imposed upon summary conviction as a penalty for the violation of any regulation, except that for the violation of any regulation governing the parking of vehicles the penalty prescribed shall be a fine not exceeding fifty dollars; and

(*h*) providing for the voluntary payment of fines and for prohibiting persons who have violated any regulation from driving a vehicle on such lands for any period not exceeding one year.

APPENDIX "C"

Government Property Traffic Act—The Government Property Traffic Regulations

P.C. 4076

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 17th day of September, 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and pursuant to The Government Property Traffic Act, is pleased to make the annexed regulations for the control of traffic upon lands belonging to or occupied by Her Majesty in right of Canada, and they are hereby made and established, accordingly.

J. W. PICKERSGILL,
Clerk of the Privy Council.

GOVERNMENT PROPERTY TRAFFIC REGULATIONS

Short Title

1. These regulations may be cited as the Government Property Traffic Regulations.

Interpretation

2. In these regulations

(*a*) "Commissioner" means the Commissioner of the Royal Canadian Mounted Police;

(*b*) "constable" means

(i) a member of the Royal Canadian Mounted Police,

(ii) a member of a provincial or municipal police force, and

(iii) any person authorized by a Minister or the Commissioner to to enforce these regulations;

(*c*) "department" means

(i) any of the departments named in Schedule A to the Financial Administration Act,

(ii) any Crown Corporation as defined in paragraph (*c*) of subsection (1) of section 76 of the Financial Administration Act, and

(iii) any other division or branch of the public service of Canada;

(*d*) "driver" means a person who is driving or is in actual physical control of a vehicle;

(*e*) "government property" means property owned or occupied by Her Majesty in right of Canada;

(*f*) "highway" includes any highway, road, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle designed and intended for, or used for the passage of vehicles;

(*g*) "Minister" means

(i) with respect to a department mentioned in subparagraph (*i*) of paragraph (c), the Minister presiding over the department,

(ii) with respect to a Crown Corporation, the President or other Chief Executive Officer thereof, and

(iii) with respect to any other division or branch of the public service of Canada, the person who under the Financial Administration Act is the appropriate Minister;

(*h*) "park" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in a loading or unloading; and

(*i*) "vehicle" means a device, in, upon, or by which a person or property is or may be transported or drawn upon a highway, except a device used exclusively upon stationary rails or tracks.

Application

3. These regulations apply to government property and the highways thereon except

(*a*) the National Parks, (ua) The National Battlefields Park (9-3-55),

(*b*) territorial lands as defined in the Territorial Lands Act,

(*c*) Indian reserves,

(*d*) property under the control of the Federal District Commission, and

(*e*) property to which the Airport Vehicle Control Regulations apply.

4. These regulations do not apply to a member of the Canadian Forces when operating with due authority a vehicle owned by Her Majesty in right of Canada.

Registration and Permits

5. No person shall operate a vehicle on a highway unless

(*a*) he holds all licences and permits that he is, by the laws of the province and the municipality in which the highway is situated, required to hold in order to operate the vehicle in that province and municipality, and

(*b*) the vehicle is registered and equipped as required by the laws of the province and the municipality in which the highway is situated.

Compliance with Provincial and Municipal Laws

6. (1) No person shall operate a vehicle on a highway otherwise than in accordance with the laws of the province and the municipality in which the highway is situated.

(2) In this section the expression "laws of the province and the municipality" does not include laws that are inconsistent with or repugnant to any of the provisions of the Government Property Traffic Act or these regulations.

Traffic Signs and Devices

7. (1) The Minister of Public Works, the Minister of any department having the control or management of any government property or the Commissioner may mark or erect or cause to be marked or erected on any government property, traffic signs or devices

(*a*) prescribing rate of speed;

(*b*) regulating or prohibiting parking and designating parking areas;

(c) prescribing load limits for any vehicle or class of vehicles;
(d) prohibiting or regulating the use of any highway by any vehicle or class of vehicles;
(e) designating any highway as a one-way highway;
(f) for stopping vehicles;
(g) for regulating pedestrian traffic; and
(h) for directing or controlling in any other manner traffic on government property.

(2) Except as authorized by subsection (1), no person shall mark or erect any traffic sign or device on government property.

(3) No person, other than the Minister of Public Works, the Minister of any department having the control or management of government property or the Commissioner, shall without the authority of such Minister or the Commissioner, remove or deface any traffic sign or device on such property.

8. Any traffic sign or device on government property bearing the words "Government of Canada" or an abbreviation thereof, or purporting to have been erected by or under the authority of the Minister of Public Works, any other Minister or the Commissioner, shall *prima facie* be deemed to have been erected pursuant to these regulations.

9. The driver of a vehicle on a highway shall obey the instructions of any traffic sign or device applicable to that driver, vehicle or highway.

10. Any traffic sign or device on government property marked or erected prior to the coming into force of these regulations under An Act to provide for the regulation of Vehicular Traffic on Dominion Property or the regulations thereunder or under other lawful authority shall be deemed to have been marked or erected pursuant to these regulations.

Traffic Direction and Control

11. The driver of a vehicle on a highway shall comply with any traffic directions given to him by a constable.

12. Every person on government property shall produce to a constable upon demand

(a) any permit issued to him under these regulations,
(b) any licence or permit he holds authorizing him to drive a vehicle, and
(c) any certificate of registration of a vehicle held by him.

13. Every driver of a vehicle who is directly or indirectly involved in an accident on government property shall report the accident forthwith as required by the laws of the province in which the accident occurred and, if any property of Her Majesty is damaged by the accident, shall forthwith report the accident to a member of the Royal Canadian Mounted Police or the person in charge, control or occupation of the property so damaged.

Parking

14. No person shall park a vehicle in any area designated by a sign as an area in which parking is prohibited.

15. Where an area is by sign designated as an area where parking is reserved for those holding permits or designated as an area where parking is prohibited except under a permit, no person shall park a vehicle in the area unless

(*a*) he holds a permit authorizing him to park in the area
(*b*) there is attached to and exposed on the vehicle the label furnished with the permit, and
(*c*) he parks in accordance with the terms of his permit.

16. Where an area is by sign designated as an area where parking is permitted for a period of time, no person shall park a vehicle in the area for any greater period of time than that indicated on the sign.

17. Where an area is by sign designated as an area where parking is reserved for a class of persons, no person shall park in the area unless he is a member of that class.

18. (1) The Commissioner may issue or authorize the issue of permits and labels for the purposes of these regulations.

(2) The Minister of a department or a person authorized by him may at any time revoke a permit issued under these regulations with respect to property under the control or management of that department.

(3) Unless sooner revoked, a permit issued under these regulations is valid for the period stated thereon, and a label furnished with the permit is valid only during the period that the permit is valid.

19. A constable who finds a vehicle parked in contravention of these regulations may, at the expense of the owner, remove the vehicle and, if he deems it necessary to protect the vehicle or the interests of the owner, store it in a suitable place.

Speed

20. No person shall drive a vehicle on a highway at a rate of speed in excess of the speed limit indicated for the highway by a sign.

Penalties

21. Every person who violates any of these regulations is liable on summary conviction to a fine not exceeding fifty dollars or a term of imprisonment not exceeding two months or to both fine and imprisonment.

22. Nothing in these regulations small be deemed to authorize a member of a provincial or municipal police force to enter any defence establishment except in the manner prescribed in the Defence Establishment Trespass Regulations. (P.C. 1955-874—June 15th, 1955).

APPENDIX "D"

SOR/61-505

GOVERNMENT PROPERTY TRAFFIC ACT

Government Property Traffic Regulations, amended
P.C. 1961-1655

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 16th day of November, 1961.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Public Works, pursuant to the Government Property Traffic Act, is pleased hereby to amend the Government Property Traffic Regulations made by Order in Council P.C. 4076 of 17th September, 1952[1], as amended[2], in accordance with the schedule hereto.

SCHEDULE

1. Section 21 of the *Government Property Traffic Regulations* is revoked and the following substituted therefor:

"21. (1) Every person who violates any provision of these Regulations is liable on summary conviction to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding six months or to both such fine and imprisonment except that for the violation of any regulation governing the parking of vehicles the penalty shall be a fine not exceeding fifty dollars.

(2) Where a person is convicted of a violation of these Regulations, the convicting court or judge may, in addition to any other penalty imposed, make an order prohibiting that person from driving any motor vehicle, for any period not exceeding one year from the date of the conviction, on any lands belonging to or occupied by Her Majesty in right of Canada.

(3) Every person who drives a motor vehicle contrary to an order made pursuant to subsection (2) is liable on summary conviction to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

21A. (1) Notwithstanding the provisions of section 21, any person who is alleged to have violated any provision of these Regulations governing the parking of a vehicle may, at any time within forty-eight hours, excluding holidays, from the expiration of the day on which the violation is alleged to have occurred, register a plea of guilty to the alleged offence by paying into court, either personally or by mail,

(*a*) five dollars where the alleged offence relates to parking in a reserved parking area;

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[1] SOR/52-412, CANADA GAZETTE PART II, Vol. 86, No. 19, Oct. 8, 1952, p. 894 and Statutory Orders and Regulations Consolidation 1955, Vol. 2, p. 1838.
[2] SOR/55-221, CANADA GAZETTE PART II, Vol. 89, No. 13, July 13, 1955, p. 1432.

(*b*) five dollars where the alleged offence relates to parking in a no parking area;
(*c*) two dollars where the alleged offence relates to overtime parking;
(*d*) two dollars where the alleged offence relates to improper parking of a vehicle;
(*e*) five dollars where the alleged offence relates to parking a vehicle in such manner as to obstruct traffic; and
(*f*) five dollars where the alleged offence relates to any parking violation not referred to in paragraphs (*a*) to (*e*).

(2) Any amount paid pursuant to subsection (1) shall be paid into the court designated by the Minister for such payment.

(3) Where a payment referred to in subsection (1) is sent to the court by mail, the payment into court shall be deemed to have been made on the day on which the payment was mailed.

(4) For the purposes of these Regulations, where, pursuant to subsection (1), a payment into court is made by or on behalf of any person who is alleged to have violated these Regulations, such payment shall be deemed to be in full satisfaction of any penalty that may be imposed upon the summary conviction of that person for that alleged violation."

APPENDIX "E"

REGULATIONS RESPECTING THE CONTROL OF VEHICLES AND EQUIPMENT AT AIRPORTS

1. These Regulations may be cited as the *Airport Vehicle Control Regulations.*

Interpretation

2. In these Regulations,

(*a*) "animal" means any domestic animal and includes poultry;

(*b*) "commercial passenger vehicle" means any taxi, bus or other vehicle used or intended for use in the transportation of persons for compensation;

(*c*) "constable" means

(i) a member of the Royal Canadian Mounted Police,

(ii) a member of a provincial or municipal police force, and

(iii) any person authorized by the Minister to enforce these Regulations;

(*d*) "driver" means a person who is driving or is in actual physical control of vehicle;

(*e*) "Minister" means the Minister of Transport;

(*f*) "owner", when used in connection with a vehicle means a person who holds legal title to the vehicle, and includes a conditional purchaser, lessee or mortgagor who is entitled to possession and is in possession of the vehicle;

(*g*) "park" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading;

(*h*) "parking meter" means an automatic or other mechanical device erected for the purpose of controlling and regulating the parking of any vehicle in a parking space and for measuring and recording the duration of such parking;

(*i*) "parking space" means that part of an airport the use of which for the parking of vehicles is controlled and regulated by a parking meter;

(*j*) "road" includes any highway, street or place designed and intended for or used for the passage of vehicles; and

(*k*) "vehicle" means a device in, upon or by which a person or property is or may be transported or drawn upon a road, except a device used exclusively upon stationary rails or tracks.

Application

3. These Regulations apply to every airport under the administration and control of the Minister and the roads thereon.

PART I.

Operation of Vehicles.

Prohibition.

4. No person shall operate a vehicle on an airport unless
(*a*) he holds all licences and permits that he is, by the laws of the province and the municipality in which the airport is situated, required to hold in order to operate the vehicle in that province and municipality; and
(*b*) the vehicle is registered and equipped as required by the laws of the province and the municipality in which the airport is situated.

Compliance with Provincial and Municipal Laws.

5. (1) No person shall operate a vehicle on an airport otherwise than in accordance with the laws of the province and the municipality in which the airport is situated.

(2) In this section the expression "laws of the province and the municipality" does not include laws that are inconsistent with or repugnant to any of the provisions of the *Department of Transport Act*, the *Government Property Traffic Act* or these Regulations.

Traffic Signs and Devices.

6. (1) The Minister may mark or erect or cause to be marked or erected on any airport traffic signs or devices

(*a*) prescribing rate of speed;
(*b*) regulating or prohibiting parking and designating parking areas;
(*c*) prescribing load limits for any vehicle or class of vehicles;
(*d*) prohibiting or regulating the use of any road or place by any vehicle or class of vehicle or by persons or animals;
(*e*) designating any road as one-way road;
(*f*) for stopping vehicles;
(*g*) for regulating pedestrian traffic; and
(*h*) for directing or controlling in any other manner traffic on the airport.

(2) Except as authorized by subsection (1), no person shall mark or erect any traffic sign or device on any airport.

(3) No person shall, without the auhority of the Minister, remove or deface any traffic sign or device on any airport.

7. Any traffic sign or device on an airport bearing the word "Department of Transport" or an abbreviation thereof, or purporting to have been erected by or under the authority of the Minister, shall be deemed *prima facie* to have been erected pursuant to this Part.

8. The driver of a vehicle on an airport shall obey the instruction of any traffic sign or device applicable to that driver or vehicle.

Traffic Direction and Control.

9. No person shall drive a vehicle on an airport except on a road.

10. The driver of a vehicle on an airport shall comply with any traffic directions given to him by a constable.

11. Every person on an airport shall produce to a constable upon demand
(*a*) any permit issued to him under this Part;

(b) any licence or permit he holds authorizing him to drive a vehicle; and

(c) any certificate of registration of a vehicle held by him.

12. Every driver of a vehicle who is directly or indirectly involved in an accident on an airport shall report the accident forthwith as required by the laws of the province in which the accident occurred and, if any property of Her Majesty is damaged by the accident, shall report the accident forthwith to a member of the Royal Canadian Mounted Police or the person in charge, control or occupation of the airport.

Parking.

13. No person shall park a vehicle in any area designated by a sign as an area in which parking is prohibited.

14. Where an area is by sign designated as an area where parking is reserved for those holding permits or designated as an area where parking is prohibited except under a permit, no person shall park a vehicle in the area unless

(a) he holds a permit authorizing him to park in the area;

(b) if an identifying label has been issued with the permit, the label is affixed to and exposed on the vehicle; and

(c) he parks the vehicle in accordance with the terms of his permit.

15. Where an area is by sign designated as an area where parking is permitted for a period of time, no person shall park a vehicle in the area for any greater period of time than that indicated on the sign.

16. Where an area is by sign designated as an area where parking is permitted in parking spaces located adjacent to parking meters, no person shall park a vehicle in such a parking space unless that person pays for use of the parking space by depositing into the parking meter immediately adjacent thereto the fee stipulated on such meter in respect of the use of that space.

17. No person shall allow a vehicle to remain parked in a parking space beyond the maximum period stipulated on the parking meter in respect of the use of that space.

18. Subject to subsection (2) of section 20, no person shall park in any area that is by sign designated as an area where parking is permitted in parking spaces except within a parking space.

19. No person shall park a vehicle in a parking space located on an airport and controlled by a parking meter unless the front wheels of the vehicle are opposite the parking meter provided for that space.

20. (1) Subject to subsection (2), no person shall park a vehicle in a parking space controlled by a parking meter unless the vehicle conforms to the space designated as the parking space for use in respect of such parking meter.

(2) Where a vehicle is of such a length as to render it impossible to park within the space designated as the parking space for use with respect to a parking meter, the adjoining space similarly controlled may be used provided the required deposit is made in the parking meters controlling all parking spaces used by the vehicle.

21. No person shall deposit or cause to be deposited in any parking meter any slug, device or other substitute for a coin of Canada or of the United States.

22. No person shall deface, injure, tamper with, open, wilfully destroy or impair the usefulness of any parking meter erected on an airport.

23. Where an area is by sign designated as an area where parking is reserved for a class of persons, no person shall park in the area unless he is a member of that class.

24. (1) The Minister may issue or authorize the issue of permits and labels for the purposes of this Part.

(2) The Minister or a person authorized by him may at any time revoke a permit issued under this Part.

(3) Unless sooner revoked, a permit issued under this Part is valid for the period stated thereon and a label furnished with the permit is valid only during the period that the permit is valid.

25. A constable who finds a vehicle parked in contravention of this Part may, at the expense of the owner, remove the vehicle and, if he deems it necessary to protect the vehicle or the interests of the owner, store it in a suitable place.

Speed.

26. No person shall drive a vehicle on a road at a rate of speed in excess of the speed limit indicated for that road by a sign.

Animals.

27. (1) No animal shall be allowed to go at large on any airport.

(2) Where an animal is found at large on an airport the owner of the animal and the person through whose default or neglect the animal is at large are liable for the penalties prescribed for the contravention of subsection (1).

(3) A constable or person in charge of an airport may, at the expense of the owner of the animal, cause any animal found at large on an airport to be confined or driven off the airport or impounded in accordance with the laws of the province and municipality in which the airport is situated.

Exemptions.

28. The Minister or officer in charge of an airport may exempt any person or class of persons from the provisions of this Part so far as may be necessary for the efficient performance of duties in the service of Her Majesty or in the execution of a duly authorized work on the airport.

Penalties.

29. (1) Every person who violates any provision of this Part is liable on summary conviction to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding six months, or to both such fine and imprisonment, except that for the violation of any regulations governing the parking of vehicles the penalty shall be a fine not exceeding fifty dollars.

(2) Where a person is convicted of a violation of this Part, the convicting court or judge may, in addition to any other penalty imposed, make an order prohibiting that person from driving any motor vehicle on any lands belonging to or occupied by Her Majesty in right of Canada for any period not exceeding one year from the date of the conviction.

(3) Every person who drives a motor vehicle contrary to an order made pursuant to subsection (2) is liable, on summary conviction, to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding six months, or to both such fine and imprisonment.

30. (1) Notwithstanding section 29, any person who is alleged to have violated any provision of this Part governing the parking of a vehicle may, at any time within forty-eight hours from the expiration of the day on which the violation is alleged to have occurred, excluding holidays, register a plea of guilty to the alleged offence by paying into court, either personally or by mail,

(*a*) five dollars where the alleged offence relates to parking in a reserved parking area;
(*b*) five dollars where the alleged offence relates to parking in a no parking area;
(*c*) two dollars where the alleged offence relates to overtime parking;
(*d*) two dollars where the alleged offence relates to improper parking of a vehicle;
(*e*) five dollars where the alleged offence relates to parking a vehicle in such manner as to obstruct traffic; and
(*f*) five dollars where the alleged offence relates to any parking violation not referred to in paragraphs (*a*) to (*e*).

(2) Any amount paid pursuant to subsection (1) shall be paid into the court designated by the Minister for such payment.

(3) Where a payment referred to in subsection (1) is sent to the court by mail, the payment into court shall be deemed to have been made on the day on which the payment was mailed.

(4) For the purposes of this Part, where, pursuant to subsection (1), a payment into court is made by or on behalf of any person who is alleged to have violated this Part, such payment shall be deemed to be in full satisfaction of any penalty that may be imposed upon the summary conviction of that person for that alleged violation.

PART II.

Registration of Mobile Equipment.

Interpretation.

31. In this Part

(*a*) "equipment" means any mobile equipment used in the direct fuelling or defuelling of aircraft;
(*b*) "gross weight", with respect to any equipment, means the total weight of the equipment as specified by its manufacturer;
(*c*) "official representative" means the airport manager at an airport operated by the Department or any person authorized to act on his behalf; and
(*d*) "registration year" means the period commencing on the first day of January in any year and ending at the commencement of the first day of January in the year immediately following.

Registration of Equipment.

32. Subject to this Part, the owner of equipment used at airports shall register that equipment each year in accordance with this Part.

33. No person shall operate any equipment at an airport unless that equipment has been registered in accordance with this Part.

34. Sections 32 and 33 do not apply in respect of equipment operated exclusively on airport areas leased from the Department by the owner of the equipment.

35. (1) Applications for the registration of equipment shall be made in the form prescribed by the Minister and delivered, together with the fees prescribed by this Part, to the official representative at the airport at which the equipment is to be used.

(2) On receipt of the application and fees described in subsection (1), the official representative may, if he is of opinion that the equipment for which registration is applied can be safely operated at the airport, issue a registration certificate for that equipment.

Fees.

36. (1) The annual registration fee payable in respect of any equipment shall be fifteen dollars or the amount obtained by multiplying the gross weight of the equipment, calculated in thousands of pounds, by fifteen dollars, whichever is the greater amount.

(2) Notwithstanding subsection (1), where any equipment is registered after the thirtieth day of June in any registration year, the fee shall be one-half of the regular yearly fee.

37. (1) Where equipment registered at an airport is replaced by other equipment of a similar kind, there shall be paid to the official representative at that airport,

(*a*) if the equipment is of equivalent or lower gross weight than the equipment being replaced, a registration fee of five dollars; or

(*b*) if the equipment is of a greater gross weight than the equipment being replaced, a registration fee equal to the amount obtained by multiplying the difference between the gross weights of the respective equipment, calculated in thousands of pounds, by fifteen dollars.

(2) The registration certificate for any equipment that is being replaced at an airport shall be surrendered to the official representative at that airport.

38. Where equipment registered under this Part is sold or transferred, the new owner of the equipment shall, before operating the equipment at any airport operated by the Department, notify the official representative at that airport and the official representative may

(*a*) on payment of a fee of five dollars by the new owner;

(*b*) on surrender of the registration certificate previously issued for that equipment to the previous owner; and

(*c*) if he is satisfied that the equipment may be safely operated at the airport,

issue a new registration certificate for that equipment.

39. Where a certificate of registration for any equipment is lost, a duplicate certificate may be issued by an official representative on payment of a fee of five dollars.

General.

40. Notwithstanding anything in this Part, the Assistant Deputy Minister, Air, may authorize the officer in charge of an airport to waive the requirements for registration of equipment for such period at time and under such conditions as the Assistant Deputy Minister, Air, may deem advisable.

41. Certificates of registration for any equipment shall be carried at all times on that equipment and shall be produced for examination upon request

by any member of the Royal Canadian Mounted Police or by a duly authorized representative of the Department.

42. Any person who violates the provisions of this Part is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

HOUSE OF COMMONS

Second Session—Twenty-Sixth Parliament

1964-1965

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: MR. MAURICE J. MOREAU

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 13

TUESDAY, MARCH 16, 1965
THURSDAY, MARCH 18, 1965
TUESDAY, MARCH 30, 1965
THURSDAY, APRIL 1, 1965

Respecting the circumstances relating to the arrest on February 12, 1965, of the honourable Member for Lapointe (Mr. Grégoire)

Respecting the advisability of making certain amendments to the Canada Elections Act (*Vote for persons confined to hospitals*)

Respecting the subject-matter of the complaint brought to the attention of the House by Mr. Munro, Member for Hamilton East, concerning the publication of a document entitled "Steelworkers Hamilton Area Council—PAC News"

INCLUDING FOURTH, FIFTH AND SIXTH REPORTS TO THE HOUSE

WITNESS:

Dr. Maurice Ollivier, Q.C., Parliamentary Counsel

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

21850—1

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Maurice J. Moreau

Vice-Chairman: Mr. Jean-Eudes Dubé

and Messrs.

Balcer	Jewett (Miss)	O'Keefe
Beaulé	Lessard (*Saint-Henri*)	Peters
Cashin	Macdonald	Prud'homme
Chapdelaine	Macquarrie	Rhéaume
Chrétien	Marcoux	Rochon
Francis	Martineau	Scott
Girouard	Mullally	Valade
Grégoire	Nielsen	Vincent
Greene	Nugent	Woolliams—29.

(Quorum 10)

Gabrielle Savard,
Clerk of the Committee.

NOTE: Messrs. Munro, Fisher and Howard replaced Messrs. Macdonald, Scott and Peters on March 24. Mr. Macaluso replaced Mr. Chrétien on March 25. Mr. Basford replaced Mr. Lessard (*Saint-Henri*) on March 31.

CORRIGENDUM

In the Minutes of Proceedings and Evidence (Issue No. 11) February 16, 1965 (English copy only)

Page 574, Privileges, generally, (from Line 16) should read:

"Section 18 of the British North America Act, 1867, as repealed and re-enacted by the Parliament of Canada Act, 1876, reads as follows:

18. The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by act of the parliament of Canada, but so that any act of the parliament of Canada defining such privileges, immunities or powers *shall not confer any privileges, immunities, or powers* exceeding those at the passing of such act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the Members thereof."

21850—1½

ORDERS OF REFERENCE

MONDAY, April 6, 1964.

Ordered,—That the Standing Committee on Privileges and Elections be empowered to consider the advisability of amending the Canada Elections Act in order to provide:

(1) that persons confined to hospitals be allowed to exercise their franchise in federal elections;
(2) that portable polls be provided for public hospitals;
(3) that transfers be allowed up to and including election day for persons confined to hospitals;

and, for such purposes, to recommend such amendments to the said Act as may be deemed advisable.

TUESDAY, March 23, 1965.

Ordered,—That the subject-matter of this complaint be referred to the Standing Committee on Privileges and Elections for appropriate action.

(*Substance of Complaint*)

"The Honourable Member for Hamilton East (Mr. Munro) having presented a fold-sheet entitled "Steelworkers Hamilton Council—PAC News" in which is reproduced under the heading "Who is working for you?" a copy of the cover page of the House of Commons Debates Index for the period February 18-October 30, 1964, and having contended that the unauthorized reproduction of the official cover page was a breach of the privileges of this House, proposed to move, seconded by Mr. Macaluso,—That the subject-matter of this complaint be referred to the Standing Committee on Privileges and Elections for appropriate action."

STEELWORKERS
HAMILTON AREA COUNCIL
PAC NEWS

BULLETIN ONE MARCH, 1965

Trend Is To New Democrats

Yes, the trend is to the New Democratic Party. Recent by-elections and surveys have shown a new interest and support for New Democrats right across Canada. Wins in Riverdale, Waterloo South and Hanley are the proof.

What's the reason? Most observers agree that time and events have shown the ineffectiveness of the old parties. They have confirmed many long standing New Democratic policies.

REAL ISSUES

Take Medicare for example. The Hall Royal Commission, after years of study, has recommended a national Medicare plan modelled almost exactly after the CCF-NDP plan in Saskatchewan.

Recent auto insurance rate increases have brought new interest in the New Democratic plan for government-operated, universal car insurance.

REAL LEADERSHIP

In Ottawa, everyone credits the New Democrats with providing real leadership. A New Democratic suggestion created the flag committee, so that important legislation could go ahead.

New Democrats forced a full and open inquiry into the Rivard scandal and tried to ensure that it would be done fairly and justly.

As a result, New Democrats are now in a most favorable position for the next federal election, expected this year. Independent observers are predicting great gains for the NDP, especially in Ontario.

NEW DEMOCRATS have launched a Membership Drive in Ontario. Increased membership in every Riding, thus providing the funds, workers and confidence needed to win, is the best way you can help to build our Party. Do your part, play a positive role in electing New Democratic M.P.'s.

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WHO IS WORK

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(Unrevised)

February 18 - October 30

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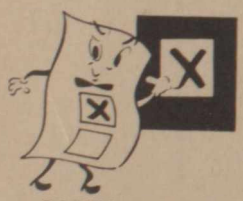

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YOU CAN HELP BY JOINING NOW

Yes, it *is* your party . . .

You have helped to send 18 M.P.s to Ottawa. You helped to elect 8 M.P.P.s to Queen's Park in Toronto. Here's what they are doing for you:

Canada Pension Plan

In Ottawa, NDP pressure forced the government to announce a pension of $75.00 a month for people 65 and over by 1970. NDP members are still fighting to get this pension NOW.

Stanley Knowles has demanded at pension of $100 at age 65 and an income tax exemption of $1,500 for everyone NOW.

Labour Standards Act

In its grand charter for labour, the government insisted on keeping the minimum wage down to $1.25. The NDP fought for a minimum of $1.50 an hour. They were defeated by an alliance of both old parties.

The government proposed that disabled and handicapped workers could be hired at less than the minimum wage. Tommy Douglas fought to give them the same rights as able-boldied workers. He and the NDP were defeated.

The government insisted that it be given the right to suspend the introduction of the 8 hour day and the 40 hour week indefinitely at the request of the industries involved. The NDP protested. The majority of the House overcame them.

And Here In Ontario

Ted Freeman, M.P.P. for Fort William, moved a private bill to cut the maximum work week from 48 to 40 hours.

Norm Davison, M.P.P. for Hamilton East moved to amend the Human Rights Code to eliminate job discrimination because of age.

Reg Gisborn, M.P.P. for Wentworth East, moved a private bill to get a mandatory two week vacation with pay during the first four years on the job, three weeks thereafter. Present law requires one week's holiday.

On Medicare

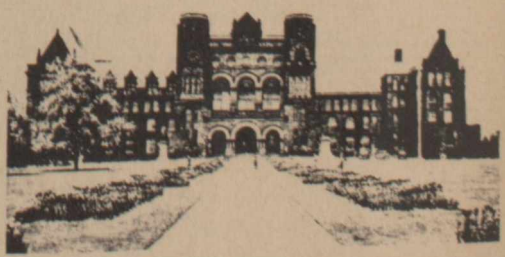
The Robarts government is trying to bring Alberta Socred-type medicare to Ontario. The Labour movement under the CLC, and New Democrats everywhere have joined to fight this fraud on the people of this province.

•

IT'S YOUR PARTY

NDP members are fighting your fight.

On every issue that counts, Liberals and Tories back management. On every issue, period, the NDP is Labour's party.



WEDNESDAY, March 24, 1965.

Ordered,—That the names of Messrs. Munro, Fisher and Howard be substituted for those of Messrs. Macdonald, Scott and Peters on the Standing Committee on Privileges and Elections.

THURSDAY, March 25, 1965.

Ordered,—That the name of Mr. Macaluso be substituted for that of Mr. Chrétien on the Standing Commite on Privileges and Elections.

WEDNESDAY, March 31, 1965.

Ordered,—That the name of Mr. Basford be substituted for that of Mr. Lessard (Saint-Henri) on the Standing Committee on Privileges and Elections.

Attest.

(Leon-J. Raymond)
The Clerk of the House.

REPORTS TO THE HOUSE

FRIDAY, March 19, 1965

The Standing Committee on Privileges and Elections has the honour to present its

FOURTH REPORT

On Tuesday, February 16, 1965, the House of Commons passed the following Order:

> Ordered,—That the circumstances relating to the arrest on February 12, 1965, of the honourable Member for Lapointe be referred to the Standing Committee on Privileges and Elections.

During its consideration of this reference, your Committe has held meetings and heard 8 witnesses:

Dr. Maurice Ollivier, Q.C., Parliamentary Counsel
Mr. John Cassells, Crown Attorney for the County of Carleton (Ontario)
Mr. Marc Lalonde of Montreal, Counsel for the Royal Canadian Mounted Police
Constable R. T. Stamler, Royal Canadian Mounted Police
Constable J. R. M. Délisle, Royal Canadian Mounted Police
2/Cst. I. R. Miller, Royal Canadian Mounted Police
Staff/Sgt. C. Rachel, Royal Canadian Mounted Police
Mr. Gilles Grégoire, Member for Lapointe.

The Honourable Member for Lapoine, in his statement in the House on February 16, 1965, raised the questions of bilingualism and police brutality and suggested that there was violation of his privileges in that regard.

After hearing testimony, the Committee is convinced that the conduct of the Royal Canadian Mounted Police was entirely correct and that they did not act in a shameful and brutal way as was stated by the Honourable Member for Lapointe in his question of privilege.

The Standing Committee on Privileges and Elections finds no violation of privileges on the basis of linguistic rights. Your Committee would like to point out the following facts in this matter:

1. The warrants of commitment of the Honourable Member for Lapointe were documents issued by the Magistrate's Court for the County of Carleton, Ontario in accordance with the law of the Province of Ontario pursuant to its jurisdiction over the administration of justice in the Province. In accordance with the provisions of that law they were directed to the arresting officers and not to the accused.
2. Except for the two tickets initially issued by the Royal Canadian Mounted Police to the Honourable Member, which were in both of the official languages, all of the other documents involved in these proceedings were part of the process of the Ontario Court and in the English language.
3. The summonses which were served upon the Honourable Member were accompanied by French translations prepared by the Royal Canadian Mounted Police.

4. This committee agrees that it is fundamental to our principles of justice that the accused in any criminal proceedings should have full and clear explanation of the action and proceedings taken against him and would point out that a bilingual officer of the Royal Canadian Mounted Police did participate in the arrest of the Honourable Member and did explain the proceedings to him in the French language.

Your Committee is of the opinion that the privilege of freedom of arrest of a Member has not been infringed in the present case. The Committee does not feel that there is any basis upon which to censure the Royal Canadian Mounted Police for carrying out the arrest of February 12th, as constituting a breach of parliamentary privilege.

A copy of the relevant Minutes of Proceedings and Evidence is appended.

Respectfully submitted,

MAURICE J. MOREAU,
Chairman.

WEDNESDAY, March 31, 1965.

The Standing Committee on Privileges and Elections has the honour to present its

FIFTH REPORT

On Monday, April 6, 1964, the House of Commons adopted the following Order:

That the Standing Committee on Privileges and Elections be empowered to consider the advisability of amending the Canada Elections Act in order to provide:

(1) that persons confined to hospitals be allowed to exercise their franchise in federal elections;

(2) that portable polls be provided for public hospitals;

(3) that transfers be allowed up to and including election day for persons confined to hospital;

and, for such purposes, to recommend such amendments to the said Act as may be deemed advisable.

Your Committee noted that, as a result of its study of the Canada Elections Act in 1963, Section 9 of the Representation Commissioner Act (Chap. 40, Statutes of Canada, 1963) directs the Chief Electoral Officer to study and report to the Speaker of the House of Commons on methods of absentee voting by electors who, by reason of absence, illness or other cause, are unable to vote in the polling districts or divisions in which they ordinarily reside.

Your Committee recommends to the House that study of this matter be delayed until the Chief Electoral Officer has reported to the Speaker.

Respectfully submitted,

MAURICE J. MOREAU,
Chairman.

THURSDAY, April 1, 1965

The Standing Committee on Privileges and Eelections has the honour to present its

SIXTH REPORT

Pursuant to its Order of Reference, your Committee considered the matter brought to the attention of this House by the Honourable Member from Hamilton East on the 23rd of March 1965, concerning the publication of a document by the Political Action Committee of the Steelworkers Hamilton Area Council.

However, in view of a letter of apology received from Mr. Stewart Cooke on behalf of the Steelworkers Hamilton Area Council Political Action Committee, under date March 30, 1965, your Committee recommends that the apology be accepted and the matter remain unresolved.

A copy of the relevant Minutes of Proceedings and Evidence is appended.

Respectfully submitted,

MAURICE J. MOREAU,
Chairman

MINUTES OF PROCEEDINGS

TUESDAY, March 16, 1965.
(28)

The Standing Committee on Privileges and Elections met *in camera* this day at 11:10 a.m. The Chairman, Mr. Maurice J. Moreau, presided.

Members present: Miss Jewett and Messrs. Cashin, Chrétien, Dubé, Francis, Girouard, Grégoire, Macdonald, Macquarrie, Moreau O'Keefe, Peters, Prud'homme, Rochon—(14).

In attendance: Dr. Maurice Ollivier, Q.C., Parliamentary Counsel.

The Chairman presented the Sixth Report of the Subcommittee on Agenda and Procedure as follows:

The Subcommittee on Agenda and Procedure met Monday, March 8, and agreed unanimously to recommend:

1. That no further witnesses be called in the question of the circumstances relating to the arrest of the honourable Member for Lapointe;
2. That the Committee do not sit Tuesday, March 9 as scheduled, but that it meet *in camera* Tuesday, March 16, to hear arguments on the following points:
   (*a*) Whether or not excessive force was used in the arrest of the Member for Lapointe;
   (*b*) Whether any issue of bilingualism was involved, and
   (*c*) Whether there was any violation of the privileges of an honourable Member because of the immunity from arrest on Parliament Hill.

On motion of Mr. Chrétien, seconded by Mr. Francis, the said report was adopted unanimously.

In accordance with the recommendations made in the report, the Committee proceeded to the drafting of a "Report to the House".

The Member for Lapointe having arrived, the Chairman outlined to him the recommendations of the subcommittee. At this point, Mr. Grégoire registered his protest that the Committee had not called Commissioner McClellan of the R.C.M.P. as a witness.

The Committee resumed its consideration of the question raised in paragraph (a) of the steering committee report.

Miss Jewett proposed, seconded by Mr. Peters, a paragraph relating to the above-mentioned matter for inclusion in the Committee's Report to the House.

Mr. Chrétien suggested an amendment to this paragraph; the said amendment was adopted and the paragraph was adopted as amended on the following division: YEAS 11; NAYS, 1. Mr. Francis, a member of the Committee, requested that it be noted that Mr. Grégoire had opposed the motion.

The paragraph as amended and adopted reads as follows:

> After hearing testimony, the Committee concluded that there was no evidence to suggest the Royal Canadian Mounted Police acted in a shameful and brutal way as was stated by the honourable Member for Lapointe in his question of privilege on February 16, 1965.

The Committee discussed paragraphs (b) and (c).

Discussion continuing, at 12:45 p.m. the Committee adjourned to 5:00 p.m., to consider a draft report which will be prepared by the Subcommittee on Agenda and Procedure later this day.

Note: Due to the pressure of business in the House, the Committee did not resume in the afternoon.

THURSDAY, March 18, 1965.

The Standing Committee on Privileges and Elections having been duly called to meet *in camera* at 9.30 o'clock a.m., the following members were present:

Messrs. Beaulé, Cashin, Francis, Macdonald, Macquarrie, Moreau, Mullally, Peters, Scott—(9).

In attendance: Dr. Maurice Ollivier, Q.C., Parliamentary Counsel.

There being no quorum, the Chairman adjourned the meeting until this afternoon after Orders of the Day in the House.

THURSDAY, March 18, 1965.
(29)

The Standing Committee on Privileges and Elections met *in camera* this day at 3:30 p.m. The Chairman, Mr. Maurice J. Moreau, presided.

Members present: Messrs. Beaulé, Cashin, Chapdelaine, Dubé, Francis, Greene, Lessard (*Saint-Henri*), Macdonald, Macquarrie, Moreau, Prud'homme and Scott—(12).

In attendance: Dr. Maurice Ollivier, Q.C., Parliamentary Counsel.

As agreed at the last meeting, the Committee considered a draft "Report to the House" as prepared by the Subcommittee on Agenda and Procedure, on the circumstances relating to the arrest on February 12, 1965 of the honourable Member for Lapointe.

On page 3 of the Draft Report Mr. Macdonald moved, seconded by Mr. Lessard (*Saint-Henri*), that the first sentence be deleted and replaced by the following:

"Your Committee is of the opinion that the privilege of freedom of arrest of a Member has not been infringed in the present case, since this privilege does not extend to charges of a criminal or quasi-criminal nature.";

and that the word *also* be deleted in the next sentence;

and that the second last paragraph be also deleted.

Whereupon Mr. Scott, seconded by Mr. Macquarrie, moved as an amendment to the motion,—

That all the words after "the present case" be deleted, together with the second sentence of the same paragraph.

The question being put on the amendment; it was resolved in the affirmative: YEAS, 8; 1 ABSTENTION.

The question being put on the motion, it was resolved in the affirmative: YEAS, 8; 1 ABSTENTION.

The Report, as amended, was adopted: YEAS, 8; 1 ABSTENTION.

Mr. Macdonald asked that a correction be made in the evidence of the Committee meeting of Friday, February 26, 1965 (Issue No. 11, at page 574),

in Section 18 of the B.N.A. Act, 1867, as repealed and re-enacted in 1876, which should read as follows:

"18. The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by act of the parliament of Canada, but so that any act of the parliament of Canada defining such privileges, immunities or powers *shall not confer any privileges, immunities, or powers* exceeding those at the passing of such act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the Members thereof."

The Chairman drew the attention of the Committee to the two remaining Orders of Reference received from the House and announced that the Comittee will be called shortly to deal with these matters.

At 4:30 p.m. the Committee adjourned to the call of the Chair.

TUESDAY, March 30, 1965.
(30)

The Standing Committee on Privileges and Elections met this day at 11.05 a.m. The Chairman, Mr. Maurice J. Moreau, presided.

Members present: Messrs. Beaulé, Cashin, Dubé, Fisher, Francis, Howard, Lessard (*Saint-Henri*), Macaluso, Macquarrie, Moreau, Munro, O'Keefe, Prud'homme, Rochon. (14).

In attendance: Dr. Maurice Ollivier, Q.C., Parliamentary Counsel.

The Chairman submitted the Seventh Report of the Subcommittee on Agenda and Procedure. (*See Evidence*)

With reference to the Order of the House of April 6, 1964—the advisability of making certain amendments to Canada Elections Act (vote for persons confined to hospitals)—on motion of Mr. Lessard (*Saint-Henri*), seconded by Mr. Dubé

Resolved (*unanimously*),—That in accordance with the recommendation of the Subcommittee, the Chairman report to the House recommending that study of this matter be delayed until the Chief Electoral Officer has reported to the Speaker. (*See Fifth Report to the House*).

With reference to Subject-matter of Bill C-25 (Political Programs) amendment to Broadcasting Act, on motion of Mr. Howard, seconded by Mr. Macaluso,

Resolved,—That the Committee concur in the recommendation of the Subcommittee on Agenda and Procedure and defer the study of this subject until after consideration of the complaint of Mr. Munro.

On motion of Mr. Francis, seconded by Mr. Lessard (*Saint-Henri*), the Seventh Report of the Subcommittee was adopted unanimously.

The Chairman called Dr. Maurice Ollivier, Parliamentary Counsel.

Mr. Ollivier read a prepared memorandum re: the alleged breach of privilege by the publication of a certain document by the *Hamilton Political Action Committee* and he was questioned thereon.

Agreed,—That a copy of Dr. Ollivier's memorandum be made available to the Members of this Committee before its next sitting.

On motion of Mr. Fisher, seconded by Mr. Macquarrie,

Resolved,—That the document published by the Sperry and Hutchinson Company of Canada, Limited, which was the basis of a complaint referred to the Committee on February 16, 1960 be printed as an appendix to this day's proceedings. (*See Appendix to Minutes of Proceedings*).

Mr. Francis moved, seconded by Mr. Lessard (*Saint-Henri*),

That the Index of the House of Commons Debates from February 18 to October 30 be printed as an appendix to the proceedings.

After discussion, with the Committee's consent, Mr. Francis agreed to withdraw his motion for the moment.

At 1:00 o'clock p.m. Mr. Fisher moved, seconded by Mr. Howard, that the Committee adjourn until 4:00 o'clock this afternoon. Whereupon Mr. Prud'homme, seconded by Mr. Francis, moved in amendment, that the Committee adjourn until Thursday morning.

The question being put on the amendment, it was resolved in the affirmative: YEAS, 6; NAYS, 3. The motion, as amended, was adopted.

At 1:05 p.m. the Committee adjourned until Thursday morning, April 1st.

Gabrielle Savard,
Clerk of the Committee.

APPENDIX

Note: The document reproduced on the following pages was Appendix "A" to the Minutes of Proceedings and Evidence (No. 1) of the Standing Committee on Privileges and Elections, Tuesday, March 15, 1960.

APPENDIX "A"

EXHIBIT "A"

CANADA

House of Commons Debates

Volume 104 • Number 9 • 3rd Session • 24th Parliament

OFFICIAL REPORT

Tuesday, January 26, 1960

Speaker: The Honourable Roland Michener

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

Price per copy, 5 cents; per session, $3. Address Queen's Printer, Ottawa, Canada.

21850—2

undertook the great conversion loan. In order to make it a success the price of bonds was raised to an artificially high level; the government offered 4½ per cent interest on long term bonds and put on a high pressure campaign of advertising and ballyhoo. When the smoke had blown away and the exhortations and appeals to patriotism by the Prime Minister and the Minister of Finance were no longer heard, many Canadians realized that they were not only committed for 25 years to pay the highest interest rates they had paid for a generation, but the government still proposed to borrow a lot more money.

We on this side of the house criticized the conversion loan and refused to accept the government's repeated assertions that the conversion loan would stabilize the market for other borrowers. It has not, of course, stabilized the market at all; it has practically closed the market to the provinces and municipalities. Since October 15, 1958, that is to say during the last 12 months while the country has been recovering from the recession and borrowers in all walks of life have been competing for available funds, the Diefenbaker government has been making its own claims upon the limited supply and has borrowed $676 million of new money. When I use the term "new money" I mean borrowings in addition to those to which the government has resorted to meet outstanding bond issues as they became due.

Mr. Speaker: Order; I am advised by the Clerk that the hon. member's time has expired.

Mr. Rouleau: May I continue for one minute?

Some hon. Members: Agreed.

Mr. Rouleau: In concluding my remarks, Mr. Speaker, I should like to use the very same words as the present Minister of Finance used in 1956, as found at page 7462 of *Hansard:*

> —I think that a good deal of the solution lies within the power of government. On the one hand we have the government lauding the boom and asking politicians not to support because they claim we have a budget with expanding revenues, and on the other hand have the government taking steps as though they were trying to apply the brakes and put a check on the very things for which they are claiming political credit. Let them stop applying conflicting and contradictory policies.

Miss Margaret Aitken (York-Humber): Mr. Speaker, my first words are of congratulation to the mover (Mr. Morissette) and seconder Mrs. Casselman) of the address in reply to the speech from the throne. The hon. member for Rimouski and the hon. member for Grenville-Dundas embraced the honour bestowed upon them by the Prime Minister (Mr. Diefenbaker) with grace and eloquence. As another woman member of parliament and colleague and friend, I was especially proud of the hon. member for Grenville-Dundas. It seemed to me that her's was as fine a maiden speech as I have ever heard in the House of Commons.

I have three subjects, Mr. Speaker, upon which I want to speak rather briefly. They are somewhat controversial. The first one is recognition or non-recognition of the government of red China. My only authority for speaking on this subject is the fact that I visited the People's Republic of China this summer. I saw how the people lived under the Chinese communist government; I talked to government officials and to ordinary people, but it was mostly as an eyewitness that I formed my opinions on this problem. From Canadians one hears two basic arguments about recognition of the People's Republic of China. The first is that you simply cannot ignore .650 million people; that non-recognition is to behave like an ostrich burying its head and saying 650 million people are not there. The second argument involves trade. It is stated that recognition would automatically open the trade routes to China.

In so far as the first argument, that it is ridiculous to refuse to recognize 650 million people, is concerned, actually what we are refusing at the present time to recognize is a ruthless aggressor government. From my observations and from what I have heard I would say this is the strongest government China has ever had and it has an absolute stranglehold on the people.

I personally liked the Chinese people. They were courteous, friendly and hospitable. If recognition would do those people any good, I would certainly be all for it; but it would not do so. I have never in my life seen men and women work as hard as they are working under that communist government. They are kept at a substandard existence level of living, always with a sort of carrot held out in front of them: if they work harder and harder, things will be better.

In the communes their lives are based on military lines. They live—one family of usually five to one room—in barrack-type houses. They are divided into brigades and each brigade has its own communal kitchen, communal dining room and communal community hall. Every woman of a commune must work. On the farm I visited 68 per cent of those working in the fields were women and 32 per cent were men. I suspect the reason for this situation is that the Chinese want to keep their manpower mobile for their aggressive actions; and by making the women work in the fields they make sure that, should

they want to take their men into the army or to war, the production of food will not be dislocated.

From dedicated communists you hear these parrot-like accusations of "evil United States imperialism" and "the wicked exploitation of labour as practised in the capitalist world". I just wish that every working man and working woman in Canada could see what a ruthless, all-powerful communist government does to the spirits and the lives of 650 million people. But quite aside from a feeling of horror toward such a government, I think that recognition of China at this time could do irreparable harm to our friends in that part of the world, countries that are trying to set up their own democracies, and are friendly to us.

To take one example, I would mention Japan. In the past 15 years the Japanese have made great efforts to democratize themselves, as they call it. On the other hand, red China has made equally great efforts to draw Japan into the communist bloc. China has used every trick short of war in order to impose communism upon Japan. Forty per cent of Japan's export trade was with China and this trade was wiped out at one fell swoop. I think that we of the western world must realize and appreciate the stupendous efforts that countries like Japan are making to withstand the pressures from communist countries in that part of the world.

As to recognition of China opening up trade routes for Canada, I would say this. Certainly the experience of other countries has not proved this to be the result. For instance, Britain recognized China quite a few years ago and British trade with China is really inconsequential. West Germany, which does not recognize China, has far greater trade with that country than has Britain. Indeed, British diplomats are really shabbily treated in red China. They were thrown out of their beautiful embassy which they had occupied for many years. They are now housed in apartments. They are not permitted to fraternize with their counterparts in the Chinese government and most of them are extremely fed up in that country.

I therefore agree with the Secretary of State for External Affairs (Mr. Green) that it makes no sense at this particular time to recognize the government of red China, that it makes no sense to recognize a ruthless, aggressive government that even attacks the borders of a friend, namely India. It seems to me that the republic of China must show more good faith and much greater responsibility for world peace before Canada bestows recognition upon it.

The next matter I wish to raise has to do with old age pensions. Many people have approached me during the past few months to ask if the government would or could lower the old age pension age from 70 years to 65 years. More and more people are finding that they are obliged to retire at age 65 and in that gap between age 65 and age 70, that five-year period, there can be real hardship. We all know that it would cost the taxpayer a great deal of money to lower that age. I feel sure that the Minister of National Health and Welfare (Mr. Monteith) and the Minister of Finance (Mr. Fleming), in their responsibility to the taxpayer, would hesitate to impose such a burden at the present time.

But what I should like to see—and I know others have expressed the same thought in the house—is a long term view of old age pensions under which there could be much more of a contributory social security pension plan. If every man and woman during their productive years contributed according from their earnings, as is done in the United States, such a scheme could be built up on a sound actuarial basis. I know the government would have to continue to pay the present old age pension to those already receiving it and to those on the eve of retiring. But in two decades or 25 years I am sure that such a contributory plan could be well established.

I was delighted to note that the Minister of National Health and Welfare has removed the restrictions on old age pensioners with respect to receiving their pensions outside of Canada. However, I really believe that a universal contributory scheme would benefit everybody and would clear up some rather ridiculous situations. For instance, we hear so much these days about men and women applying for jobs and being told they are too old at the age of 40. The real reason is that people of 40 or 45 years of age going into new jobs create a lack of balance in company pension schemes. Actually—and I have found this situation in trying to get jobs for people—it is sometimes easier to get a job at the age of 65 than it is at the age of 45 because a man going into a company at age 65 does not expect any return from the established pension scheme. I should therefore like to see in the not too distant future the Minister of National Health and Welfare introduce a social security pension which would allow Canadians to retire at age 65 if they wanted to do so. If they did not want to do so they could go on and, I presume, get a bigger pension.

My final controversial subject is this modern thing called discount stamps. My interest in discount stamps per se is nil but it seems to me that the great majority in this parliament will believe that an extremely

basic principle is involved in this matter. We in this parliament believe in free enterprise, in the minimum of government interference and in the rights of individuals to buy and sell in the open market place without government interference.

Personally, I commend the Canadian association of consumers for its self-assigned role as watchdog on behalf of the consumer. It is well known that the consumers, generally speaking, are the women of this country. It is a trite phrase now, but it is still true that they spend 85 cents out of every dollar earned. I commend the Canadian association of consumers for its diligence in this matter, but I think it is wrong to ask the government to legislate against private enterprise promotion. For one thing, there seems to me to be an apprehension about the women buyers of this country. We are not the dopes that you might think from listening to other people talk about how we are being led astray with these discount stamps. The women of this country do not need to be protected against the food merchant; they are just about as shrewd and astute buyers as you would find anywhere.

One rather patronizing tag line thrown at them is that you cannot get something for nothing. Mr. Speaker, the woman buyers know you cannot get something for nothing, and their answer is that they are getting something where nothing was before. Before Christmas one retail store in Toronto gave out 7,000 dolls, and I would like to just take a look at the chain reaction of this something where nothing was before. Seven thousand mothers had the pleasure of giving their little girls each a doll. The little girls were richer by one doll. The merchant won a steady customer. The manufacturer of the doll sold 7,000 dolls he might not have sold before.

It seems to me that government interference in this kind of chain reaction can grow to ridiculous proportions. The role of government in a private enterprise economy is not to impose more and more controls, particularly controls against competition, but rather to encourage them, because it is the consumer always—the public—who benefits by competition. If government is pressured into putting such legislation into the Criminal Code, making something that is legal illegal, surely the method by which a merchant allocates his promotion budget is of no concern to a private enterprise government. If discount stamps were declared illegal, why not television extravaganzas and coupons on boxes of soap? It seems to me you are just asking the government to get into matters that should be of no concern whatsoever. I hope we will never put any such discriminatory law into our Criminal Code. As long as the public is not being victimized, the government should not interfere in competitive enterprise.

It always comes as a surprise to me the number of people or groups who want government to step in immediately to correct what they think is an evil, but if it affects them, then they want government to mind its own business and not interfere. The other day a man expressed his indignation to me over a regulation which was imposed a long time ago and of which I have never heard before. It concerns chartered planes. Apparently in Canada you cannot buy a flight on a chartered plane at less than 65 per cent of the cost of a flight on a commercial plane; in other words, it costs 35 per cent less. Of course, there are many groups crossing the Atlantic in chartered planes, and they go down to Buffalo or New York where they get the flight much cheaper because there is no such protective restriction. Of course, this has boomeranged back now that this regulation has been imposed, because the Canadian charter companies are not able to sell their flights. This man thought it was a terrible thing and that Canadians were being deprived of this advantage, and the only way they could get a cheaper flight was to go to the United States.

I agreed that it was a silly thing and should not be one of our regulations, but when I said to this man, "What do you think of discount stamps?", he wanted them all banned. He said, "They are gimmicks; the government should step in immediately and ban them all". He thought that the government should not interfere in a thing affecting his pocket book; but the government should back the other thing which apparently he had strong opinions about.

I suppose this is the kind of human inconsistency which wise governments have to deal with, but that is why I say I hope that the present government will not be pressured into introducing such laws into our Criminal Code, because I do feel that we must cling to our basic principles of freedom and have the minimum of government interference in private enterprise.

From the INFORMATION BUREAU ON DISCOUNT STAMPS

THE SPERRY AND HUTCHINSON COMPANY OF CANADA LIMITED

600 UNIVERSITY AVENUE, TORONTO

MINUTES OF PROCEEDINGS

THURSDAY, April 1, 1965.
(31)

The Standing Committee on Privileges and Elections met this day at 9:45 o'clock a.m. The Chairman, Mr. Maurice J. Moreau, presided.

Members present: Messrs. Basford, Dubé, Fisher, Francis, Greene, Howard, Macquarrie, Moreau, Mullally, Munro, O'Keefe (11).

In attendance: Dr. Maurice Ollivier, Q.C., Parliamentary Counsel.

The Committee resumed consideration of the subject-matter of the complaint of the Honourable Member for Hamilton East (Mr. Munro) concerning a publication by the Hamilton Political Action Committee of the Steelworkers Hamilton Area Council.

The Chairman read into the record a letter of apology delivered by hand to him March 31, 1965, from Mr. Stewart Cooke, Area Supervisor, United Steelworkers of America, on behalf of the Steelworkers Hamilton Area Council Political Action Committee. The said letter, which was circulated to the Members, is filed as *Exhibit I.*

Dr. Ollivier was further questioned regarding the alleged breach of privilege.

Following discussion, Mr. Munro moved, seconded by Mr. Basford,

That the apology to the Committee on behalf of the Political Action Committee of the Steelworkers Hamilton Area Council under date March 30th, 1965, be accepted by the Committee of Privileges and Elections and the matter now before the Committee remain unresolved.

The question being put on the motion, it was resolved in the affirmative on the following division: YEAS, 6, NAYS, 3.

On motion of Mr. Basford, seconded by Mr. Greene,

Resolved (unanimously)—That the Subcommittee on Agenda and Procedure be authorized to prepare a report to the House based on the motion of Mr. Munro, and that the Chairman present it as the Committee's Sixth Report. (*See Sixth Report to the House*).

At 11:15 a.m. the Committee adjourned to the call of the Chair.

Gabrielle Savard,
Clerk of the Committee.

EVIDENCE

(All the evidence adduced in French and translated into English was recorded by an electronic recording apparatus, pursuant to a recommendation contained in the Seventh Report of the Special Committee on Procedure and Organization, presented and concurred in, on May 20, 1964.)

TUESDAY, March 30, 1965.

(Text)

The CHAIRMAN: Gentlemen, I see a quorum.

Your subcommittee on agenda and procedure met on Friday, March 26, 1965, and agreed to report as follows:

Your subcommittee noted that three orders of reference are still outstanding:

(*a*) Amendment to Canada Elections Act (vote for persons confined to hospitals)—referred April 6, 1964;

(*b*) Subject matter of Bill No. C-25, an act to amend the Broadcasting Act (political programs)—referred May 8, 1964; and

(*c*) Complaint of Mr. Munro re breach of privilege of the house by an authorized reproduction of the cover page of the *Hansard* index by the Hamilton Steelworkers Council—referred March 23, 1965.

On the first order of reference your subcommittee noted that, as the result of this committee's study of the Canada Elections Act in 1963, section 9 of the Representation Commissioner Act (Chapter 40, Statutes of Canada, 1963) directs the Chief Electoral Officer to study and report to the Speaker of the House of Commons on methods of absentee voting by electors who, by reason of absence, illness or other cause, are unable to vote in the polling districts or divisions in which they ordinarily reside.

Your subcommittee recommends that the committee recommend to the house that study of this matter be delayed until the Chief Electoral Officer has reported to the Speaker.

It was felt that we might dispose of this matter in this way largely because an extensive discussion of this took place in 1963, and as a result of that and of the recommendation which was made by the committee in that session, that subclause was included in the Representation Commissioner Act, so that if the committee would agree that we might dispose of that matter, I think it might constitute a report to the house. I would perhaps take that part of the subcommittee's report first this morning. Is there any discussion on that point? I will ask for a motion.

Mr. LESSARD (*Saint-Henri*): I will so move.

Mr. DUBÉ: I will second it.

The CHAIRMAN: All those in favour? Contrary?

Motion agreed to.

On the other two points, the subcommittee recommended that the study of the subject matter of Bill No. C-125 be deferred until after consideration of the alleged breach of privilege raised by Mr. Munro.

If that is agreeable I will ask for a motion to that effect.

Mr. HOWARD: I will so move.

Mr. MACALUSO: I will second it.

Motion agreed to.

The CHAIRMAN: The subcommittee further recommended that the committee meet today, Tuesday March 30 at 11 a.m. to determine, with the advice of the parliamentary counsel, Dr. Ollivier, whether there has, in fact, been a breach of privilege. If it is considered that there has been a breach of privilege, the subcommittee recommends that a decision be taken on witnesses to be summoned. The subcommittee also recommended that the original documents tabled in the house by Mr. Munro on March 23 be available at the meeting, and that sufficient copies be provided for use of committee members.

I will ask for a motion that we follow this procedure.

Mr. HOWARD: Before we do that and before we consider the subject itself whether or not there was a breach of privilege with respect to the particular document which Mr. Munro tabled, important as that is, I think there is something that is a bit more important which should be cleared away first because it not only relates to the manner in which the document was put before us in the first instance but also to what weight we should subsequently give to the argument that there might be a question of privilege involved. I would like to spend a moment or two arguing a bit about the point that, with all respect, Mr. Munro misled the house the other day when he raised this matter. I think in this regard we should consider that aspect of it first because it transcends and overrides the question which was referred to us.

When Mr. Munro raised this matter on the 23rd of March none of us at that time—in the case of questions of privilege you do not know what they are until they are raised because they must be raised at the first opportunity and if one were to transmit information about this proposed question of privilege before it was raised you could argue it was not raised at the first opportunity—had an opportunity to compare what Mr. Munro said with what was said with respect to the so-called Sperry and Hutchinson case in 1960.

I wonder if we could spend a moment dealing with what Mr. Munro said and with what Mr. Speaker Michener said and point out to you that there was an abuse of Mr. Speaker Michener's position in that he was not fully quoted and consequently we were misled on this matter.

The CHAIRMAN: Order, please. I think before we entertain an argument on whether or not Mr. Munro misled the house or whether or not there is a direct parallel between the previous case you referred to and Mr. Michener's ruling, perhaps we should agree on the procedure which has been proposed by the subcommittee, namely that our first point would be to determine whether or not there has been a violation of privilege. I do not think the subcommittee's report is at all inconsistent with the line of argument you took, Mr. Howard. It seems to me that your argument might be just as well presented in the course of the over-all determination of whether or not we have a breach of privilege, as it would be at this time.

Mr. HOWARD: If that is correct from the procedural point of view, and I will have the opportunity to argue this other question when we get to it, I would be glad to concede to the wish of the Chair. Let us proceed to agree or disagree on the procedural matter first.

Mr. MACALUSO: Mr. Chairman, before we proceed I wonder if I might make a short statement. Having received a telephone call last night it will be necessary for me to leave in 10 or 15 minutes to return to my home because of a personal family problem that has arisen. I just wanted to bring this to the committee's attention.

Mr. FISHER: I am curious why Mr. Macaluso felt that he should give us this warning. I do not want to know the reason but I want to know why he felt this was relevant. Do you feel you are one of the parties concerned?

Mr. MACALUSO: No, I just felt it was relevant because I am a member of this committee and therefore I feel I owe an explanation to the committee why I am leaving.

Mr. MUNRO: We could have misinterpreted his absence.

Mr. HOWARD: We never misinterpret anybody's absence.

Mr. FRANCIS: I will move the adoption of the committee's report.

Mr. LESSARD (*Saint-Henri*): I second it.

The CHAIRMAN: All those in favour? Contrary?

Motion agreed to.

Mr. HOWARD: Would I be in order in proceeding along the lines I was pursuing earlier?

The CHAIRMAN: I will hear your arguments.

Mr. HOWARD: I do not want to quote from *Hansard* of March 23 Mr. Munro's comments in their entirety on which was founded the motion to refer this subject matter to us, but I submit there are one or two instances there, when compared with what Mr. Speaker Michener said on February 15, 1960, with respect to another case in which there was an allegation of abuse of privilege, which were a misrepresentation about the decision of the house at that time and about Mr. Speaker Michener's remarks, and also that there was a misrepresentation in drawing a comparison between the subject matter which is now before us and the subject matter which was before the privileges and elections committee in 1960. In order to do that it is necessary to quote a few relevant paragraphs from *Hansard* of March 23, 1965, and of February 15, 1960.

Mr. Munro started off by claiming that the question of privilege which he raised concerned the integrity and impartiality of Mr. Speaker Macnaughton. He further said that a particular document which we now have before us allied the name of Mr. Speaker Macnaughton and his position as Speaker with an unworthy and partisan purpose. He stated as follows:

> The inference, Mr. Speaker, is that this portion of the document was printed with the official sanction of this house, and I believe is a flagrant abuse of the prerogatives of parliament and a serious reflection on the office of Speaker.
>
> I contend, Mr. Speaker, that a precedent was set in 1960 which supports my belief that this document constitutes a prima facie case of abuse of the rights and privileges of this house. You will recall that on February 16, 1960—

I think that must be a typographical or other sort of error because it was on February 15 that the matter was raised initially, but that is beside the point—

> —the then C.C.F. member for Timmins, now the N.D.P. member for the same riding, (Mr. Martin), raised a point of privilege about a similar use, or abuse, of official Commons documents. This precedent involved the photographic reproduction of the cover of *Hansard*, bearing the coat of arms and the authority of the Speaker and the queen's printer; as in this case, the reproduction was made for non-official propaganda purposes by a private organization. The debate of February 15, 1960, page 1055 and February 16, pages 1100 to 1104, expresses the almost unanimous view of the house that a prima facie case of abuse

of house privileges had been established in this earlier case to which I referred.

I will not bother with the rest but refer to some other quotations from the gentleman who was then the Prime Minister, namely Mr. Diefenbaker. To use in all nine words in the quotation out of many, many paragraphs used by Mr. Diefenbaker, I submit misrepresented Mr. Diefenbaker's position at that time as Prime Minister. However, the relevant part of it, I submit, is Mr. Munro's reference to the then Speaker, Mr. Michener, and quoting further Mr. Munro says as follows:

> The Speaker of the day ruled that in fact there was a prima facie case of breach of privilege inasmuch as . . .

And then it goes on to quote the Speaker, Mr. Michener:

> —this appears to be an official report published under the name of your Speaker—
> He stated that—
> —anything that relates to control by the house present or future over its own reports, having the possibility of abuse of such publications in mind—which is easily imaginable—requires me to allow this matter to go forward by finding at least prima facie grounds for complaint.

Now it is my submission, Mr. Chairman, that Mr. Munro should have fully quoted the then Speaker, Mr. Michener, in that decision because he left out relevant parts of it that might have led the house to come to a different conclusion. He not only drew a similarity between the case in 1960 and this one in the first instance, but I submit extracted words from the then Speaker's decision to support his claim that there was a similarity and in that way misrepresented a former Speaker of this house which, as far as I am concerned, is a far greater abuse of privilege and distortion of the fact than could probably be a reproduction of *Hansard* or the index of *Hansard*. The then Speaker, Mr. Michener, said—and I think it is necessary to quote entirely what he said in this regard—at page 1104 of *Hansard* of February 16:

> I think the matter has been sufficiently discussed now. In view of what I have to say there may be another opportunity, if hon. members wish, to debate the issue.
>
> The position, briefly is that I have only to decide whether or not a prima facie case of breach of privilege has been made out by the matter which was brought forward by the hon. member for Timmins. If there appears to be a prima facie case, then it is for the house itself to determine whether anything is to be done, and if so what. I limit myself to the preliminary question. I want to say that I thank the Prime Minister, the Leader of the Opposition, and other members who have assisted me in this rather novel case of breach of the privileges of the house.
>
> There is very little learning or precedent about the use of our *Hansard,* and if we turn to the practice of the United Kingdom, which we are entitled to do where our own is silent, we find that the practice there is very similar. The reports are published under the authority of the Speaker through the use of funds which are voted by parliament. The public are allowed freely to use these reports, provided they use them fairly. It is only when there is an abuse of the reports that a question of the privileges of parliament has been raised. I refer hon. members to May, sixteenth edition, at page 118, where there is a reference to the view I have just expressed.
>
> The Prime Minister has indicated, and I think all members accepted the view, that we publish our *Hansards* and they are sold on subscrip-

uon and are used freely, both in their original form and as copied in the press, without objection or complaint by any hon. members unless the report is so altered or varied as to give a wrong impression of what took place here. I think we must look at this document in that light. As I understand it, the pages quoted are correctly quoted from *Hansard*, pages 362, 363 and 364 of the issue of Tuesday, January 26, except that there is a large black arrow which obscures the remarks made by the hon. member for Dollard (*Mr. Rouleau*). He may, I think, complain that the proper relative importance has not been given to what he said.

The second thing is, of course, that this appears to be an official report published under the name of your Speaker, and to that extent I think there is a question of privilege with which the house should be free to deal if it sees fit to do so. There has been no complaint about misrepresentation or other improper use of our reports, except this one matter to which the Prime Minister and other hon. members referred, that it appeared that this was an official publication which had been circulated either by your Speaker or with his authority.

When hon. members wish to have reprints of their speeches circulated throughout their ridings they obtain such reprints, but those reprints do not go out with the name of the speaker on the cover and do not, therefore, give that possible impression. It is suggested that this is not more than a technical breach. I do not comment on that; that is for the house. But I do think that anything that relates to control by the house present or future over its own reports, having the possibility of abuse of such publications in mind—which is easily imaginable—requires me to allow this matter to go forward by finding at least prima facie grounds for complaint.

I should now put the motion which has been suggested by the hon. member for Timmins in place of the other motion, and of course it is then for the house to decide what action it wishes to take. The motion is to the effect that the subject matter of this complaint be referred to the standing committee on elections and privileges for appropriate action.

Now I submit that the then Speaker's relevant remarks here were those that said the public have free access to these reports provided they use them fairly. It is only when there is an abuse of the reports that a question arises. There is acceptance of the view that we publish our *Hansard* and they are sold on subscription and are used freely in the press without objection or complaint by any hon. members unless the report is so altered as to give a wrong impression of what took place, and that it appears to be an official report, and so on. It is only then that obection is taken.

If these remarks had been fully quoted by Mr. Munro when the matter was placed before the house on March 23, I submit that the house would have been given a true picture of what had taken place in 1960 and would not have been misled into believing that there was even a prima facie case of privilege here.

Now, just what we do procedurally on this matter I really could not say. I do not know whether we should be asked to report back to the house on this other question involved and make the reference that Mr. Munro misled the house by quoting only certain parts of the then Speaker Mr. Michener's ruling. What Mr. Munro's own purpose is, I do not know and I do not want to get into it. I think Mr. Munro gave us an indication of that when he said there were two reasons why he raised the question of privilege. However, Mr. Chairman, I think we have to find some course open to determine whether or not Mr. Munro misled the house. I submit that he did mislead the house and that

he did it deliberately and his whole purpose was to quote extracts and sections from the then Speaker, Mr. Michener.

Mr. MUNRO: On a point of order, please; if Mr. Howard wants to argue a procedural point that is fine. However, if he wants to impugn motives he can do so later. We are arguing procedural matters. We can go into other people's motives later.

The CHAIRMAN: Order, please. I would ask the members of the committee to direct their remarks to the Chair.

Mr. HOWARD: Mr. Chairman, Mr. Munro set out his own motives; they are clearly set out in *Hansard.*

The CHAIRMAN: Order.

Mr. HOWARD: I am talking on a point of order raised by Mr. Munro.

The CHAIRMAN: Mr. Howard, I do not think quite frankly that Mr. Munro's motives are in issue before us.

Mr. HOWARD: I did not say that they were.

The CHAIRMAN: I do not think that they are particularly relevant to the discussion. I have heard the argument and I think I grasp the essence of it. It seems to me, Mr. Howard, that perhaps you should remember the motion which was made in the house was a debatable one. If there was some argument to be made about the propriety of the motion or whether there was a prima facie case of privilege or not, the argument should have been made at that time. Concerning whether or not Mr. Munro misled the house—and I suggest that many of the arguments are somewhat a matter of opinion—surely if you feel that way, should that not be a case for another question of privilege of the house? I do not feel that it is a matter that is before us at all.

Mr. FRANCIS: Mr. Chairman, may I speak to the point of order, please. The issue before this committee is whether or not there is a breach of the privileges of the house. Mr. Howard, with all due respect, is trying to put an entirely different issue before this committee and trying to divert the committee. This is just my opinion. Mr. Chairman, what is before us is whether or not there is a breach of the privileges of the house. May I submit that we proceed as we indicated in the report of the steering committee and hear some testimony of what constitutes a breach of privilege.

The CHAIRMAN: Mr. Francis, I have already ruled that in my opinion the matter which is before us is the document which was tabled in the house and whether that constituted a breach of privilege of the house. As to whether or not Mr. Munro, in Mr. Howard's opinion, misled the house, may be another matter but it is not one before this committee.

Mr. HOWARD: I wonder if I may, with respect, say this in reference to the ruling that you indicated you may be making. You said the time for argument of this was in the house. I would agree with the contention that the time to argue the matter was in the house.

An hon. MEMBER: The question is whether or not there is a breach of privilege. Mr. Howard is trying to create an entirely different issue.

Mr. HOWARD: So did Mr. Munro before the house.

The CHAIRMAN: Order.

Mr. HOWARD: The fact of the matter is that Mr. Munro placed before the house something which was incorrect; he deliberately misled, and deliberately extracted words from Mr. Michener that led us astray.

The CHAIRMAN: Surely you have been a member of this house long enough to appreciate that when an hon. member quotes from someone else's remarks, whether it be the Speaker's or some other member of the house, he reads what

he feels are the pertinent passages and that is not misleading the house, at least in the terms of our parliamentary usage. I think you may feel it is a misrepresentation of Mr. Speaker Michener's case. However, I do not feel that this is a matter which is before the committee. You may feel that the house was sufficiently misled to raise another question of privilege, if you wish, but I think that matter should certainly be raised in the house.

The motion which was passed in the house is the only thing that is before this committee and I would read you the reference:

> That the subject matter of this complaint be referred to the standing committee of privileges and elections for appropriate action.

The subject matter referred to is this document, and I think that is a very, very clear order of reference before us. What Mr. Munro may or may not have said in the house is not relevant to the issue before us.

Mr. HOWARD: I am very sorry to see you support the idea that Mr. Munro was able to extract relevant remarks from Mr. Speaker Michener to the point of deliberately misleading the house.

Mr. FISHER: This may help you in your consideration. I was in the house at the time several years ago when this other issue was raised. It seems to me that when Mr. Munro raised his case of privilege and we listened to it, I certainly assumed from the quotations that he made that this particular document that we are studying here was in a sense on all fours with the previous one; it looked as though it was a government publication and it was for that reason that I did not object at all. We assumed that this was the kind of document it was. That is why I agree with the point that Mr. Howard has raised. When one looks at this and realizes that it is obviously a copy, one could not possibly take it for an official document.

The CHAIRMAN: That is surely exactly what the committee has to determine. This is a perfectly reasonable argument. This is not in any way misleading the public. That is exactly the matter before us and that is why I think we should proceed with it. Mr. Munro feels or may have felt that it was an exact parallel or somewhat of a parallel to quote those passages. You may not agree, but surely this is a matter for this committee, whether there was sufficient parallel between the two cases, whether the precedents are indeed sufficient to state that there was a breach of privilege. It may be that the committee will decide that there is not and that will be the end of the matter.

Mr. FISHER: I do not know whether Mr. Munro's remarks were just interjections and whether they are on the record or not. However, he seemed to suggest that we were at fault by not raising this objection at the time in the house. I just wanted to give an explanation of why we did not.

The CHAIRMAN: If we might get on with the subject matter before us, certainly, as I understand the situation,—and I may be wrong and the committee may deal with me as they see fit—I personally feel that the matter before this committee is this document; it is the subject matter which was referred to us and we must determine whether, in the opinion of the committee, we think there was a breach of privilege of the house. That is really what is before us. What was in Mr. Munro's mind, what argument Mr. Munro may have used to bring this before the committee is not before us now. This is the issue that was before the house. I wonder if we may proceed now. I do not know if it would meet with your wishes but presumably on the motion that was referred to us, we were to hear from Dr. Ollivier concerning some of the instances that have occurred before. I believe that 1960 was one of the first ones.

Mr. FRANCIS: I did ask for an opportunity to speak to this, if I may.

The CHAIRMAN: In my opinion, Mr. Francis, the matter is settled.

Mr. FRANCIS: I would like to say a word or two about the procedure to be followed.

The CHAIRMAN: Fine. I would like to hear you then. However, I hope we will not get back to the ground which we were on a few minutes ago.

Mr. FRANCIS: Mr. Chairman, as I understand it, you are going to call on Dr. Ollivier to give testimony concerning what is privileged, and in the opinion of the expert counsel the precedents having to do with the relevance of the issue before us. Is this correct?

The CHAIRMAN: That is correct.

Mr. FRANCIS: May I suggest that we adhere strictly to the procedure which was adopted by the subcommittee. The recommendations that Mr. Howard and Mr. Fisher are making now will have to be judged by the committee. I hope we have no more of this in the proceedings of this committee and that we can get on with some testimony.

Mr. HOWARD: If I may speak on this particular point that Mr. Francis raised, he may not have meant this but his remarks of getting down to privileges—

Mr. FRANCIS: Mr. Howard has had a very good series of lines.

The CHAIRMAN: Order.

Mr. HOWARD: I am sensitive when there is a misuse of what I say.

The CHAIRMAN: Gentlemen, I would ask you again to please direct your remarks to the Chair. I think if we could desist from the cross fire it might help the committee along quite considerably.

Mr. MUNRO: On a point of procedure, it seems that Mr. Howard of the New Democratic party has raised two points. His first point is that before hearing Dr. Ollivier we are rendering an opinion, in fact, that this is a breach of privilege of the house. I think it is very interesting to hear the New Democratic party take this position. I always thought that they would have liked this to be opened up and to hear witnesses. But, apparently this is not the case.

His second point is that he claims that I misled the house in making certain quotations. This is so specious that it is ridiculous. Presumably they had the decision of the Speaker of that day, and that particular party was the one which raised it in 1960.

The CHAIRMAN: Gentlemen, I feel we have gone back somewhat now.

Mr. FISHER: Mr. Chairman, let him proceed.

Mr. MUNRO: So, obviously, if they felt I misled—and I was not cognizant of them thinking so—when I quoted a decision which they were a party to back in 1960, I am surprised they were so silent and helpless in the house when the matter was raised. That being the case, and assuming they had a lapse of memory on the day in question, they could have raised it at the next available opportunity, which would have been the next day. But, they have sat on it all this time. I argue that within the terms of reference of this committee they have their recourse, if they wish to take it.

I suggest, Mr. Chairman, that we ascertain if a breach of privilege has been committed and, if so, then it can be dealt with. I would like to hear Dr. Ollivier at this time without further red herrings being dragged across the path of our investigation.

The CHAIRMAN: We might have been able to hear Dr. Ollivier two or three minutes ago if you had not seen fit to make the comments you have.

Mr. HOWARD: Mr. Chairman, could I raise a point of order in respect of what has taken place? You made your ruling based upon what I originally raised, which I thought was a valid point. I acceded to your ruling. But now,

Mr. Munro and Mr. Francis have debated the ruling itself and, in the course of their doing so, have levelled implications against me and my party, which I think is very unfair.

The CHAIRMAN: Well, you will appreciate the difficulties with which the Chair is faced. Sometimes it is a little easier to allow a few comments than to be too rigid. If I might say so, I think Mr. Fisher was prompting Mr. Munro a bit. Perhaps we might take it from here.

Mr. FISHER: Mr. Chairman, I am always glad to hear from Mr. Munro.

Mr. HOWARD: Mr. Chairman, Mr. Munro has made two incorrect statements in his remarks and I think they should be cleared up because they do have a bearing on the manner in which we shall proceed.

The first incorrect statement that Mr. Munro made was that we are trying to prevent a hearing and that we are reluctant to have this matter go ahead and be dealt with. Mr. Chairman, you know this is not true. If Mr. Munro had paid attention to what took place in the house in this regard he would have known because it was I who asked you a question in the house in your capacity as Chairman of the privileges and elections committee.

The CHAIRMAN: I do not feel we are getting anywhere at all by these sorts of comments.

I will call upon Dr. Ollivier at this time.

Mr. HOWARD: And, the second point—

The CHAIRMAN: Order, gentlemen.

Mr. HOWARD: Well, you have allowed Mr. Munro to make certain comments, and I think I should have an opportunity to rebut what he has said.

The CHAIRMAN: I think I have heard quite sufficient argument on this matter. It seems to me we now have moved beyond what we are here to inquire into. I quite agree that Mr. Munro's remarks were somewhat regressive, at least in the sense that we were moving back into the argument that we had been on before.

I would ask the indulgence of the committee at this time so that we can hear from Dr. Ollivier.

Mr. HOWARD: Mr. Chairman, may I say for the record that you have allowed Mr. Munro to make certain implications and you have not allowed me an opportunity to reply to these implications.

The CHAIRMAN: Order, gentlemen. I would ask you to direct your remarks to the Chair.

Dr. Ollivier, would you care to proceed.

Mr. HOWARD: Mr. Chairman, I object to a statement I overheard from a member, wherever he happens to be from. I overheard a member say he did not want to hear what I had to say.

Mr. MUNRO: Mr. Chairman, could we hear from Dr. Ollivier.

Mr. HOWARD: There was an untrue statement made.

The CHAIRMAN: You must appreciate, Mr. Howard, the Chair cannot control every hon. member of the committee who might interject some remark or other. I have asked the members before and I will ask them again to direct their remarks to the Chair. I would like to have a little co-operation and, if given this co-operation, I am sure we could move along much more quickly.

Would you proceed, Dr. Ollivier.

Mr. P. M. OLLIVIER (*Parliamentary Counsel*): Mr. Chairman, on Tuesday, March 23, 1965, Mr. Munro, the member for Hamilton East, rose on a question of privilege involving the members of the house respecting a document published by the Hamilton political action committee. Mr. Chairman, I have a

few statements here. I hope I will not be accused of shortening these statements but I did not want to take too much time on that part of it. I am now quoting Mr. Munro:

> On an inside page of the document.....appears an actual photographic reproduction of the front page of what is commonly known as the *Hansard* index, which as all honourable members are aware is an official publication of this house. This reproduction bears the coat of arms of Canada along with the authority of you, Mr. Speaker, in your capacity as speaker, and the imprint of the queen's printer. The inference is that this portion of the document was printed with the official sanction of this house, and I believe is a flagrant abuse of the prerogatives of parliament and a serious reflection on the office of speaker.

The Parliamentary Secretary to the Minister of National Health and Welfare relied on a precedent that was heard by your committee in 1960 in what has come to be known as the Sperry & Hutchinson case. At that time the Prime Minister, now the leader of the opposition, stated:

> I want to say to begin with that every honourable member of this house has a responsibility to uphold the privileges of the house. Those privileges must be zealously guarded and maintained insofar as the motion is concerned, I can understand the desire of the honourable member to see that these privileges should be maintained.

The then leader of the opposition, now the Prime Minister, declared:

> Surely it is quite proper in these circumstances, Mr. Speaker that the appropriate committee of the house be authorized to look into this matter to see whether the records of the house have been used and whether in fact there has been a serious breach of privilege—whether by inadvertence or by design, we do not know—to mislead the public in any respect. That is all the honourable Member is asking, an examination into the matter; and until that examination is made, surely it is very difficult for us to make up our minds.

As was done in 1960, Mr. Speaker found a prima facie case and declared himself prepared to accept the motion. The motion moved by the honourable member for Hamilton east, seconded by the honourable member for Hamilton west—

> That the subject matter of this complaint be referred to the standing committee on privileges and elections for appropriate action.

was then adopted by the house.

It may be of some use to the committee if I were to give the committee some background in relation to this alleged breach of privilege about which the House of Commons had evinced a marked interest for many years.

For instance, on July 13, 1641, a formal resolution was passed directing that—

> No member of this house shall either give a copy or publish in print anything that I shall speak here without leave of the house.

On March 22, in the ensuing year, a more drastic resolution was framed proclaiming that—

> Whatsoever person shall print any act or passages of this house, under the name of diurnal or otherwise, without the particular license of this house, shall be reputed a high contemner and breaker of the privilege of parliament and be punished accordingly.

Some time later in the Bill of Rights of 1688 parliament has provided—

> That the freedoms of speech and debates or proceedings in parliament ought not to be impeached or questioned in any court or place out of Parliament.

Then impressed with the importance of securing its doings from vulgar publicity, the house on February 11th, 1695, ordered—

> That no news-writers do in their letters or other papers that they disperse, presume to intermeddle with the debates or any other proceedings of this house.

In a book entitled "Encyclopedia of Parliament" by Norman Wilding and Philip Laundy, under the heading "Breach of Privilege" at pages 455-6, some interesting comments appear, of which the following are excerpts. I quoted this in 1960 but I will shorten it a bit this time.

> Both houses of parliament claim the right to punish offences which violate their privileges, whether committed by a member or an outsider, and whether directed against an individual or against the house collectively. Certain other offences against the authority and dignity of Parliament, whilst not breaches of specific privileges, are also punishable and are more correctly called contempts. It has become the custom, however, to refer to all such offences as breaches of privileges.
>
> Disrespect to the house collectively is described by Lord Campion as "the original and fundamental form of breach of privilege", and includes libels on the house at large, upon the speaker, and upon select committees. Amongst those breaches of privilege which may be classed as disobedience to the orders of the house,—I think this is the point which interests you most—mention should be made of the publication of debates, which was formerly an offence and was frequently punished as such. Even today their publication is permitted only on sufferance, and it still remains within the power of the house to treat such action as breach of privilege. The publication of false or misrepresented reports of debates is still censured as though the very publication constitutes the offence. I think misrepresented reports applies to this case.
>
> The power to punish breaches of privilege is essential to the authority of any legislative assembly and is enjoyed by all the parliaments of the commonwealth. In the case of the house of lords and the house of commons it has been held that their power to inflict punishment for breaches of privileges is inherent in the two houses as a high court of parliament.
>
> Offences which are not sufficiently grave to warrant imprisonment are punished by admonition or reprimand, the latter being the more serious punishment of the two. The punishment is administered by the lord chancellor in the house of lords and by the speaker in the house of commons. If the offender is a member he stands uncovered in his place; if a non-member he is summoned to the bar of the house to receive his punishment, attended in the lords by black rod and in the commons by the sergeant-at-arms bearing the mace. It was formerly the practice to make offenders kneel at the bar when hearing the judgment of the house.

I believe that the matter referred to the committee is perhaps more a question of fact than a question of law as to whether the reproduction of *Hansard* has been done to mislead the public or not and I think this is a matter of opinion where each member will have to make up his own mind. As it has often been stated, the house is the guardian of its own privileges and, in the present case, the committee has the remedy in its own hands, and the committee can recommend to the house that a motion of censure be moved on the guilty party or parties, if any.

"It is stated in Bourinot's "Parliamentary Practice", 4th Edition, at pages 37-38:

> The privileges of parliament include such rights as are necessary for free action within its jurisdiction and the necessary authority to enforce these rights if challenged. These privileges and powers have been assumed as fundamental and have been insisted upon by custom and usage as well as confirmed and extended by legal enactments. Their extent and nature have frequently been subjects of controversy but in the main they are decided by the legislature itself and its decisions, speaking generally, cannot be called into question by any court or other authority.

One of the first cases of this nature was on the 11th April, 1878, which is found at pages 1867 to 1872 of *Hansard* when Mr. Costigan raised a question of privilege to read an article in the Saint John *Freeman* in which he had been seriously attacked. Mr. Speaker, as will be found at page 1869, stated the following amongst other things:

> ... it is entirely out of my power to determine in advance or even to anticipate; ... If any honourable member finds, or thinks he finds, in a newspaper article reason for bringing the proprietor or writer to the bar of the house to answer to a charge of breach of privilege, it is clearly within his right to move in the matter in this house, to bring it under the notice of this house, and to move a resolution and ask the house to pass it for the apprehension of the party.

If I should be asked if we have any statutory copyright in government publications, I would have to answer that I do not think that there is any act which deals especially with government copyrights in publications. I would like, however, to refer for a moment to the Senate and House of Commons Act —there is a section therein that was put at the very first session of parliament in 1868 dealing with parliamentary papers. The act is entitled "An act to define the privileges, immunities and powers of the senate and house of commons, and to give summary protection to persons employed in the publication of parliamentary papers." This is section 6 and it reads as follows:

> It shall be lawful in any civil or criminal proceeding to be commenced or prosecuted for printing any extract from or abstract of any such report, paper, votes or proceedings, to give in evidence under the general issue or denial, such report, paper, votes or proceedings, and to show that such extract or abstract was published bona fine and without malice, and if such shall be the opinion of the jury, a verdict of not guilty shall be entered for the defendant.

That still exists in our revised statutes of 1952, chapter 249 and is now section 9.

This section deals with public officials printing the reports of *Hansard*, or other reports of the house of commons but it is not clear from the wording whether the section is still referring to officials publishing reports or extracts from reports, or whether it refers just to the outside public. In the Sperry & Hutchinson case I felt that, that was an inherent breach of the law not only for the reference to the queen's printer but for the whole set-up and more especially the words "official report".

In that case reference was made to the report of the committee on printing in 1947, which was an important report of that committee and agreed to the day after it had been made. This will be found in the *Journals* of the house for Monday, July 14, 1947, at page 887. This is the report of the joint commit-

tee of the senate and the house of commons on printing, and it reads as follows:

> It has come to the attention of your committee that, with the considerable increase in the volume of work of the printing bureau during the session, the reprinting of members' speeches causes serious delay in the official printing of Parliament and that, as a result, it has been necessary to "farm out" some of the latter at increased cost to the public. Your committee, accordingly recommends:
>
> (1) That the official printing of parliament take precedence over the reprinting of such speeches as are ordered by the members individually;
>
> (2) That in the reprinting of members' speeches the following rules be strictly adhered to:
>
> (*a*) Each reprint of a speech or speeches, ordered by a member shall be an exact replica in context of the report as printed in the debates of the senate, or the house of commons debates, without any deletions therefrom or additions thereto;
>
> (*b*) Each reprint shall contain the speech or speeches of one member only in the same pamphlet;
>
> (*c*) Such reprints shall contain no subheadings, photographs, or illustrations, and only such subject-matter or main headings as appear in the official reports;
>
> (*d*) No special cover shall be used and no covering letters shall be added to or included in the speeches so re-printed."

There have been many cases of members complaining in the house of being incorrectly reported as the Burnham case in February, 1916, of statements denied by honourable members which in nearly all cases did not constitute a question of privilege. There are many of those cases but I do not think it would be useful to repeat them here. The typical case is that of Mr. Cinq-Mars in 1906. Mr. Cinq-Mars had to report to the bar of the house; he was advised that: his conduct constituted a breach of the privileges of the house and that he had incurred the censure of the house.

In this present instance I have not dealt with the question of apology because I have not been told of any such apology being forthcoming. This is something we can take up if and when it happens.

I cannot do better in conclusion to this long memorandum than to quote a few paragraphs from May, 16th edition, at pages 139 and 140, chapter 7, breaches of privileges and contempts under the heading "Consideration of Reports of Committees on Questions of Privilege"—these are:

> The report of a committee on a matter of privilege may be taken into consideration in pursuance either of an order made upon a previous day or of a motion that the report be now read—or be now taken into consideration. The precedence afforded to such orders and motions is described at p. 388.
>
> A motion expressing the agreement of the house with such a report has been made as a substantive motion but the more regular course is to move that the report be taken into consideration forthwith and, if this motion be agreed to, to make the motion upon consideration of the report.
>
> If the committee reports that no breach of the privileges of the house has been committed, no further proceedings are usually taken in reference to the report.
>
> In two instances, however, where the committee of privileges reported that no breach of the privileges of the house had been com-

mitted, the house resolved that it agreed with the committee in their report.

Where the committee recommended that, in view of the explanation offered by the offender, and of his expression of regret for the offence he had committed, the house should take no further action in the matter, or that the matter complained of was not such a breach of the privileges of the house, as called for any further action on its part or that, in the opinion of the committee, the house would best consult its own dignity by taking no further notice of the libel or that no further time should be occupied in the consideration of the offence, further action was not taken by the house.

In another instance after the committee of privileges had reported that in their opinion a breach of privilege had been committed but that in the circumstances the House would best consult its own dignity by taking no further action in the matter, the house resolved that it agreed with the committee in their report.

If the committee report that a serious breach of privilege has been committed, the house usually proceeds to consider the kind or degree of punishment which it would be proper to inflict on the offender.

I think it would be interesting also to have a look at the report that was made in the Sperry and Hutchinson case in 1960.

The CHAIRMAN: Does anybody wish to ask questions of Dr. Ollivier?

Mr. FRANCIS: Mr. Chairman, I am relying on memory and this is not easy. I wonder if Dr. Ollivier could go back to the portion in the report to the house which indicated the conditions governing reproductions, that they must be made exactly. Was it in 1940?

Mr. OLLIVIER: That was the report of the committee in the case of members having their speeches reprinted by the printing bureau or by agencies employed by the printing bureau.

Mr. FRANCIS: Is there no specific reference to a reproduction of the index?

Mr. OLLIVIER: No, it does not refer to a reproduction done by an outside firm. The reason why I put it in here is that I thought that if the printing bureau were not allowed to deviate from official publications, then someone reproducing an official document would be bound, to a certain extent, by the same rule.

Mr. FRANCIS: I will have to read Dr. Ollivier's testimony.

The CHAIRMAN: Dr. Ollivier, do you have a sufficient number of copies of your memorandum for members of this committee?

Mr. OLLIVIER: No, I am afraid not.

(*Translation*)

Mr. BEAULÉ: Mr. Chairman, would it be possible to have copies of this memorandum sent to our offices and we could come back to them at a later sitting?

The CHAIRMAN: That seems like a good idea, Mr. Beaulé. I am going to ask Miss Savard to have copies run off for members before the next sitting. I don't know whether that will be possible for the translation bureau. I don't know whether it will be possible to have them in French for the next sitting, but I shall try.

(*Text*)

Mr. FISHER: Mr. Chairman, I wondered if you have checked this document to determine whether it is an exact reproduction in terms of the index items or whether there are any inaccuracies?

Mr. CHAIRMAN: I have not done any research on the material that is enclosed in the documents.

Mr. FISHER: My point is that there is no allegation here; we have not got anything before us that indicates that this is an incorrect or a doctored representation of the index entries.

The CHAIRMAN: I do not want to lead the committee, and I will certainly hear arguments on just what the violation might be, but perhaps the basic argument concerns the use to which this document was put—and quoting from Dr. Ollivier's memorandum—"to show that such extract or abstract was published bona fide and without malice". It may be that the matter hinges on that particular phrase. However, I think that the members of the committee might want to look at the memorandum and, if they have any questions, to direct them to Dr. Ollivier now.

(*Translation*)

Mr. BEAULÉ: Mr. Chairman, may I make a motion?

The CHAIRMAN: If you wish, Mr. Beaulé.

Mr. BEAULÉ: A motion to refer this item of business to a later sitting?

The CHAIRMAN: Would the members of the Committee agree to examining Dr. Ollivier at this stage? Could it be decided now? Perhaps there are still questions to ask before the motion is moved.

Mr. BEAULÉ: I agree.

(*Text*)

Mr. MACQUARRIE: A small matter, and I do not want to anticipate the careful scrutiny of others. I think that something that is additional here is the addition of party designations. I do not think these ever appear in *Hansard*. I am convinced that the rest is an exact reproduction.

Mr. FISHER: I would like to raise a point; I do not know whether it is a point of order or not. I want to ask Mr. Munro and Mr. Macaluso whether they feel right about being members of this committee, which deals with a subject in which they have an interest, since they are the parties concerned. I wondered whether the committee was interested in suggesting to them or asking them to withdraw from the committee.

The CHAIRMAN: I think I did raise this point with the members, and their feeling was—Mr. Munro can certainly speak for himself—that this was a question which involved the house rather than any individual members. That was my understanding.

Mr. MUNRO: Mr. Chairman, I wish to speak on that question. I think there is some validity in the point raised by Mr. Fisher. My position, as I resolved in in my own mind, is simply that I thought that the procedure would be that the committee would determine whether, on the face of the document itself, without any outside evidence or witnesses being called, there was prima facie breach of privilege. It the committee, with advice from Dr. Ollivier, finds a prima facie case of breach of privilege, and then we proceed to hear witnesses, I think Mr. Fisher has a point.

It do not think those of us who are interested in the Hamilton area should be part of the committee and have the right to cross-examine various witnesses, who may have been the authors of this particular document, on

where that material was gathered, to cross-examine on where it was printed, and to cross-examine on where the research was done for the preparation of it. So I would be prepared now, and I am speaking personally, should the committee decide there is a prima facie case of breach, to request that these members of the committee should participate at the first stage.

The CHAIRMAN: We are dealing strictly with the technical position as to whether this is a prima facie case of privilege.

Mr. MUNRO: I do not think it is incumbent upon me to remove myself from the committee because, as I have stated in the house, I feel strongly that this is a breach of privilege. I reiterate that once this is decided, that is fine; then I am quite prepared to remove myself from the committee.

Now, Mr. Chairman, I do wish to comment on certain other aspects of Dr. Ollivier's remarks, but I do not know whether I am next in line or not.

The CHAIRMAN: As far as questions are concerned, Mr. Munro, I have Mr. Howard on the list and you would be next. Then I think we can speak on another matter. If I may just remark on the propriety of a member sitting on the committee, I think it is entirely an individual choice. I do not think the committee even has any power to make any decision in that matter. We have already gone through that, as the members are aware. As I say, I think it is a matter of individual choice.

Mr. HOWARD: Just on the question of propriety, our party happens to have one member who is involved in this in some way and he took the position that it would be improper for him to be a member of this committee.

I just wanted to draw that to the attention of the committee. I am not in any way stating that he was responsible for the publication.

The CHAIRMAN: Order please. I do not know who was responsible for the publication. If we feel this is a violation of privilege, that may be perhaps the next point to determine.

Mr. FISHER: I have one comment to make on the suggestion that Mr. Munro made. He said he did not know he was involved. I would just like to point out to Mr. Munro and the committee that in this document we have before us four members of parliament are mentioned: Munro, Macaluso, Morison and Howe—and it seems obvious that Mr. Howe has made the decision that he should not be on the committee. It is just a question of how the individual member of parliament looks at his responsibilities.

Mr. MUNRO: If I may comment on the propriety of this house—and I think I must comment on it—all I can say is that I think it is quite clear that when I alleged breach of privilege I was not attributing it to Dr. Howe in particular. I was not saying that publication of this document was a breach of the privilege of the house; and again I say if that is determined then I will certainly put myself on the same footing as Dr. Howe.

The CHAIRMAN: It would seem to me the committee would be interested in hearing why Mr. Munro felt this was a violation of privilege, at least from that point of view. We would certainly like to hear his argument in any case. However, I am sure the committee would have given him that privilege.

Mr. FISHER: Of course, he does not have to leave the committee to do this. We can examine him right here. We have precedence for it.

Mr. MUNRO: If I may state my views—

The CHAIRMAN: I do not know what you mean by examine. I was not aware that he was on trial. However, let us get on with the matter.

Mr. FISHER: If any members of the committee feel the terms of reference are improper, there is a remedy.

The CHAIRMAN: We would determine whether one of the members should be on the committee. Mr. Howard had some questions, I think.

Mr. HOWARD: One of my questions relates to this Latin phrase that lawyers use, namely "prima facie". I would like to ask Mr. Munro or some other member just what the committee is seeking to do here. I understood Mr. Munro to say that his concern in the first instance—and I think he used these words three or four times—is only until we decide whether or not there is a prima facie case of privilege involved; and then, if we get into the question of the substance of the document itself, he would feel inclined to withdraw. However, it is my understanding that the house has already decided that there is a prima facie case; it is out of our hands.

The CHAIRMAN: I think what we have to determine is not whether there is a prima facie case but whether there is a violation of privilege.

Mr. HOWARD: That is the decision we have to make. A prima facie case has already been made.

The CHAIRMAN: That is correct. That would certainly be the substance of the motion which was made in the house according to my understanding.

Mr. FISHER: I want to make an objection to the conduct of some of the members of the committee. We are getting continual interjections here from members of the committee such as Mr. Cashin and Mr. Munro. They seem to feel this is some kind of a kid's game.

The CHAIRMAN: I have asked the members of the committee for their co-operation.

Mr. CASHIN: Mr. Chairman, my name has been mentioned here. I apologize if I have seemed to fall in with Fisher-like tactics. I have to listen to him and—

The CHAIRMAN: Order, please.

Mr. CASHIN: I was trying to make my comments restrained.

The CHAIRMAN: Thank you, Mr. Cashin. Do you have any questions of Dr. Ollivier, Mr. Howard?

Mr. HOWARD: I think Dr. Ollivier has this quotation in his memorandum here, because what Dr. Ollivier said today, as I follow it, was really substantially what he said in 1960 in so far as the background was concerned, I will quote from page 29 of the committee proceedings of March 15, 1960. Mr. McIlraith posed a question to Dr. Ollivier as follows:

> It is not a question of intent, because that is a matter of fact to be determined. But is there anything in that that could be an inherent breach of the law?

I think there Mr. McIlraith is referring to the document produced by Sperry-Hutchinson. Dr. Ollivier said:

> I think so, not only for the reference to the Queen's printer taken alone, but for the whole set-up, and more especially the words "official report", and still more in the thinking that you can get a copy for five cents from the Queen's printer. If I were bothered by anything—and I am—I think it is these words "official report".

I take it from Dr. Ollivier's statement—and I was not on the committee in 1960 to deal with this particular matter—that in effect Dr. Ollivier is saying yes, in so far as the reproduction of *Hansard* was concerned, there was an abuse of the privilege of the house. I wonder if Dr. Ollivier could give us the benefit of his thinking with respect to the document that is now before us.

Dr. OLLIVIER: I do not want to judge this document in particular. I think that would be for your views. However, what I thought, what I meant there,

and what I might mean now is that the set-up with the crest and with the name of the Speaker and the Queen's printer is a set-up that belongs to the government. It should not be copied or abused by people outside publishing it to make it appear that it is an official document when it is not. I am not giving you my opinion whether in this present case it violates the privilege. I think the set-up is just the same as if you had a copyright which belongs to the government, and you made a reproduction of the crown, the name of the Speaker, and each thing separately. You can probably reproduce the crown, but even that is, in my opinion, forbidden by the Criminal Code.

In my opinion, if there is an offence that is where it would be more than anywhere else.

Mr. HOWARD: You are saying if there is an offence in the instance before us it would be an offence of reproducing one of the inside pages and the front page of a particular *Hansard* index.

Mr. OLLIVIER: Yes; not that by doing it you would deceive people into thinking this is an official document because I do not think anyone would think that is the official document.

Mr. HOWARD: But you are referring to the mere reproduction of it?

Mr. OLLIVIER: Yes. This is a violation of the copyright that exists, even without having a Copyright Act which would apply to this particular case.

Mr. HOWARD: You mean, without having any statute law saying so, this is the inherent right of the crown?

Mr. OLLIVIER: Yes.

Mr. MUNRO: Mr. Chairman, you invited comments. I have stated why I thought this was a breach of the privileges of the house.

The CHAIRMAN: If I may interrupt, Mr. Munro, on a point of order, I think your remarks at this time should be related to questioning Dr. Ollivier. I think the entertainment of the argument would be the next step.

Mr. MUNRO: Then I have no further questions for him at this time.

The CHAIRMAN: You might like Dr. Ollivier's opinion in respect of various portions of your argument in a sense of whether or not he would agree with your understanding of something, as Mr. Howard has just done.

Mr. MUNRO: Mr. Chairman, I am quite satisfied with the statement of advice given by Dr. Ollivier; the reason I wanted the floor was to direct myself toward whether, in fact, this was a breach of privilege.

The CHAIRMAN: Would you proceed, Mr. Fisher.

Mr. FISHER: I note from your last remark, Dr. Ollivier, with regard to this question of reproduction, you feel that although it is rather nebulous you set that out as the breach of privilege that is before us, if there is one. I would like to refer to the argument introduced to support the point of privilege in the house by Mr. Munro:

> I suggest, Mr. Speaker, that this reproduction is an abuse, not only because it reflects on the integrity and impartiality of you, Mr. Speaker, and your office, but because the matter is placed in a way which gives an unfair and misleading impression of the duties and activities of members of this house.

Then he goes on to say:

> I might say that the primary basis upon which I advance this question of privilege is that is an abuse of the rights and privileges of all members of this house.

In my opinion, that might be taken to link up with this question of copyright. Then he goes on:

> However, I do so also on a second ground, namely its highly misleading nature. The document is headed "Who is working for you?" and then follows an actual reproduction of the front page of the *Hansard* index with, Mr. Speaker, as I say, your name as Speaker and the queen's printer imprint thereon. Then is shown a photostated reprint of the index in *Hansard* under each particular member's name, which is a course leading to nothing else but the influence that whoever should have the most references under his name in *Hansard* is the one who is working the hardest. Especially, Mr. Speaker, is it misleading when a goodly portion of the references here are to questions which have been placed on the order paper.

I want to put this question: Is it fair to take it from your answer that you dismiss this particular argument as to this document being a question of privilege?

Mr. MUNRO: Mr. Chairman, on a point of order, I thought when I bowed out of any further comment on the basis that Dr. Ollivier was invited before this committee to render advice with respect to whether the reproduction of this document could be interpreted as a breach of privilege, that others would do the same. You invited us to put questions to Dr. Ollivier, and I agree that that is the function before this committee at this time. However, if you are going to permit members to read back to Dr. Ollivier statements I made in the house and then ask him to comment as to his opinion of them that is quite another matter. That is a point for argument after Dr. Ollivier has given his advice to this committee.

The CHAIRMAN: I think it is quite proper, not necessarily in the context of quoting someone else's comments, to phrase a question to Dr. Ollivier whether or not the use of *Hansard* index to give an alleged misleading impression of the activities of a member might constitute a breach of privilege. I think that question would be in order.

Mr. MUNRO: Yes. The point I was objecting to was the reading of my direct comments and then asking Dr. Ollivier whether or not, in fact, he agreed or disagreed. I think Mr. Fisher was trying to leave on the record whether or not Dr. Ollivier agreed with my comments or whether or not he thought they were correct.

The CHAIRMAN: I think Dr. Ollivier's opinion of the argument that was made is a valid point. I do not know whether or not he wishes to comment on this.

Mr. CASHIN: Mr. Chairman, I think the area of questioning is quite correct; it was the mechanics used by the hon. member which were pretty clumsy.

Mr. FISHER: I am prepared to acknowledge that I am not perhaps as capable as other members in placing a question but, if Dr. Ollivier understands it, I would appreciate having an answer.

Mr. OLLIVIER: I have no difficulty in answering that question. I would say the second point bothers me less than the first. It is the set-up of the whole thing that bothers me much more than the fact this would give the impression that this is an official publication. But, of course, it is a matter of opinion whether it does mislead some people or whether it does not, and that is up to the members of the committee to decide. For my own part, if I were a member of the committee I would say the second point does not bother me although the first one does.

The CHAIRMAN: Have you a question, Mr. Macquarrie?

Mr. MACQUARRIE: Mr. Chairman, I am going to take the unusual course of reading the evidence before I give a definitive comment. In recalling a case in 1960, the document to which we applied ourselves at that time in size and format might readily be interpreted or looked upon as *Hansard*. In fact, it was a facsimile. I think, Mr. Chairman, this is the sort of thing we should bear in mind.

The CHAIRMAN: Yes, if the members of the committee are interested in looking at the precedent may I say there was appended to the committee proceedings of February 23, March 10 and March 15, 1960 the document in question. This document is available to any members of the committee who might wish to examine it.

Mr. FISHER: Mr. Chairman, could I suggest that that be made a part of the committee record. I do not know whether or not other members of the committee will agree with me in this connection.

Mr. FRANCIS: I would like to peruse it first.

The CHAIRMAN: Well, it is part of the official record of the house and I do not know whether or not we would be gaining anything by including it in our proceedings today. But, I certainly will be guided by the wishes of the committee.

Mr. FISHER: It would put in one place a record to show the point which Mr. Macquarrie brought out. There is quite a contrast between the two documents and I think it may be important. Mr. Howard made the point earlier that some people may have got the impression from Mr. Munro's argument, which was widely publicized in the press, that there was a great identity between the document we are considering and the one he referred to in 1960 as the example.

The CHAIRMAN: We are hearing an argument at this point whether or not we should append this and I would like to hear any members comments in this connection.

Mr. FRANCIS: Mr. Chairman, I would like to put a directly related question to Dr. Ollivier.

In your opinion, does the fact that this was reproduced as page 2 presumably of the document rather than page 1 in any way affect the possible findings of this committee? I am referring to the front page of a *Hansard*.

Mr. OLLIVIER: It does affect the findings because the way it was in the former case left no doubt it looked like *Hansard*. But, in this case it is different because it is printed inside and it is not complete. For instance the five cents subscription and all that do not appear in here, so it is not the complete page, as it was in this other case.

Mr. HOWARD: Mr. Chairman, I wonder if I could speak now regarding something you said about five cents per copy.

The CHAIRMAN: May we determine first whether or not we wish to include this. I think that should be a properly phrased motion.

Mr. FISHER: I will move that the example that was brought before the 1960 committee in the Sperry and Hutchinson Company case be printed as an appendix to today's proceedings.

Mr. MACQUARRIE: I second it.

The CHAIRMAN: Any further discussion on the point?

Mr. FRANCIS: I would like to know precisely what is being included in this motion; is it that one page which will be reproduced?

The CHAIRMAN: I presume it is exhibit A which consists of approximately four pages, two sheets printed on both sides.

Any further discussion? All those in favour of the motion? Contrary?

Motion agreed to.

Have you completed your questioning, Mr. Macquarrie?

(*Translation*)

Mr. BEAULÉ: Mr. Ollivier, I would ask you one question. Can you identify the members according to their political party in the copy of the House index, do you consider this document to be inaccurate?

Mr. OLLIVIER: Even if you claim that it is a copy of the index as it is published, obviously there is a forgery presented as being a parliamentary document, document which is not a parliamentary document since something has been added. This is the same thing which has happened in the—

The CHAIRMAN: That is all, Mr. Beaulé?

Mr. BEAULÉ: That is all.

(*Text*)

The CHAIRMAN: The fact of an addition?

Before we ask for any questions I was going to raise the point that we are appending the previous case but we should be making sure this case here is appended to our proceedings. I presume it will be.

Mr. HOWARD: I followed what Dr. Ollivier said earlier about the five cents per copy missing from the reproduction of the *Hansard* index front page. Is this not a correct reproduction of the *Hansard* index front page?

Mr. OLLIVIER: It might not have appeared in the index. I have not seen a copy of the index. Probably that is the whole thing. However, it does not help your case.

Mr. HOWARD: I am not trying to help my case. I am trying to help the committee come to a conclusion. I may have misunderstood what you have said.

Mr. OLLIVIER: I was saying this was a reproduction of the House of Commons debates and this was the House of Commons debates index, whereas in the other case it was an artificial report. There is evidently a difference. In the one case the difference is that it is published as an official report while in this case it does not have the words of the official report. However, that did not appear either in the cover of the index.

Mr. HOWARD: I misunderstood what Dr. Ollivier had been saying earlier.

Mr. CASHIN: My question is along the line of questions put by Mr. Francis about this other *Hansard* out of which this other case arises. Is there any information or judgment available regarding the professional nature of the reproduction, whether one is more professional than the other. Is that of any consequence?

Mr. OLLIVIER: I hardly think so. I do not know of any precedents by which you could judge it.

Mr. FISHER: Dr. Ollivier, I want to give you a hypothetical situation in connection with an index. Suppose I were to reproduce selections from the *Hansard* index on mimeograph and send them out with the facsimile, either in part or in whole, of this front page. Perhaps it would be crudely drawn, but drawn as best I could, on mimeograph paper. Do you think that would deserve consideration?

Mr. OLLIVIER: I think that if you put on the cover of it the armory of the House of Commons and anything that would make it look as the official document which it is not, you would be violating the privileges of parliament; that

is, if you tried to mislead the public by making them believe that this is a document of the House of Commons.

Mr. FISHER: I would assume, in my hypothetical case, that the fact that it was printed on mimeograph paper and reproduced by a typewriter would make it obvious to people that it is not an official document of the House of Commons. However, your argument is that the ordinary person who might not know what the record of *Hansard* index looks like could take this as being an official presentation because of this mark on the front of it.

Mr. OLLIVIER: Yes. It is a matter for each member of the committee to judge.

Mr. FISHER: If, in this hypothetical reproduction, this particular document was exactly as it is in fact with the exclusion of the part about the House of Commons debates, do you think there would be any question?

Mr. OLLIVIER: No, I do not think so.

Mr. FISHER: So in essence your advice to us is to concentrate upon this particular aspect of it; that is, the reproduction of the front page?

Mr. OLLIVIER: That is the main aspect.

Mr. FISHER: We have already had from you an indication of your opinion on this other point that was brought up by Mr. Munro when he presented his case.

I would like to ask Dr. Ollivier if he ever remembers it being considered or brought up by either the house committee or the Speaker in any deliberations or rulings that there should be a clearly expressed rule or a standing order of the house that no facsimiles or reproductions should be made of any House of Commons documents.

Mr. OLLIVIER: I do not believe there is any such rule, and I do not think there will be.

Mr. FISHER: Would you agree that if the main offence here—if there is an offence—centers on this question of reproduction, that it would be as well for this to be as widely known as possible, and perhaps a clearly expressed rule made?

Mr. OLLIVIER: I thought that the Sperry-Hutchinson case seemed to be a case that happened for the first time and a case in which the question of privilege was not insisted upon so much at that time because they said it was a novel case. If it happens the second time I would say there is less excuse for it.

Mr. FISHER: It seems to me your argument is from a legal position, that a precedent has been established, but in terms of a widely distributed and widely circulated document—in a sense I am arguing with you now—the best way to protect our interest in this particular case is for a rule to be made. Can you see any reason why a rule would be inadequate?

Mr. OLLIVIER: The only reason I see is that privileges of parliament are not defined by law; they are defined, as you are defining them now, by decisions of committees, and so forth. For instance, recently in this committee we had the question of the precincts of parliament. That was discussed and it was suggested we should define precincts of parliament; yet we did not do it. Section 18 of the B.N.A. Act says we can define what are the privileges of parliament, but it is not done; no privileges of parliament have been defined, except that it has been said the privileges will be those enjoyed by the house of parliament in the United Kingdom in 1867.

Therefore we have to go from precedent to precedent. Something that is a privilege today may not be a privilege tomorrow. It was even forbidden at one time for people outside to say what had been said inside the House of Commons; that was an offence and people were condemned for that.

Mr. FISHER: Because there has been an immense change in communications, forms and techniques since the days when *Hansard* was in trouble, would it not be most effective in stopping something like this to draw attention to the existence of it, if not embodying it as a suggestion or a statement.

Mr. OLLIVIER: It could be done by amendment to the Copyright Act, or something of that nature, such as making it an offence to reproduce the flag or the crest; you had that in the house lately.

Mr. FISHER: That would be the kind of a public bill that a private member could introduce.

Mr. OLLIVIER: I would think so, yes.

(*Translation*)

Mr. DUBÉ: The question I put to Mr. Ollivier is this: If what is reproduced in the document before us is to some extent an extract from the official record but does not exactly represent the extract in the document—

Mr. OLLIVIER: If I said that that was not an exact representation, I believe that I made a mistake because obviously I was insisting on the five cents for the cost which does not appear in the index. So I believe it is an exact reproduction.

Mr. DUBÉ: From the first page?

Mr. OLLIVIER: From the first page.

Mr. DUBÉ: But in the body of the document we have before the committee here, there are first of all, as was mentioned earlier the political parties which are indicated, whereas they are not indicated in *Hansard*.

Mr. OLLIVIER: There is also a caricature which was added.

Mr. DUBÉ: Secondly, the alphabetical order has been changed. There is Morison, Macaluso, Munro. Normally there should have been another member in the "M's". It jumps to "Howe, Hales" in the "H's", then, thirdly, there is a design reproduced here which is obviously not in the index. Fourthly, there are comments which are situated, for example, between the entries for Mr. Macaluso and Mr. Munro. In other words, in the document we have before us, there are additions which were certainly not in the original document. Now my question is this: Can those four additions in themselves raise questions of privilege?

Mr. OLLIVIER: I believe it can raise a question of privilege if we claim that it is an exact reproduction of *Hansard*; and then, if it is not, there is a question of privilege. That is the difficulty and it is on this that the committee must decide, if the committee believes there was an intent to deceive the public by producing as an official document what is a misleading document.

Mr. DUBÉ: In other words, if the committee decided that the document before us claims to be an official one then the fact that that document contains additions which where not in the original document would constitute a question of privilege.

Mr. OLLIVIER: And if, aside from that, the public is deceived by reproducing an official document and suggesting that it is what is in the true copy of the index of the Debates of the House, as the case may be.

Mr. DUBÉ: It would then be up to the committee to decide—

Mr. OLLIVIER: As far as I can see, it is entirely in the hands of the committee to decide whether the people who produced this document intended to deceive the public with this provision, if I may put it that way.

Mr. DUBÉ: Now, there is another question. There are two ways of deceiving the public. One of them would be as you have explained, claiming

that a document is official which is not the case here at all, obviously; but, there is also a second possibility, that is, not claiming that a document is official but claiming, from the way in which a document is presented, that certain things exist, which, in fact, do not exist.

Mr. OLLIVIER: In that case, I wonder if it would actually be a question of privilege. Because you could do the same thing independently of the caricature and so on. They can always—that would be a question for the courts, it would not be a matter for—it would not necessarily be a question of privilege, it would be rather a complaint.

(*Text*)

The CHAIRMAN: Have you finished, Mr. Dubé?

Mr. DUBÉ: For now, yes.

Mr. FISHER: May I ask for an interpretation of what you said about the courts?

Mr. OLLIVIER: I was offered two or three different cases and I said that in one of them it might be a matter for the courts rather than a question for the privileges and elections committee. I meant that if you took what was inside *Hansard* and you played with it to mislead the public, and a member had occasion to complain about it, I think he should complain before the court rather than come before this committee.

Mr. FRANCIS: If a member reproduces sections from *Hansard*, including some sections and not including other sections, is that a question of privilege?

Mr. OLLIVIER: It is a question of privilege if he reproduces them and at the same time attempts to show that this is all that was there; that is, that it is the whole thing—that is a real copy of *Hansard*.

Mr. FRANCIS: I think Mr. Dubé has asked some very good questions relating to the index that is, that certain selections were made from the index. Would this committee consider appending a copy of the index to which reference is made as part of the documents of this committee so that members then can judge the way in which the selections were made from the index of *Hansard*, and put together in this way to create what I am sure—

The CHAIRMAN: As a matter of clarification, may I ask whether you have checked it? I have not.

Mr. FRANCIS: I am asking whether the committee will accept, as a document to be appended to the minutes, a copy of the index of *Hansard* to which reference is made?

The CHAIRMAN: We can do so, but I think there should be some suggestion that what was in this document perhaps was not accurate.

Mr. FRANCIS: This is an edited selection from *Hansard* index. Dr. Ollivier indicated that if one attacks the debates, this can be a matter of privilege. I think Mr. Dubé was bringing out this point. I am suggesting that if the original document were appended, then the members of the committee could decide in what manner the selections had been taken from the index and put together in a way such as to create an impression. I would move that we append as a document to our Minutes of Proceedings and Evidence the index to which reference was made in this publication.

Mr. OLLIVIER: Do you mean those pages of the index which correspond—

Mr. FRANCIS: No; the whole index.

The CHAIRMAN: Mr. Francis, again this is a matter of a public document and it is quite an extensive and lengthy document.

Mr. FRANCIS: Mr. Chairman, a few minutes ago Mr. Fisher had us produce another public document, namely, the sections dealing with the 1964 report,

and if another public document should be reproduced I can see no reason why this cannot be reproduced.

The CHAIRMAN: I was just trying to follow a little common sense.

Mr. FRANCIS: All right. It may be that after viewing it, it will be sufficient to merely have the pages from which these excerpts were taken. However, I think some discretion respecting the use should be indicated so that the members of the committee can see that these are clearly selected reports from *Hansard*.

The CHAIRMAN: I think perhaps, Mr. Francis, you have made a point in your argument which may be a very valid one. However, I would hesitate, as Chairman of the committee, to ask for the inclusion of the entire *Hansard* index because it is quite large.

Mr. FRANCIS: I move that we ask Dr. Ollivier or members of his staff to recommend to the committee an appropriate inclusion of the *Hansard* index which would relate to the points and sections which have been put in this document.

(*Translation*)

Mr. PRUD'HOMME: In the matter of Mr. Francis' question, can the following suggestions be made: without producing it as a document in the report, let us merely refer to Monday's index, for example. We are not here reproducing the unrevised index from the 18th of February to the 30th of October but are referring to it as a whole, since it is an official document at the disposal of all. Because I also feel that would be exorbitant, even though I figured that it is very important that it be produced in the record. I figure that it is exorbitant to reproduce it in the record since we have it in our possession. Without necessarily producing it, could we not refer to it?

(*Text*)

Mr. OLLIVIER: What Mr. Francis wants, if I interpret his idea, is to reproduce the cover of the index.

The CHAIRMAN: I think the amended motion reads that way.

(*Translation*)

Mr. PRUD'HOMME: Then in the matter of Mr. Francis' motion, I figure that it is not fair at all; I would like to have the whole thing reproduced to show, to demonstrate clearly that the alphabetical order has not been followed. At that time, it is not three or four pages that you have to reproduce, but you have to go, for example, from, "H" which is "Howe" right to "Munro" to include them all. I myself figure that we ought to refer to the document, to the index, without reproducing it. Because it is only four pages that I would like as a sub-amendment to Mr. Francis' motion, but it is to reproduce what, in my opinion, should be reproduced. That is, in the index, what runs from "Howe" to "Munro" which, even so, I have calculated runs to about 100 pages.

The CHAIRMAN: Mr. Prud'homme, if you will allow me to make a suggestion. I believe that in raising your point and that of Mr. Francis you have established your position. It wouldn't be necessary to reproduce 100 pages "in toto" but perhaps a few pages only, five or six pages would suit. You have summarised your argument. That will all appear in the testimony which is published and I believe that the arguments were presented fully.

Mr. PRUD'HOMME: It is only to demonstrate that the unrevised index was fooled around with for partisan reasons, that is all.

(*Text*)

Mr. LESSARD (*Saint-Henri*): I will second it.

The CHAIRMAN: Is there any further discussion?

An hon. MEMBER: Would you repeat the motion please.

The CHAIRMAN: The motion, as I understand it—and Mr. Francis can correct me—is that he would include as an appendix to our proceedings the cover of *Hansard* and those pages from which these extracts have been taken, the entire pages, I think to illustrate the points of the changed order of the matter and the fact that some portions of those pages have not been reproduced; they have not been reproduced in the proper order. I think that was the point he was making.

Mr. FRANCIS: The other thing that concerns me is I am not sure it is the motion I want to make. I feel there are other members—and this is a point that Mr. Prud'homme made—who happen to be of a different affiliation from Mr. Howe, and their entire references are deleted; the inference is drawn that a particular affiliation has a better report in *Hansard* index than the members of another political party has. For this reason I think we cannot select a few pages; I think the entire *Hansard* index should be part of the documentation of the committee.

The CHAIRMAN: You are reverting to your previous motion?

Mr. FRANCIS: Yes, the original one. It seems to me that any other way of treating it would not do justice to this particular point.

The CHAIRMAN: Then I will put your motion, if you have a seconder.

Mr. LESSARD (*Saint-Henri*): I will also second that motion, Mr. Chairman.

Mr. HOWARD: In respect of the motion, Mr. Chairman, I really do not want to say whether I am for or against it; I do not think it is really important in itself, except for comparison. But, Mr. Chairman, I hope we are not embarking on very dangerous ground and on a very dangerous course which would allow this committee, or parliament, as an institution, to concern itself with attempting to regulate the manner in which newspapers or anyone else freely publish what takes place in parliament.

Mr. FISHER: For instance, the *Globe and Mail.*

Mr. HOWARD: My friend mentioned the *Globe and Mail.* The *Globe and Mail* prints extracts from *Hansard.* Every newspaper report that comes out quotes members as saying something but they quote only a few words of what was said. They very seldom quote the whole proceedings about a particular subject matter. Mr. Chairman, I just wanted to issue a warning in this connection.

The CHAIRMAN: Order, gentlemen.

Mr. HOWARD: I just want to say that if we are thinking about embarking upon the infringement of the rights of citizens freely to take what is said in *Hansard* and publicize it and represent it as being one thing or another we will be treading on dangerous ground.

The CHAIRMAN: Mr. Howard, you are not speaking to the motion because the motion does not make the argument; it only calls for the appending of a certain document; and it does not in any way lend any validity to the argument whether or not you can take extracts, as has been pointed out, and publish them.

Mr. HOWARD: I only wished to express a note of warning, if this intention was implicit in it. If anyone has such an idea I think he should discard it immediately because this is a right of free speech.

The CHAIRMAN: This is an argument that has been raised but this motion does not contain that argument.

Mr. DUBÉ: On a point of principle, I would be in favour of the motion but I am a bit worried about what it may involve. As you know, there is quite

a large volume and perhaps this would be a good time to adjourn the debate; we can put the motion when we come back.

The CHAIRMAN: I would be inclined to agree with Mr. Dubé. But, if that is the motion I am prepared to put the question.

(*Translation*)

Mr. PRUD'HOMME: In this matter, Mr. Chairman, does the resolution seem to want the whole index reproduced? Does my suggestion of a few moments ago—because I agree with them that it may seem very expensive to reproduce a thing "in toto" that we already have in our possession.

The CHAIRMAN: Let me suggest a procedure to you: propose an amendment, if you like—

Mr. PRUD'HOMME: I would simply amend the main motion so that the index as such is not reproduced but might be referred to.

(*Text*)

The CHAIRMAN: Are you calling for the production of just certain pages?

(*Translation*)

Mr. PRUD'HOMME: No, that the whole index be referred to, that all the members have it in their possession.

The CHAIRMAN: That would not be an amendment, it would be a negation of Mr. Prud'homme's motion. It would constitute a violation of the regulation.

(*Text*)

Mr. FRANCIS: Mr. Chairman, I suggest we refer this to the steering committee and let them decide the issue.

Mr. FISHER: Speaking to the motion, I would like to offer an amendment to the motion which, in effect would embody the suggestion you made namely, that we reproduce as an appendix to our proceedings' of today the relevant pages of the *Hansard* index, including the front page and the pages which cover the listings under Mr. Howe, Mr. Munro, Mr. Macaluso and Mr. Morison.

The CHAIRMAN: I think that amendment would be in order.

Mr. FRANCIS: I am reluctant to agree to it, because I do not quite know what those pages would show. I think the *Hansard* index itself is the document which shows the relative performance of different political groups in the house.

Mr. FISHER: He agrees that it does.

Mr. FRANCIS: Since this seems to be the claim that is advanced, I think the important point is to determine to what extent you edit a *Hansard* document. If you reproduce a *Hansard* cover and then edit, you can be charged with a breach of privilege in editing the debates. The question is whether or not the editing and selecting of a *Hansard* index is the same as the editing and selecting of *Hansard* debates. The *Globe and Mail* does not attempt to give the total reproduction of *Hansard*. It states exactly what it is, that it is selections, and it is presented in a different format and print. The reader of the *Globe and Mail* knows he is only getting a selected portion of *Hansard*. But I think the reader of this document would be under the impression that he is getting a different thing altogether.

The CHAIRMAN: It seems to me that we are getting into an argument and not a discussion of the motion.

Mr. FISHER: I withdraw my amendment. It is pointless to put an amendment like that. It would be meaningless and senseless in the face of this kind of argument.

The CHAIRMAN: Surely, as you have pointed out, Mr. Francis, the index speaks for itself. It is an official paper of this particular parliament, and I can see some point in reproducing it for the availability of people in this parliament as a ready reference to some question, or to some part of earlier parliamentary proceedings. But to reproduce again, a rather voluminous document of this session of parliament which is readily available to the public I feel is going very far.

Mr. CASHIN: It is one o'clock. Can we not call it a day?

The CHAIRMAN: We might dispose of this matter. Mr. Francis is about to withdraw his motion.

Mr. FRANCIS: I shall withdraw it for the moment. I would like to take a look at it.

Mr. FISHER: Before we leave, may we have some idea. We are obviously in a rush. I think we are all anticipating the end of the session. I am sure the committee would want to report out of committee and back to the house so that the matter could be tabled and debated in the house. What are your intentions?

The CHAIRMAN: I would ask for the guidance of the committee. I am prepared to have a meeting later this afternoon, following the orders of the day.

Mr. FRANCIS: I would not like to have another meeting until I have had a chance to read Dr. Ollivier's document, which was evidently well prepared.

The CHAIRMAN: We can have the document reproduced over the lunch hour, and I could have it available for members of the committee at the beginning of the next meeting. I think that is quite possible. If this course meets with the wishes of the committee I am prepared to follow it. Perhaps some other members of the committee object to meeting this afternoon and would prefer to meet at some other time.

Mr. PRUD'HOMME: Let us meet on Thursday morning.

Mr. FISHER: I assume there is considerable interest in this problem, and if the house should wind up Friday, there would not be an opportunity to bring this reference to an end and debate it in the house.

The CHAIRMAN: May I have a motion?

Mr. PRUD'HOMME: I move we adjourn until Thursday morning.

Mr. MUNRO: I suggest we make it an adjournment until an appropriate time.

Mr. PRUD'HOMME: I move we meet on Thursday morning at 9.30.

The CHAIRMAN: Mr. Fisher has moved that we meet at four o'clock. Is there a seconder?

Mr. PRUD'HOMME: I suggest Thursday morning.

An Hon. MEMBER: I second the motion.

The CHAIRMAN: I shall put the question first on the amendment.

As I understand it Mr. Fisher has a motion that we meet at four o'clock. Do I have a seconder?

Mr. HOWARD: I second the motion.

The CHAIRMAN: I have an amendment and I will put the question first on the amendment.

Mr. DUBÉ: May I make a subamendment to the effect that provided members of the committee are furnished with a copy of the memorandum of Dr. Ollivier.

The CHAIRMAN: Copies are being made now. In either case your request will be met.

Mr. HOWARD: Contrary to what some persons think, I am of the opinion we should go ahead and have this as soon as possible. Therefore, I am opposed to the amendment.

The CHAIRMAN: The amendment is that we meet on Thursday morning.

Amendment agreed to.

The CHAIRMAN: We will meet on Thursday morning.

THURSDAY, April 1, 1965.

The CHAIRMAN: Gentlemen, we are ready to continue our order of reference—the matter raised in the house by Mr. Munro. For the information of the committee I want to inform you that I received a letter delivered by hand yesterday from Mr. Stewart Cooke, area supervisor, United Steelworkers of America. I would like to read the letter. The heading of the letter is United Steelworkers of America, 1031 Barton Street East, Hamilton, Ontario, March 30, 1965. It is addressed to the Chairman of the committee, and it reads as follows:

United Steelworkers of America
1031 Barton Street East
Hamilton, Ontario
March 30, 1965

Mr. Maurice J. Moreau, Chairman
Committee on Privileges and Elections
House of Commons
Ottawa

Dear Sir:

I had the privilege of attending the last sitting of your committee, and was impressed with the precedent explained by Dr. Ollivier with respect to the use of the crest, the Speaker's name, and the format of the cover of *Hansard*.

As a matter of policy, we have from time to time kept our members acquainted with various matters of political interest. After many years of activity we openly support the New Democratic Party, which is obvious by the leaflet we distributed which has come to your attention.

With reference to the matter before your committee, let me, on behalf of our committee, apologize if there has been any transgression of the privileges of the House of Commons, the Speaker, of any of its members. It was certainly not our intention to abuse in any way the rights and privileges of the House, the Speaker, or the members.

Our ignorance of the rules governing the use of documents of the House of Commons has led to the present deliberations of your committee. Our only intention in producing the material was to show the areas of interest of the Members of Parliament representing constituencies in which the members of our union reside.

On behalf of the Steelworkers Hamilton Area Council Political Action Committee, I am,

Yours sincerely,
Stewart Cooke,
Area Supervisor,
United Steelworkers of America.

Mr. MUNRO: Mr. Chairman, is it permissible for any members of the committee to look at this letter?

The CHAIRMAN: Certainly the members of the committee can see it. I have read it into the record in any case. It can be circulated right now, if you like.

When we adjourned at the last meeting we were discussing the advisability of appending to our minutes or to our proceedings either the index of February 18 or alternatively the relevant pages. Mr. Francis had made a motion. We did have an amendment. However, I lost track of whether the motion was withdrawn. It was withdrawn, I believe, when we adjourned. We have no motion before us. It had been withdrawn for the moment. I am not sure what that meant.

Mr. FRANCIS: Mr. Chairman, in listening to Dr. Ollivier's testimony, which I subsequently had an opportunity to read, I heard and saw that Dr. Ollivier reproduced in his testimony a selection of the report joint committee of the Senate and the House of Commons of July 14, 1947, as follows:

> That in the reprinting of members' speeches the following rules be strictly adhered to:
>
> (a) Each reprint of a speech or speeches, ordered by a member shall be an exact replica in context of the report as printed in the debates of the Senate, or the House of Commons debates, without any deletions therefrom or additions thereto.

Now the question that I felt was of possible concern to the committee was the selection from the index as opposed to the debates themselves. I note that in the index, the front page of which was reproduced in the document before us, selections were made from pages 196 and 197 dealing with the references to Dr. Howe; from page 243 dealing with reference to Mr. Macaluso; page 279 dealing with Mr. Morison and pages 284 and 285 dealing with Mr. Munro.

Since this is a contemporary document of the present parliament, I do not think it is necessary to reproduce pages of the document. I simply wish to call attention to the fact that the document itself contains selections from the pages that I have quoted and since there is a selection from the context and placed in a different context from the context of the *Hansard* index, I do not think there is any necessity for the motion. This is the point that I had in mind.

Mr. BASFORD: Mr. Francis contends that the official record has been tampered with.

Mr. GREENE: In what manner has it been tampered with? You are endeavouring to make the point but you have not done so. In what way has it been tampered with?

Mr. FRANCIS: The selections have been made from a context different from that presently in the official index of *Hansard* and I simply suggest that the committee may wish to consider whether or not this is a violation of the rules as recommended by the joint committee report of July 14, 1947. I think this is the point for consideration of the committee and it is the point that I had in mind when I spoke the last time. I do not think there is any further action called for by way of reproduction of documents.

The CHAIRMAN: If I understand your point, Mr. Francis, you are suggesting there were parts of pages deleted from the index. I have a copy of the *Hansard* index here with me if anyone is interested. The committee is certainly open to argument on the whole point or to a motion to dispose of the whole

matter. It is certainly in the hands of the Chair. Do any of you have any questions of Dr. Ollivier?

Mr. CASHIN: Mr. Chairman, I note on page 3, which seems to be the meat of Dr. Ollivier's document, he says in his opinion this is a question of fact rather than a question of law, whether the reproduction of *Hansard* has been done to mislead the public or not. Now some reference was made in our last meeting to the remarks in the House of Commons by Mr. Munro concerning the second part of his remarks dealing with the document as misleading or misinforming or misrepresenting what actually goes on in parliament. I believe that Mr. Fisher asked some questions of Dr. Ollivier and there was some debate on this point. I rather got the impression that in Dr. Ollivier's mind there was some separation of the issue; that he was concerned with the actual reproduction, whether or not it was in fact a breach of privilege, rather than the other matter of misleading information contained in this document. I would suggest, Mr. Chairman, that we are only concerned with misleading information contained in this document really inasmuch as it shows that the seal and the front page of *Hansard* were used to add authenticity to the information contained in the document.

Mr. Francis already has pointed out that there were some differences and that there possibly was a breach of privilege in the way it was reproduced. Because that is the fundamental issue before us I do not think we have to determine the records of the individual members. For example, I do not believe it is a matter of issue that one of the members mentioned in the document may have missed far more votes than the other members, or that one person's references there are primarily to questions rather than speeches in the house; and I do not think we have to go into the matter of whether or not a member was missing from parliament for a long period of time.

Mr. FISHER: On a point of order, Mr. Chairman, it almost seems as though Mr. Cashin is doing this by not doing this.

Mr. BASFORD: On a point of order, Mr. Chairman, Mr. Cashin is in order because his remarks are relevant to the point in issue.

Mr. GREENE: Mr. Chairman, on the point of order, I do not think that Mr. Cashin has said that Mr. Howe was away from parliament more than any other member or that he missed more votes than any other member.

Mr. HOWARD: Now we see it.

The CHAIRMAN: Order, gentlemen. Mr. Cashin, perhaps you could tell us what the issue is rather than telling us what it is not.

Mr. CASHIN: Mr. Chairman, I am sure that a man of your great knowledge and logic would see the line of argument I am making. If I was guilty of Mr. Fisher's suggestion I would have pointed out to the committee that he has missed seventeen out of thirty-three votes. But, I did not do that. I also would have pointed out that he sits primarily on only one committee and barely attended 50 per cent of its sessions. But, I did not do that and I do so now only to draw a distinction between what would be out of order and what would be in order. Obviously, the latter part would be out of order but what I was saying initially would be in order.

The CHAIRMAN: I would ask the members to direct any questions or comments to the issue in question rather than arguing what is not the issue. In view of the letter of apology that we have received I thought perhaps we might dispose of this matter fairly quickly this morning.

Mr. CASHIN: Mr. Chairman, I would like to conclude my remarks.

Mr. HOWARD: On the point of order, Mr. Chairman, may I say that I do not think we should curtail Mr. Cashin in the line he is pursuing.

Mr. FISHER: Nor Mr. Basford, Mr. Greene, Mr. Francis or Mr. Munro. I would like to hear from all of them.

Mr. HOWARD: Obviously this is the real point they are interested in and, so far as they are concerned, the real point at issue. The other matter has been disposed of. Mr. Chairman, I do not think we should interfere with them in their development of this sort of argument. We realize that you agree it is specious; it is not important but I think it is a reasonable approach.

Mr. CASHIN: I note my remarks have received the blessing of the two members of the New Democratic party.

Mr. HOWARD: No, they have not.

Mr. CASHIN: And, since they have given me their blessing there must have been something wrong with that line of argument so I will proceed to another line of argument which, basically, is this. With regard to whether or not this is a breach of the privileges of parliament, may I say that I have thought about it a great deal, and I feel that while the quality of the reproduction here may not be quite the same as it was in the Hutchinson case—and I do not think that is material—I do feel there technically has been a breach of the privileges of the house in this instance because, taking this whole thing together, I do not think this really should have been done. This group wanted to make some particular point of a partisan nature, which I think they are entitled to do. But, it was their method of doing it, by using *Hansard*, and, I think, giving some false impression, which caused the breach of privilege. I think this is a very technical question. We have received this morning a letter which has been read to the committee. May I say that Dr. Ollivier goes on further in his document to point out that if there has been a breach what action should be taken. Dr. Ollivier referred to two punishment actions, first, admonition and, second, reprimand, the latter being more serious. Mr. Chairman, I would not think a reprimand would be in order but I think perhaps the less serious, the admonition, might be what we ought to deal with. As I mentioned, we have received a letter from the group. Although I do not know I would think perhaps this was done unknowingly. I am willing to subscribe to that view. I feel that this is really a technical breach, and I think the matter should end there.

The CHAIRMAN: Would you proceed now, Mr. Basford.

Mr. BASFORD: Mr. Chairman, it would seem clear from reading the statement made by Dr. Ollivier and listening to it on Tuesday that there has been a breach of the privileges of the house in the reproduction of the front page of the index to *Hansard* and by the use of the coat of arms, the title and that sort of thing. I would be inclined to agree with Mr. Cashin that this is a somewhat technical breach of the privileges of the house which being technical and not of major proportion should be dealt with accordingly.

With regard to the remainder of the question of privilege, the taking of the contents of the index of *Hansard* and tampering with them, as was done by placing things in different juxtaposition from what they are in the official record in a completely unrepresentative way, as well as taking one member's record and trying to make a silk purse out of the sow's ear so far as one member's record is concerned—

Mr. HOWARD: Do you not object to that, John?

Mr. BASFORD: —in my opinion, really does not constitute a question of privilege. But, I do think it is a question of taste. It brings up the question of whether the steelworkers really know what their member of parliament is doing.

Mr. FISHER: Who is their member of parliament? I always thought Mr. Munro was a great representative of the workingman.

Mr. MUNRO: Mr. Fisher, you are now making partisan remarks.

Mr. CASHIN: I think Mr. Fisher is right in what he says, that Mr. Munro is a great representative of the workingman.

Mr. BASFORD: I have always found Mr. Munro to be a great representative of the workingman and not merely representative of a clique of union leaders.

Mr. Ollivier mentioned in his evidence the matter of an apology which was not gone into to any great extent at that time. I think a comment from him in this direction would be beneficial at this time. Although I am not an expert in these matters I think that an apology does have great relevance in a slander action, so I would assume that it does have some relevance to the proceedings of this committee so far as a breach of privilege is concerned.

Mr. Chairman, I would like to hear from Dr. Ollivier at this time on the question of an apology.

Dr. P. M. OLLIVIER (*Parliamentary Counsel, House of Commons*): I think this committee follows pretty well the pattern of the Sperry-Hutchinson case in 1960. I think the circumstances are about the same. If anything, there is less violation in this case than in the previous case. I see no reason why the committee should not accept this apology and make a similar recommendation to that which was made in 1960.

There is one point that has not been touched upon, and that is the question of copyright. In 1960, I brought to the attention of the committee the fact that each time copies of bills or *Hansard*, or anything else, were reproduced outside, permission has always been asked in the United Kingdom, for instance, of the Comptroller of the Treasury or the Comptroller of Records or any other officer who was responsible.

Mr. HOWARD: Who would that be here?

Mr. OLLIVIER: I was speaking this morning to the queen's printer. He tells me that not a week goes by without permission being asked from him to reproduce some particular document. I think in future it would be a good thing if the policy that is followed in England were observed here.

I have a small book here called "The Parliament at Westminster" by Cox. There are quite a number of documents reproduced in this book, but they are reproduced always with the permission of the comptroller.

The CHAIRMAN: If Mr. Basford has finished his questions, I have on my list Mr. Howard, Mr. Munro and Mr. Fisher.

Mr. BASFORD: I have finished.

Mr. HOWARD: I think Mr. Fisher wanted to ask Dr. Ollivier something on this point.

The CHAIRMAN: Mr. Fisher.

Mr. FISHER: There has to be some common sense brought to this question of applying for copyright. In what sense are you referring to copyright? For example, there is a new book which has been brought out by Faribeault and Fowler. When that book is distributed, for example, to book reviewers there should be an acknowledgment of any quotations. If anyone wants to reproduce for anything other than a book review any part of the text of the book, permission should be sought from the authors. This seems to me to be useful in regard to much of what is published; but unless it is a facsimile type of thing you are talking about, we have to consider what copyright means in terms of government publications.

For example, dozens of members of parliament of all parties put out newsletters and they take liberal quotations from *Hansard*, for example—

Mr. HOWARD: Perhaps "generous" would be a better word.

Mr. FISHER: Yes, that might be better

Mr. OLLIVIER: You can reproduce from a speech, for instance, two or three paragraphs; but I would say it is a different matter when anyone reproduces a whole speech of another member and puts on top of that speech a cover which belongs by copyright or by any other method to the government, making it appear that it is a government publication.

Mr. FISHER: If that distinction is made, yes. Otherwise, it seems to me that if it became a matter of being really sticky or, in a sense, almost policing a copyright in regard to extractions of reproductions of texts, for example, I think it would be almost a madhouse. Many unions, for example the Brotherhood of Railway and General Workers, have a practice of taking large sized excerpts from the *Hansard* record, from royal commission reports and things like that; and an awful lot of newspapers do the same. If they had to obtain leave from the queen's printer every time they wanted to do that, I think a chaotic situation would result.

Mr. OLLIVIER: No, that is not what I mean. I am talking about the reproduction of an official document.

One thing I could not admit is that you could take parts of an opponent's speech out of context and print them as though they were the member's speech, and then put on top of that a cover that really belongs to the queen's printer or to the House of Commons.

Mr. FISHER: Yes, that point is well taken.

Mr. OLLIVIER: Where to draw the line might sometimes be very difficult to decide. I would not say if you wanted to quote one or two paragraphs from a member's speech that you would have to ask the queen's printer for permission. I certainly would not suggest that.

Mr. FISHER: But you were coming back to the question of parliamentary privilege and misinterpretation, which was a sort of general comment elicited from the queen's printer in regard to the general question of copyright. It seems to me there is a clear distinction there.

Mr. OLLIVIER: What the queen's printer was saying this morning was that if they publish a book and make 100 copies, a book that might cost about one dollar or two dollars, and someone needs just one short chapter, they might give permission to reproduce that whole chapter and there would be no question of the copyright or anything of that sort. On the other hand, if you reproduce the whole book which has been published by the queen's printer, that is another matter.

The CHAIRMAN: I would like to ask a question for my own edification.

I imagine the queen's printer is concerned about how the material is to be used and whether it is to be used by a commercial enterprise for advertising purposes, or something of that nature, in which case permission might be denied.

Mr. OLLIVIER: If reproduction would tie the government or the House of Commons to outside propaganda, permission would not be granted. That is the only purpose of it.

Mr. GREENE: On the same point, Mr. Chairman, Mr. Fisher has asked whether permission has to be obtained to reprint speeches from *Hansard*. In any event, can anyone give permission to take a speech from *Hansard*, to add words to that speech, and to quote it as an official report of a speech from *Hansard*, as has been done here? Is that permissible?

Mr. OLLIVIER: No. One would not give permission to do something that one has not the right to do oneself.

Mr. GREENE: In no circumstances would it be permissible to take a speech from *Hansard*, to add words to it and purport it to be an extraction?

Mr. OLLIVIER: If you ask if permission can be obtained to tell a lie, of course the answer is that permission would not be granted.

The CHAIRMAN: I am just trying to keep some semblance of order here. We had a specifc request of Dr. Ollivier from Mr. Basford for an opinion on a particular point. I feel we should get back to the speaking order that was determined before that.

If the matter now before us is completed, I would ask Mr. Basford if he has finished his questioning.

Mr. BASFORD: I have finished for the moment, Mr. Chairman.

The CHAIRMAN: Mr. Howard.

Mr. HOWARD: All I want to say is that it is obvious, in so far as the reproduction of the front cover from the Index is concerned, that this is an abuse of the privileges of the house. This was recognized almost immediately.

If one read that and the report of the committee in 1960, and if one read also the report that the committee made to the house—because this is primarily what they dealt with—one would see that Miss Saunders had tendered an apology, but that nevertheless there was still abuse of the privilege. She had not obtained permission from the proper authorities to reproduce the front cover of a House of Commons document. I do not think there is any question about that in anybody's mind.

However, there is another question. Whether or not a document has been—and I took down the words—"tampered with", the term used in one case, or is "misleading", which was the reference made in another case, is something of broader importance. It is not a question of whether you might be able to take what someone says or does not say and make misleading representations about it, because this is done every day in the house and outside the house; it is done by newspaper reporters and everyone else. They can mislead by not quoting fully what someone has said. When you refer to "tampering with" or "misleading" in some reproduction which tends to show that it has the official sanction of the speaker or of parliament, then it is another question and of equal if not of more importance.

In what way is the document misleading? For instance, I looked at it carefully and I even looked just a moment ago at the Index itself, which I obtained from you, Mr. Chairman. It did not mislead me at all. I saw that Mr. Morison made one comment, something about an annual vacation bill; and it even gave the page number. Is that misleading? It classified him as a Liberal. Whether or not he like that classification is for him to decide, but I do not think it is misleading. If we want seriously to look into that, we should do so directly, not by the back door not by innuendo or insinuation of something wrong between one member or another, and we should put the blame, if there is blame, where it should lie, namely, on the writers and the political action committtee of the steel workers of the Hamilton area. We should not try to use this as a medium for being definitive against one member or another.

Mr. CASHIN: That is very well taken.

Mr. HOWARD: If there is vindictiveness, members who are engaging in it of course will be able to know that better than I do. But I think it is something we should look at directly and not around the back door, as has been the case so far this morning.

The CHAIRMAN: Now, Mr. Munro.

Mr. MUNRO: Mr. Chairman, I thank you for pointing out this letter from Mr. Stewart Cooke, supervisor of the political action committee. He stated that he was impressed with Dr. Ollivier's statement and with the precedents quoted to the committee. He stated that he had transgressed the privileges of the house, and he apologized on behalf of the committee. And then he stated

at the end of the letter "our only intention in reproducing the material was to show areas of interest to members of parliament".

That is interesting and quite a different thing from the caption of this particular pamphlet. I think, if faced with it, the letter should be accepted as an apology.

I would be prepared to move accordingly I would like to make some remarks now about the point of privilege, because I am prepared to make a motion when I have finished, if I can get a seconder, that this apology be accepted, and that we be finished with the matter without the necessity really of finding any conclusion on whether in fact there was a breach of privilege or not.

On the basis of the apology I would accept the letter at its face value. I point to the fact that the political action committee was impressed with the arguments of Dr. Ollivier. I think to a very large extent that is what we are here to determine. We are here to determine whether breaches of privilege have been made. If so, they should be brought home to the people who made them. If those alleged are guilty of those privileges, and if they apologize in a matter such as this, I am prepared to say that it is certainly not of that seriousness that we should not accept that apology.

I have a couple of observations which are appropriate.

The CHAIRMAN: Before you get into that, may I, without in any way reflecting on any of the other arguments which may or may not have been made here, say that it seems to me that it is for the committee to decide. I would hope that your motion might cover it, or perhaps by its significance leave out one point, if you feel that way.

There seem to be two arguments essentially of substance in this question; the committee seems to be pretty well agreed about the use of the cover in its rather official format. As I gather the feelings of the committee, there seems to be agreement that this constitutes a technical violation of our privileges. The second point which has been argued and which perhaps should be decided is whether or not there has been any editing or at least selection made.

Mr. FISHER: Do you mean editing to cause an unfair reflection?

The CHAIRMAN: Well, essentially, perhaps in a sense, to use the words of the pamphlet "who is working for you?" I think that perhaps is a valid point. Mr. Francis raised it and said that the committee might decide. This I would hope would be the end of the argument that has been made.

Mr. MUNRO: That was going to be my motion, if I comprehend your remarks correctly. What I am in effect saying is that I think this matter has been pointed out to the people at Hamilton, and that the argument tends to show that there is prima facie a case at least of breach of privilege. But if they have tendered their apology, and have gone into all the features of it, and of each particular instance such as editing the names of the speakers, that is not terribly important now in view of this letter. The observations I would like to make are these.

Mr. FISHER: On a point of order, before you make your observations, Mr. Munro, you indicate that you consider making a motion in relation to what you suggest is an apology. But I would like to raise the question of whether a letter to the committee is adequate enough, or should there be a letter to the Speaker. What form should the apology take?

Mr. OLLIVIER: That matter came up in 1960 when the apology was made only to the committee. At that time it was decided to accept it, and to report to the house that it had been accepted, and that that would be sufficient.

Mr. FISHER: That is all I wanted to know.

Mr. FRANCIS: It seems to me that we should try to relate our discussion to the question. I think Mr. Howard made a very good statement a while ago. I think we should dispose of the one question, and deal with that one point because if we try to get a motion which covers more than one point at a time, it would be very difficult.

The CHAIRMAN: Perhaps we should hear Mr. Munro's motion.

Mr. GREENE: I think Mr. Fisher's point of order was well taken with respect to this apology. First of all is there any evidence before the committee that the apologizing party is the guilty party? There is not much use in "A" apologizing for the sins of "B". Are these people who apologized the ones who published it? Is there any evidence before the committee of that fact? And second, we are concerned with the question of whether Mr. Howe here was a party to that publication. Did he consent to it? Did he advise it? Did he permit it when he knew it was going to be done? And if he was a party to this publication, then his apology rather than someone else's, apart from Mr. Howe, would be a sufficient apology. I do not see how we can decide on the sufficiency of the apology until we know who the sinner is.

The CHAIRMAN: Perhaps the committee might first decide whether or not and where there has been a breach of privilege. We can deal with the appropriateness of the apology afterwards.

Mr. O'KEEFE: I think Mr. Munro has the floor.

The CHAIRMAN: Yes, please continue, Mr. Munro

Mr. MUNRO: There is a practical consideration here that I think we should take into account, since we are the committee on privileges and elections. If this type of strategy, such as the reproduction of the index of *Hansard*, is an indication of what we can expect from members, is indulged in by a lot of members of the house—and there are 265 members of the house—we can take it that it will cause a great number of questions to be asked. A tremendous number of entries are questionable and are placed on the order paper. They give the officials of the various departments the task of preparing answers on behalf of the government. They may be of a technical nature, and the officials of the civil service would be inundated with questions from members who are trying to build up an index. I think in many cases if this were indulged in to any great extent it would bring a tremendous number of officials of many departments almost to a standstill in just answering those questions. I speak from some experience in the amount of research which is needed to answer them.

The CHAIRMAN: Order, please. I must ask the members of the committee to refrain from by-play.

Mr. MUNRO: It would eliminate a lot of questions, I think, if we were made aware of the cost involved to the government in preparing answers, and what it is costing the taxpayer. I think there is a great deal of sincerity involved in members who want answers to particular matters which they consider are important, but they can go to the officials concerned, who are the authorities on a particular matter, and have a discussion with them and talk the matter over, and not use this as sort of a device to build up some type of record.

I think from a practical point of view, having regard to putting a tremendous burden on civil servants, and having regard to the cost involved in preparing answers to these things, it is something which we should take note of. I use this as an example. It is not an isolated instance. A lot of members do this. If you will look through the questions which have been asked, you will find that many of them are completely unnecessary, and that it could

have been done by talking it over by telephone with the particular officials concerned.

In directing my remarks to the document, I think my own feeling is that undeniably it is a breach in that it is an attempt to establish some type of aroma, if you like, of authenticity for a private partisan purpose. To my mind, there lies the breach. I think this committee should regard it as such. It is one thing to use the Speaker's name, the crest, queen's printer, and so on; but it must be established that it is for an improper purpose. I think we must accept that here we have an improper purpose and, on the face of the document itself, that it is a misrepresentative purpose. Looking at the heading, one can see, aside from the fact that it is a slight to the intelligence of the people to whom it is going, it is intentionally misleading. I am sure that quite a few members of the committee are prepared to accept that this is the fact.

On the basis of this submission, I would ask that we now regard this as a technical breach of privilege. I would further ask that we accept the letter of apology and terminate the matter.

The CHAIRMAN: Do you have a motion? I think that if you feel the discussion should be limited to the ground you have outlined, you should present a motion for discussion. Once the motion is put we then would confine our remarks either to the motion or to amendments to it.

Mr. MUNRO: I am preparing it now.

The CHAIRMAN: While you are doing it, the next member is Mr. Fisher.

Mr. FISHER: I would like to ask Dr. Ollivier something concerned with parliamentary practice. Suppose Mr. Munro has a motion which is put, accepted and embodied in our report, and the report is tabled in the house, but the motion to accept the report is not moved in the house; what then becomes the effect of the work of the committee?

Mr. OLLIVIER: I do not think you would have to move that the report be accepted. Of course, if the session closes before you move acceptance or concurrence in the report, it will finish there. We have seen this happen before; remember the Carpentier case. I think this case was referred to the committee, then the house prorogued, and this case did not come back the next year. However, there have been some cases which did come back. There is the case of the newspaperman who wanted admittance to the press gallery.

Mr. FISHER: Mr. Rodgers.

Mr. OLLIVIER: That matter came back to the committee twice, and it could come back again.

Mr. FISHER: But that could be raised on the initiative of a member.

Mr. OLLIVIER: And raised as a new question next year.

Mr. FISHER: Yes. This point interests me. I would like to go into this a little further. If a report comes from this committee to the house, I would like assurance that we would have the opportunity to debate it. We consider this is only fair in view of the fact that we feel we need the larger forum, in essence, in order to have the fairest opportunity to comment on everything that has taken place here.

Mr. OLLIVIER: If you need concurrence of the house, of course it is normal that a motion be made by the Chairman for concurrence in the report of the committee; but there are many reports in respect of which concurrence is not moved. Take the Grégoire case; I do not think it is necessary that concurrence should be moved in that report. In this case, however, if you make a recommendation to the house that the house accept the apology, it would seem necessary that concurrence in the report be moved. You could make a

recommendation to the house, but what is the result if the house does not have an opportunity to accept it?

Mr. FISHER: Could you, Mr. Chairman, give us any information how this will be possible in the present circumstances?

The CHAIRMAN: I cannot give you any assurance that there will be sufficient time to do this. There would have to be a notice of motion or unanimous consent in the house. In the present situation I am sure I would find some difficulty getting unanimous consent of, say, perhaps the house leader.

Mr. FISHER: It is a very interesting point. As you may note, there seem to be four members of parliament involved in this particular matter, although one of them, Mr. Munro, took the initiative and brought it before this committee. Mr. Munro has appeared as a member of the committee. Our colleague who was interested felt it was not proper for him to be on the committee. He has not had an opportunity of participating, and he and some of the rest of us, I am sure, in the light of some of the things which have been said here, feel it is necessary to have an opportunity to speak on this matter in the house. That would seem to be the only fair way.

The CHAIRMAN: As I say, I cannot give you any assurance that there will be that opportunity. I have no idea when this session will end. Perhaps if this does not come up, it could be raised as a new question of privilege next session.

Mr. GREENE: On a point of order; Mr. Fisher is attempting to leave on the record of the committee the fact that the only way in which Mr. Howe can protect himself on this question of whether he suborned these false statements or otherwise is by enlarging the ambit of this committee to the house. He certainly can be called as a witness before this committee to let us know what his part in this misrepresentation was. I do not think the record should be left open in that regard.

Mr. FISHER: Mr. Greene has misunderstood me. It is not only Mr. Howe; Mr. Howard and I also want the opportunity of speaking on this in the house in order to go into it. That is something which I do not think this committee is quite the place for; that is, the sort of attitude which seems to hide behind this attempt to blow up something, which really is a very minor case.

The CHAIRMAN: I wonder if I might say a word without appearing to be somewhat partisan. At one time I had the feeling that something was being blown up in this committee.

Mr. BASFORD: Mr. Munro raised this matter in the house, suggested it be referred to this committee, and the suggestion was accepted unanimously. This morning Mr. Munro has indicated he wishes to move a motion accepting the apology. As I understand his remarks, it really makes no difference whether or not we arrive at a conclusion there has been a breach. An apology has been offered, it should be accepted and the matter dropped. This hardly seems to be an attempt to blow up something. I suggest that Mr. Fisher simply was bringing in a red herring when he suggested that.

Mr. MUNRO: May I comment on Mr. Fisher's remarks. I just assumed, apparently naively, from this letter of apology having been brought before the committee, that the members of the New Democratic party would have been aware of it and would want it accepted as such in order to terminate the matter. But if they wish to prolong it and they feel that the house is the only place where they have a forum to make their many remarks, then they can vote against the motion, I suppose. However, I would rather assume they would want the matter dealt with in that way, and I am perfectly content to deal with it in that manner.

The motion which I wish to put before the committee for discussion is as follows:

I move:

> that the apology to the committee on behalf of the political action committee of the Hamilton area council dated March 30, 1965, be accepted by the committee on privileges and elections, and the matter now before the committee remain unresolved.

If the members of the New Democratic party wish to make an amendment to that motion or wish to present a different motion so that this be referred back to the house for further debate, I am prepared to withdraw my motion and support their motion to that effect. That is the first point.

My second point is that Mr. Fisher said this is a little thing and there are forces behind this blowing the whole matter up. I would say I do not think that at any time a breach of privilege of the house—especially for one who is so jealous of propriety as Mr. Fisher indicated the other day—should be regarded as a trifling thing. In the over-all scheme of things, especially in view of this letter of apology, I do not think there is much point in pursuing it any further.

Personally I feel far more strongly about the intentional misleading nature of the pamphlet, and I would welcome the opportunity to speak about it in the house, how it was obviously designed to build up some type of favourable impression in the minds of Hamilton's citizens concerning the activity of one member at the expense of the others, especially a member whose activities as a full time member of parliament taking care of his constituency are certainly open to question.

It is said I am a member of this committee and Dr. Howe is not. Dr. Howe could have become a member of this committee if he so wished. He can call a press conference in his office if he desires to put forward his point of view. I have asked him to come down to Hamilton and debate the respective records before the people of Hamilton. He does not wish to accept that type of forum. I do not feel too badly about speaking about Dr. Howe. If he felt it was improper to go on this committee, that is his business. I am sure his activities will become well known prior to the next election. I am sure it will soon be known that this was intentionally misleading so as to cover his type of activity. I am just pointing this out. I am quite content to have this argued in the house and to talk about it there if the members of the New Democratic party wish to make that type of motion. However, in the meantime I will present this motion, and if there are no amendments, then I will ask that a vote be called on it.

Mr. GREENE: Mr. Chairman, on a point of privilege, I would like to refer to the point of order made by Mr. Fisher which I think places this committee in a rather innocuous position. He has attempted to leave the impression that the New Democratic party want to look deeply into the falsehoods or otherwise of these remarks but that they can only do so in the house. It is singular that any time the New Democratic party is caught with their pants down they get very sanctimonious. I find this to be an incongruous position, a sanctimonious man caught with his pants down.

I want to leave the record clear on this point of privilege, Mr. Chairman. The truth or the falsehood of this deliberate attempt to leave the impression that this man serves his constituency better than the other three members by the records of *Hansard* can be quite easily cleared up here under oath if necessary. I therefore do not think it is at all fair for Mr. Fisher to try to leave the impression, "Ah, we the pure ones would love to clear this up in the house and we may not be permitted to do so". I think the record should be made clear in that regard right here.

The CHAIRMAN: I might suggest to the members of the committee that we have strayed considerably from the terms of reference before us. I have no control nor does the committee have any control over what may or may not happen in the house, so I would suggest that perhaps this line of argument is a long way away from our terms of reference.

Next on my list I have Mr. Macquarrie. Mr. Macquarrie, if you are going to speak on this point of order, let me say I do not feel it is a point of order at all. I would hope that we might leave it.

Mr. Fisher asked for his information whether I could give him any assurance about a debate in the house; I obviously cannot. Perhaps we might leave it at that.

Mr. MACQUARRIE: With all due respect, Mr. Chairman, I feel it is very interesting to hear this rather vivid counterplay between members of the parties on the left so I did not want to interrupt. I think Mr. Greene has introduced an aspect of the case which should perhaps be looked at before we move to Mr. Munro's motion.

I was interested in what Mr. Munro had to say. I was almost led to believe that the strong silent types were the most virtuous of all because asking questions by longevity or prolongation, seemed to be a bad thing.

Mr. Greene mentioned a question of Dr. Howe's involvement. It was my thought that it was just not one of the aspects that we were to look at, whether Dr. Howe allowed the circulation of these documents or whether he was involved in them as one of the editors. I had thought not. If this is the case, then we must certainly go beyond the letter from the Hamilton area council. After we put this out of the ambit of our observations, then I think we can go to Mr. Munro's motion.

The CHAIRMAN: I have difficulty in accepting Mr. Munro's motion at this time. I had indicated earlier, before he made the motion, that I hoped the motion would be broad enough to cover the point. Although I feel there is general agreement in the committee that there was a violation of privilege, that has not as yet been specifically decided upon. I think first we should have a violation before we can accept an apology.

Mr. MUNRO: Not necessarily. I said that in view of the apology and the contents of the letter indicating regret in this area I do not think it really matters.

Mr. FRANCIS: I am worried because I think we have to proceed in an orderly way. Is there a motion before us at this point, Mr. Chairman?

Mr. MUNRO: I presented a motion which was seconded by Mr. Basford.

Mr. FRANCIS: May I have the motion read, please?

The CHAIRMAN: It was moved by Mr. Munro and seconded by Mr. Basford that the apology to the committee on behalf of the political action committee of the Hamilton area council, dated March 30, 1965, be accepted by the committee on privileges and elections, and the matter now before the committee remain unresolved.

Mr. CASHIN: May I speak to that motion?

Mr. FRANCIS: I have the floor, Mr. Chairman. My concern was with the second part of the motion. I am concerned about the second part which Mr. Munro spoke of, namely, the use of the questions on the order paper, which is the broader matter Mr. Fisher raised in the house regarding whether or not questions on the order paper represent fairly the record of the member in the house. This document before us involved the second question which is combined in this motion. Mr. Munro combined two things in the motion. In the second part of the motion it is said that this should be unresolved.

The CHAIRMAN: I find some difficulty with the motion although I heard Mr. Munro's argument. I do not see how the broad question of the use of questions on the order paper can be part of our order of reference.

Mr. FRANCIS: Mr. Chairman, did you accept the motion?

The CHAIRMAN: Yes, I accepted it.

Mr. FRANCIS: I want to speak on the second part of the motion.

The CHAIRMAN: There is nothing in this motion concerning the use of questions on the order paper.

Mr. FRANCIS: The second part of the motion refers to something being left unresolved.

The CHAIRMAN: "And the matter now before the committee remain unresolved". In my view the matter before the committee is not the use of questions in the broad sense, and this is the point that I was raising.

Mr. FRANCIS: Mr. Chairman, the point before us is misrepresentation by alleging that the *Hansard* index represents a member's diligence.

The CHAIRMAN: That may be your interpretation, Mr. Francis, but it is not necessarily so.

Mr. FRANCIS: I am speaking on that basis.

The CHAIRMAN: Would you like to proceed? I hope that the members of the committee will not get into that argument.

Mr. CASHIN: May I speak to a point of order?

The CHAIRMAN: Yes, in a moment, I would hope that members of the committee would not get into arguments that are not before the committee. I will now hear you on your point of order, Mr. Cashin.

Mr. CASHIN: Mr. Chairman, my point of order is that the matter before the committee is whether or not the reproduction of the *Hansard* index constituted a breach of the privileges of parliament. The only relevancy of the other part here is that the purpose of reproducing *Hansard* was to give authenticity to the index and to the questions. I do not think there is anything wrong with saying something that is misleading. I do not think a question of privilege arises when anyone says something misleading as far as a member of parliament is concerned. In this case the breach of privilege is that they used a page of *Hansard* index which, in my opinion, is technically a breach of privilege, and that is the matter before the committee now.

If I may continue on this point of order; I, along with other members, have been on this committee very regularly when all these matters have come up and we get into all sorts of side tracks that are really not germane to the matter before us and it makes this committee look ridiculous. If this committee is to have any function at all, I think we should attend to the question of privilege and, as far as possible, remove these other things that go back and forth between the parties. I am bringing this particular point up now because I would like to leave at 11 o'clock.

The CHAIRMAN: Mr. Francis, would you like to continue?

Mr. FRANCIS: I want to speak to the second point that relates to misrepresentation and a reflection of the report. Inasmuch as all of the records show that written questions are repeated in almost precisely the same words; there is also the contention made by the member for Port Arthur, Mr. Fisher—and I am glad to see that he is here now—which is still on the record of *Hansard*. I would hope that he would correct the record in that respect, which alleges that members of the government side—

The CHAIRMAN: Mr. Francis, that is entirely outside the ambit of this committee. Surely we are not going into that here.

Mr. FRANCIS: Mr. Chairman, with all due respect, I am contending that if we are going to look at the record and the questions on the order paper, then this is relevant.

The CHAIRMAN: I was telling the members of the committee that we are not looking into that at all. I feel this is entirely outside the terms of reference.

Mr. BASFORD: Mr. Chairman, with all due respect to your ruling—of course we are in your hands—it seems to me, by the reference from the house, that there are two matters before this committee as raised by Mr. Munro. One is the use of the coat of arms, and so forth. The other is the reference on page 12678 of *Hansard* where Mr. Munro says:

> I suggest, Mr. Speaker, that this reproduction is an abuse, not only because it reflects on the integrity and impartiality of you, Mr. Speaker, and your office, but because the matter is placed in a way which gives an unfair and misleading impression of the duties and activities of members of this house. However, I do so also on a second ground, namely its highly misleading nature. The document is headed 'Who is working for you?' and then follows an actual reproduction of the front page of the *Hansard* index, with, Mr. Speaker, as I say, your name as Speaker and the queen's printer imprint thereon. Then is shown a photostated reprint of the index in *Hansard* under each particular member's name, which is a course leading to nothing else but the inference that whoever should have the most references under his name in *Hansard* is the one who is working the hardest.

By this reference of the house there are two questions before this committee. Mr. Francis' remarks were directed to the second.

The CHAIRMAN: With all due respect, Mr. Basford, I would suggest that the arguments which Mr. Munro may or may not have used in the house are not the terms of reference or the order of reference that we have. What we do have before us is the subject matter of this complaint, referred to the standing committee on privileges and elections for appropriate action. I feel that the complaint referred to and the subject matter are contained in this document and I would hope that members of the committee would sort of confine themselves to the point at issue and not to the broad question of the use of questions on the order paper because that is not before this committee. Perhaps it could be a matter for future reference.

Mr. FRANCIS: Mr. Chairman, the point I am making is this: It has been contended by at least one member of the house here that government members on one side do not have the same freedom that the members on the other side have. I would like to hear from the member from Port Arthur whether he still retains the views as contained in the record of *Hansard* of March 4, in which he brings up this question of freedom.

Mr. BASFORD: Every time we ask a question he gets up on some funny question.

Mr. FRANCIS: I am not going to use the expression "snoopers" because that is used by others.

The CHAIRMAN: I cannot direct Mr. Fisher to comment or answer your question.

Mr. FRANCIS: In judging the record of questions on the order paper, the contention by at least one member—a highly qualified spokesman for the party involved; a man for whom I have the highest respect—is in the terms that members on our side do not have the same freedom or liberty to place questions on the order paper as members on the other side have; and that there are first and second class members. This was the contention that was put forward by the member from Port Arthur on March 4.

The CHAIRMAN: Your point may be very well taken and you may feel very strongly about it. However, I would suggest that what Mr. Fisher may or may not have said in the house on March 4, is not now before this committee.

Mr. FRANCIS: What is before this committee is whether or not the record of placing questions on the order paper is a way of judging the performance of a member.

Mr. HOWARD: Mr. Chairman, contrary to the indications some time ago by Mr. Munro as to what we would or would not do, I just wish to point out that he missed the entire conclusion because it is our desire, if the motion ever gets to a vote, to vote for it.

Mr. MUNRO: That is the only reason I said it.

Mr. HOWARD: You can argue that with Mr. Fisher on your misunderstanding of what he said. If and when this does come to a vote, Mr. Chairman, we intend to vote for it. I think what has occurred is that there has been a desperate groping to blacken certain individual names and to castigate certain organizations under the guise of trying to do something in a responsible manner. We have heard today a sort of vindictiveness against Dr. Howe by some members of the committee trying to ally him as a member of parliament with the preparation and distribution of the particular document that was referred to us. I think this is a most unworthy approach for members to take.

Mr. GREENE: Mr. Chairman, on a point of privilege, I think that is misrepresentation of the record. The only thing that was put on the record was the question of whether or not Mr. Howe was a party to the preparation of this document, and the misrepresentation involved in it is not before this committee.

Mr. MUNRO: Mr. Chairman, on the same point of privilege as Mr. Greene, I think Mr. Howard should be allowed to proceed with his remarks and develop his argument fully because obviously he feels some slight has been done to Dr. Howe and he needs these mercenaries from his party to protect the member.

Mr. HOWARD: That is a slander of the worst sort.

The CHAIRMAN: I would suggest that we get on with the matter before us.

Mr. HOWARD: I would suggest, Mr. Chairman, that you keep in check this brilliant member from Hamilton, whatever his name is, Mr. Munro, from making slanderous accusations that he is making against Dr. Howe.

If he wants to get involved in a debate and use whatever forum he likes to misrepresent the truth, that is his business. If he wants to carry out his functions as hatchet man for the Liberal party in Hamilton, that is his business, but I do not think you should permit him to use this forum in which to do it.

The CHAIRMAN: I would ask the members to preserve order. Please continue, Mr. Howard.

Mr. HOWARD: I was trying to do it gently, but it seems to offend somebody. Another thing is taking place. Here we have an organization, the steelworkers area council of Hamilton. They are the people we should be looking at.

If it is correct, as has been stated on a number of occasions, that this pamphlet was prepared by the Hamilton area council of the steelworkers union, and that it is essentially misleading, and if it is correct as has been contended by some of the Liberal members that it contains falsehoods, and that the contents are tampered with, and that the reproduction of it has resulted in tampering with an official document of parliament, then we should take some steps to deal with the Hamilton area council.

I submit we cannot do it by way of Mr. Munro's motion. Of course, it is his motion, and he is the one who uses his position in parliament to cast reflections on other people and on this organization. We are content to support

it because he was the one who started it all. I submit that Liberal members cannot—

Mr. MUNRO: Mr. Chairman, on a point of order, Mr. Howard is well aware that I made that motion based on the letter of apology.

The CHAIRMAN: I would suggest to members of the committee that in the matter of what has been said or not said before this committee, whether there has been misrepresentation or not, the committee has not found in any way that this is the case.

No one has made any motion, and the committee has not expressed an opinion on many of the points that we are now discussing. The only matter before the committee now is the motion made by Mr. Munro and seconded by Mr. Basford, and the only arguments which should be entertained are whether this motion effectively deals with the order of reference we have from the house. If it is felt that it does, then maybe we can get on to voting on it. But if some members feel that it does not perhaps they might indicate why, and they might vote accordingly.

Mr. HOWARD: With great respect and deference, I accede to your ruling. There is no question in my mind about the propriety of it, but I would with respect point out that the entire morning has been spent—and you permitted it—in dealing with spurious points of order concerning all sorts of accusations against various individuals, some of whom probably have nothing to do with it. I would note that you have prevented me from answering any of these accusations. I do wish you would apply your rulings against members of your own party as well.

The CHAIRMAN: I have listened to a long argument from you.

Mr. HOWARD: You did not have to listen to it. You could have ruled it out of order.

The CHAIRMAN: I have to listen to the point of an argument before I can rule on it. I feel that the motion we have before us is a matter to which we should relate our discussion, and perhaps to how it deals with the order of reference we have from the house.

Mr. MUNRO: On a point of privilege, Mr. Howard did indicate just now that he felt that more latitude was being shown to Liberal members than to other members. It is a valid point of privilege. Mr. Howard pointed this out at the last meeting when he spoke for about 15 minutes.

The CHAIRMAN: There is no point of privilege there.

Mr. GREENE: Mr. Howard has not stated that there were alleged falsifications of the record. The document which was published is before us. *Hansard* is a public document. In the words of the document itself which purports to represent *Hansard,* there are insertions which are not in *Hansard.* Therefore the record speaks for itself. There has been falsification of a *Hansard* report. It is not an allegation, but a fact proven before this committee.

The CHAIRMAN: It is not a question of privilege. One of the arguments before the committee is whether you feel that this motion effectively deals with the order of reference before us. I hope we may continue on that line, and I would ask Mr. Howard if he has completed his remarks.

Mr. HOWARD: You ruled me out of order.

The CHAIRMAN: I hoped you would get back to the point you had before the committee.

Mr. HOWARD: I said we intended to vote for the motion if and when we got to it.

Mr. MUNRO: Before the question is put I personally invite an amendment to the motion from members of the New Democratic party, if they desire to dispose of the matter in a different way.

Mr. HOWARD: If Mr. Munro feels that his motion is deficient, then let him amend it in the first place.

The CHAIRMAN: Dr. Ollivier has suggested a motion which might constitute the basis of a report. I would like to read it to the committee. It embodies what is in the mind of Mr. Munro and it deals with the point a little more completely. Let me read it for your consideration. I appreciate that there may be some technical difficulty in reading a second motion or what might become a report at a time when we already have a motion before us. But I trust you will bear with me. The text of the suggested motion reads as follows:

> Respecting the publication of a document by the Steelworkers Hamilton Area Council, your committee finds that there has been a breach of the privilege of this house committed by the circulation of a misrepresented report—

You had better read it yourself, Dr. Ollivier. I have difficulty deciphering your writing.

Mr. OLLIVIER: I must say first of all that this follows the terms of the report which was made in 1960. It reads as follows:

> Respecting the publication of a document by the Steelworkers Hamilton Area Council, your committee finds that there has been a breach of the privilege of this house committed by the circulation of a misrepresented report of the index of the House of Commons Debates which is not the exact and true copy of that index, and also that the Steelworkers Hamilton Area Council has failed to obtain from the proper authorities permission to reproduce the cover of a document belonging to the House of Commons.
>
> However, in view of the explanation offered by Mr. Stewart Cooke, area supervisor of the United Steelworkers of America and his expression of regret contained in a letter of apology addressed to the Chairman of the committee, your committee is of the opinion that the house would best consent its own dignity by taking no further action in the matter.

Mr. FISHER: Might I hear the first part, read again.

Mr. OLLIVIER: It reads as follows:

> Respecting the publication of a document by the Steelworkers Hamilton Area Council, your committee finds that there has been a breach of the privilege of this house committed by the circulation of a misrepresented report of the index of the House of Commons Debates which is not the exact and true copy of that index, and also that the Steelworkers Hamilton Area Council has failed to obtain from the proper authorities permission to reproduce the cover of a document belonging to the House of Commons.

Mr. FISHER: Where are we procedurally in terms of talking about this? Is Mr. Munro going to table his motion or withdraw it?

Mr. MUNRO: I have already submitted a motion. Apparently it was felt by you, Mr. Chairman, that it was deficient in wording, so a more specific motion is being substituted in lieu thereof. I am willing to govern myself by whatever the committee thinks. My only point is this: a letter of apology has come. Let us accept it and leave the matter unresolved, if that is the

pleasure of the members of the committee. If there is a member of the committee who feels that this new motion does accomplish that purpose better, it is perfectly satisfactory to me.

The CHAIRMAN: It may be all very well that you feel that the matter should be left unresolved. But we have before us an order of reference from the house which was sent to us to be resolved.

On the earlier difficulty, I was attempting to point out that we should make a finding whether in specific terms there was a violation of privilege. It may be that the committee does not wish to do this. I do not think we would be meeting the terms of our order of reference by sending it back to the house in such a case. There would certainly be some difficulty in the matter.

Mr. BASFORD: I think the rules are clear that if something is referred to a committee, then if the house wants a resolution, it will send it back for resolution. I think Mr. Fisher's original remarks were that he wanted to know where we stood procedurally in terms of talking about this. If he wishes to speak concerning the other suggested report or motion by Dr. Ollivier, then let us hear him.

The CHAIRMAN: We have a motion before us and unless it be withdrawn with the agreement of the committee I think we should put the question.

Mr. HOWARD: Let us put the question.

Mr. BASFORD: What is the question?

The CHAIRMAN: Mr. Munro's original motion is properly before us. Therefore I do not think we could without general agreement accept another form of motion until we first disposed of this one.

Mr. FISHER: Let us have the question.

The CHAIRMAN: You have heard the motion put by Mr. Munro and seconded by Mr. Basford.

Motion agreed to.

The CHAIRMAN: I would suggest this could constitute the basis of a report to the house, which I will attempt to make this afternoon, if we can obtain the translation, and so on, before then.

Mr. FISHER: Do you require a meeting of the steering committee?

The CHAIRMAN: Well, if you like we could hold a meeting of the steering committee before the orders of the day, or perhaps we might do it now. I might suggest we meet in camera right after this meeting to draft the report based on the motion of Mr. Munro.

Mr. HOWARD: I think that is needless; the report is quite simple.

The CHAIRMAN: In order to be sure there is agreement I would not like to do this without a meeting of the steering committee.

Mr. BASFORD: I would move that the committee adjourn and that the steering committee be authorized to draw up the report on the basis of the motion just passed.

Mr. GREENE: I second the motion.

Motion agreed to.

Mr. FISHER: I would like to take this opportunity of thanking the Chairman for trying to run as good a meeting as possible under the circumstances.

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