

[Chairman: Mr. Stewart]

[2:06 p.m.]

MR. CHAIRMAN: Would the committee please come to order. There being a quorum, I would ask for a motion to approve our very simple agenda that is before you.

MR. GOGO: So moved.

MR. CHAIRMAN: Mr. Gogo. All those in favour, signify by saying aye.

HON. MEMBERS: Aye.

MR. CHAIRMAN: Carried. On item 3, Discussion of Motions, I have one motion before me from Mr. Wright, so I will . . .

MR. RUSSELL: Mr. Chairman, I have here a motion dealing with the same item as Mr. Wright's motion. It's a direct contrary motion to it, and in order to help with the debate, I should have it distributed now so that all members will understand that we propose to take the opposite point of view with respect to the hon. member Mr. Piquette by way of this motion.

MR. CHAIRMAN: Very good.

MRS. HEWES: Mr. Chairman, may I have another copy of Mr. Wright's motion? I don't seem to be able to put my hand on it.

MR. CHAIRMAN: We'll see if we've got a copy here.
Mr. Wright, would you wish to speak to your motion?

MR. WRIGHT: Yes, Mr. Chairman. The idea that Mr. Piquette could have breached the privileges of the Assembly in making his point of privilege at pages 636 and 637 of *Hansard* or in his letter to the Speaker on April 8 or in his remarks on April 10 really bewilders one.

It's quite shocking to look at the opposite proposition which is set out in the motion, which we will be asked to vote on after this, because all that Mr. Piquette was doing on the first mentioned occasion, which was the day that his asking a question partly in French was ruled out of order, was simply raising the question of privilege. How can that be construed as a

failure to uphold the absolute authority of the Speaker to rule on points of order and to accept such rulings without debate or appeal

any more than just what happens whenever a point of order is raised at the end of question period or at other times? At the end of question period you're always arguing -- or, I guess without exception, you're arguing -- with a ruling of the Speaker that's already been made. But you can't argue the point at the time, and therefore you raise it, one hopes, to govern such similar matters in the future or perhaps to allow the Speaker on a subsequent occasion or then perhaps to reconsider his ruling and to allow the particular question to go ahead either at that time or at some other convenient time.

At any rate, Mr. Chairman, this is quite shocking that a member, obviously bona fide, obviously because he believes he has a right, and obviously in the greatest good faith is raising a question of privilege, and moreover, a question which later the Speaker determines is indeed a question of privilege. Furthermore, it goes on to say, it is one of the rare occasions on which it's been properly raised. To characterize that, as the government members, at least the proposer of the opposite motion --

perhaps he just speaks for himself alone, though I doubt it -- as a failure to uphold his authority and to accept such rulings is just plain silly.

But it's worse than silly, because it attempts to put a muzzle on members of the Assembly in a totally illegitimate way. Members should be muzzled in the sense of preventing to speak when they speak in a way to bring the Assembly into contempt or individual members of it or the Speaker into contempt, of course. But this is not the case; this is a bona fide attempt to right what the member perceives as a wrong to him under the rules. His language could not be more measured and reasonable, having regard to the complaint that he had.

Mr. Speaker, it is my contention that in directing me during the course of today's Oral Question Period to put my question to the Minister of Education en anglais, you breached . . .

which are his very words, of course, and he said that with a smile on his face

. . . the privilege enjoyed by all members of this Assembly and you exceeded your authority. The basic right of all Albertans to conduct their business . . .

And then he went on and made his point: two official languages.

Accordingly, it is the right of each and every member of this Assembly to conduct their business in this Assembly at any point in the Assembly's proceedings in either official language . . . This privilege can only be denied under the authority of some instrument superior to those constitutional instruments . . . and so on.

In short compass he simply based his objection on the very points that four out of five of the expert witnesses, all of them learned gentlemen, made before us in this Assembly. To suggest even for a minute that those remarks could amount to a failure to uphold the absolute authority of the Speaker to rule on points of order and to accept such rulings without debate or appeal is laughable. I wish it were only laughable. It's also an offence to the sense of justice of all right-thinking members of this Assembly, I suppose, Mr. Chairman, and many other people too. If a member is not allowed under pain of being called in contempt and directed to apologize to the Assembly when he wants to raise a question of privilege, then we are in a fascist Assembly. I mean, that has to be the inevitable result of accepting the opposite of the motion I'm speaking to now, as exemplified in the motion put on notice by the Minister of Advanced Education.

Turning next to the letter to the Speaker on April 8, 1987, exactly the same remarks apply with added force in that that was the very thing called for by the Standing Orders. Standing Order 15 says:

A member wishing to raise a question of privilege shall . . .
has no option

. . . give a written notice containing a brief statement of the question to Mr. Speaker and, if practicable, to any person whose conduct may be called in question . . .

No other person's conduct was called in question. In fact, no one's conduct was called in question. It was simply a ruling of the Speaker which the Speaker later admitted did raise a question of privilege. It's called for by the rules. Mr. Speaker had, at the end of the debate I think on that point, referred -- yes, indeed he had, at page 638 of *Hansard* -- the member to Standing Order 15(2) and directed the member "to conform to Standing

Order 15(2) and have the information to the Speaker's office tomorrow." That's the very thing I just read from, Mr. Chairman.

So how that could be construed as a breach of privilege and casting certain reflections upon the Speaker and his actions and thereby attempting to undermine the position of Mr. Speaker,

I am entirely at a loss to understand, unless in writing this letter he went beyond what was reasonably appropriate in the circumstances. And to do that he would have to have gone very clearly beyond what was reasonably appropriate in the circumstances.

Now, you've heard such an authority as Dr. Forsey say that really he couldn't consider how this could be construed as going beyond what was reasonably necessary to state his point of order or of privilege, as it turned out to be, because naturally in stating your point of order in arguing with a ruling of the Speaker, you have to say the Speaker was in error, whether you say so in terms or by implication. Obviously, if the Speaker wasn't in error, you wouldn't be making the complaint. So are we to have such a fascist Assembly that calling in question a ruling of the Speaker is deemed to be a breach of the privileges of the Assembly? Come on. Yet that is the implication of question 2 and certainly the statement in effect of the contrary motion.

The third item is "or in remarks in the Assembly on April 10, 1987." Now, the remarks on April 10, 1987 -- I don't have that *Hansard* in front of me, but I believe it's an exhibit, is it not? I think that's the day when he attempted to make an apology. Yes, on that day he attempted to make a very simple type of statement, namely that he could not see how he had been wrong in proceeding as he had and releasing that letter, which was his letter -- not the House's letter, his letter -- to the press. The press were wanting it. The press expected he'd been directed to give it to the Speaker, and it was called for in the Standing Orders anyway. So it was in the public eye, a very reasonable thing to do, and I know we'd do it again. How that could be considered to be a breach of privilege really bewildered the hon. member, as it bewildered all of us. But he said, "Look, that's my position." I'm paraphrasing what he said. "I don't think I did anything wrong at all. It's reasonable, it's called for, and so on. But if I did do something wrong, then I'm sorry."

What's unreasonable about that? Nothing at all, and how it could be considered, again on exactly the same basis, as a breach of the privilege of the Assembly just because you are differing in your opinion with the Speaker and stating so in the context of Standing Orders and the ordinary rules of the court, is a travesty -- a travesty, I say, Mr. Chairman -- of the rules that we attempt to live by. You know, I'm just a rookie member of this House, not quite a complete rookie now. Nonetheless, it's plain from reading the rules and just one's sense of fairness and fair dealing that that must be the answer.

So, Mr. Chairman, in summary, in doing these things Mr. Piquette was simply in good faith and reasonably exercising his right, as any member of this House may, to differ from a ruling of the Speaker and to follow out the routine that then arises. Clearly -- very, very clearly -- he cannot have been considered to be breaching the privileges of the House.

MR. CHAIRMAN: Thank you, Mr. Wright.

MR. FOX: Speaking only to Mr. Wright's motion:

Be it resolved that the committee finds, in answer to question 2 in the committee's motion of reference, that

the hon. Member for Athabasca-Lac La Biche at no time breached the privileges of the Assembly.

I want to echo the comments made by my colleague in moving the motion. It seems to go beyond straining credibility to suggest that Mr. Piquette at any time in his raising of the issue or speaking to it at any point breached the privileges of this Assembly, because I've read his remarks again and again and I find him to be moderated, temperate, in order, and appropriate and respectful. To suggest that he breached the privileges of this Assembly is ridiculous, and I think we should move quickly to resolve this.

This is the final question before the committee. We've had deliberations on some other issues and had some testimony from expert witnesses, several of which touched on these issues too. And other than the expert on international terrorism, none of the other expert witnesses before us found that anything Mr. Piquette had done to be a reasonable breach of privileges of the Assembly. That's based on Dr. Forsey's decades of experience in the federal House; Professor Dawson's experience as an editor of *Beauchesne*, some considerable expertise in the rules of Assemblies; Dean Christian.

It's hard for me to imagine that we, being reasonable, fair-minded members of this committee, could find that Mr. Piquette did anything that breached the privilege of this House. His initial action was merely to raise a question initially in French. He was going to follow with an English translation, but nobody was allowed to know that at the time. Then, he merely said that when being prevented from speaking in French, he felt he was being denied his rights because no one had proven otherwise. Indeed, it was a government motion passed yesterday that we in this committee, after hearing hours of expert testimony, could not decide for ourselves whether or not the right to speak French in this Assembly existed. So it's unreasonable to expect that Mr. Piquette should make the determination on his own if government members of this committee feel that we can't.

So he raised the question and was ruled out of order. He expressed his concern about being ruled out of order. Our Standing Orders require that he take certain actions from that point on. He did so. He was asked to apologize by a ruling by the Speaker on April 9. He tried to do that on April 10 -- members can reread that if they like -- when he got up and basically said, "I can't see where I've done anything wrong, but if you feel that I have and it's offended you, then I apologize." That was his attempt to apologize, but it can't go unnoted that he was prevented from being allowed to apologize in this Assembly.

In closing my few comments in support of Mr. Wright's motion, I just think it would go beyond the bounds of decency for any member of this committee to find that Mr. Piquette has breached the privileges of the Assembly in any way in his very moderate and temperate attempts to do what he thought was right and then beyond that what he was required to do.

MR. CHAIRMAN: Thank you, Mr. Fox.

Is there any other member that wishes . . . Mr. Gibeault.

MR. GIBEAULT: Yes, Mr. Chairman, I too would like to speak in favour of Mr. Wright's motion here. It seems clear from the evidence that has been before us that Mr. Piquette made his case, I think, with absolute reasonableness. I only wish that I could say the same for the actions of the Speaker, but the record is clear: the Speaker ruled him out of order as he was trying to ask his question, did not allow Mr. Piquette to finish before he insisted on making this ruling of order. But Mr. Pi-

quette, being a very reasonable person that he was, yielded, complied with the ruling of the Speaker at that moment. He went on. He asked his question in English, raised the point of order and later the point of privilege. He submitted this letter in the most temperate and moderate tone, as my colleagues mentioned as well, as was requested by the Speaker.

To me it seems that Mr. Piquette has complied with any possible, reasonable examination of the circumstances and the requirements for making his point of privilege, and I don't think there's any evidence to the contrary whatsoever. The expert witnesses that we heard giving testimony before our committee indicated that as well. Mr. Dawson said clearly there is no way that Mr. Piquette could have raised his concern in a more moderate tone than he did. I can only conclude that there is no evidence whatsoever that Mr. Piquette did not conduct himself in the most reasonable, the most responsible possible manner. There's just simply no reason, Mr. Chairman, for members of this committee not to support this motion.

MR. CHAIRMAN: Is there any other member wishing to speak to this motion? Mr. Musgreave.

MR. MUSGREAVE: I just have a few brief comments. I would have thought that common courtesy would have had the letter which was directed to the Speaker to be released only after it was delivered to the Speaker and by the Speaker, rather than they send out the letter.

I'm also shocked, if I understood him correctly -- and I use that caveat -- that the hon. Member for Edmonton Strathcona would use the word "fascist" when I understand he was speaking about the action of the Speaker or perhaps it was the action of the House. But whatever it was, I thought it was not the kind of language that should be used.

MR. WRIGHT: On a point of personal privilege, I used the term once or twice with regard to the effect of the motion that would contradict ours.

MR. MUSGREAVE: I accept his point, Mr. Chairman.

The hon. members have all mentioned the expertise of Dr. Forsey. I think they appreciate that some of us on this committee have difficulty in accepting his expertise, and I note too -- and I guess this is only fair debate -- that they did not mention the expertise of Dr. Green. If the hon. members figure that I'm indecent because I don't agree with them, so be it.

MR. CHAIRMAN: Any other member wishing to speak to this motion? Mrs. Hewes.

MRS. HEWES: Mr. Chairman, thank you. I support the motion. I've reviewed all of the testimony, and for the life of me I cannot find that the hon. Member for Athabasca-Lac La Biche breached the privileges of the Assembly, willfully or intentionally or in any other way.

Mr. Chairman, as we review it, it seems that Mr. Piquette believed he had a right, and he was prepared to offer to the Assembly a translation of his original question in English with the understanding of the minister. It was at that point that the intervention was made, and he was not allowed to conclude. From then on the difficulties began.

Now, Mr. Chairman, whether or not you accept what Senator Forsey's capacity is -- an expert in constitutional law or constitutional or parliamentary behaviour or procedure -- one thing

he did say was that he thought all of the procedures should be looked at and interpreted with common sense. And I think had common sense prevailed at the time, we would not have found ourselves in this most difficult and volatile situation. I would hope that common sense would prevail today, that we would understand what we're doing here, not just in our Assembly and to the Member for Athabasca-Lac La Biche but in the much wider context.

Let me tell you, this decision and this discussion is being looked at and viewed across the country. And if we want to make a cause célèbre out of the fact that Alberta is refusing to allow French in the Legislature and refusing to acknowledge the duality of the Canadian context and the two cultures of our country and the two official languages of our country, then fine, let's continue. But I don't believe any of us want that to occur. I hope that's not part of our objective here. But that's exactly what we're going to achieve if we persist in what I believe to be a regressive and nonproductive course for the member, for this Assembly, and for this province in the nation of Canada. I think it is a volatile situation, and we should do everything we can to resolve the matter in as proper and appropriate a way as possible.

I think we need to look carefully of course at the evidence. Mr. Piquette believed he had the right. The intervention was made; he was never allowed to complete. In the final analysis, the matter was determined by the Speaker to be a matter of privilege and properly referred to a committee. Now, I don't see within all of that how he could have breached our privileges. To be sure, the matter of the letter has been discussed at length, and whether or not it should have gone to the public before or after the Speaker made it a publication of the House I think is not of enormous consequence in light of the much, much wider picture.

Mr. Chairman, the member in no way breached my privileges or my capacity to function as a member, either today or over time. And that, in essence, is the matter of privilege. I believe in no way did he breach the privileges of this House or the procedures of this House. I think he believed he was following the appropriate and written Standing Orders and *Beauchesne*, and I think he attempted -- perhaps not in as sophisticated a fashion as some members would have liked -- to do what he believed to be the right and proper legal and courteous thing. I think if we find him in breach of our privileges, we will find many, many more examples of people who have acted perhaps somewhat tangentially but who have not been subjected to the same kind of scrutiny.

I would beg members of the committee, Mr. Chairman, to use common sense here and do the right and proper thing related to this question. I think the motion is entirely appropriate, and I see no reason to pursue the matter further. I think we should support it.

MR. CHAIRMAN: Thank you, Mrs. Hewes. Is there any further member wishing to speak to the motion?

Mr. Wright.

MR. WRIGHT: In summing up for the motion, Mr. Chairman, one of the difficulties of the charges made in the motion is the lack of specificity. What we have here is an example of the difficulties of that, because it does appear, from the one government speaker that has spoken to this matter, that what is being dwelt on is not what I spoke to as being what Mr. Piquette spoke of at pages 636 to 637 of *Hansard* on April 7, that was the point

of privilege, or the remarks in his letter to the Speaker of the Assembly on April 8, which I spoke to, or in his remarks in the Assembly on April 10, 1987, but something in respect of any other matter in connection therewith and it seems it must be the release of the letter to the press.

MR. CHAIRMAN: Excuse me, Mr. Wright. Are you speaking to your motion or are you speaking to the other? Which motion are you speaking to?

MR. WRIGHT: I am speaking to my motion, yes. My motion is that Mr. Piquette did not breach privilege. The one speaker speaking against the motion has mentioned the release of the letter. That is not one of the things specified in 2 but is presumably within 2 as being something in respect of some other matter in connection therewith. Okay? Well, if that's what we're talking about, this is nonsense, Mr. Chairman, because what the Speaker said about this was as follows, and I'm quoting from page 697 of *Hansard*. This was on April 9.

This letter was addressed to me in my capacity as Speaker and, as such, must be considered a publication of this House. *Beauchesne*, citation 41, describes the abuse of the House's control over its own papers as a point of privilege.

So what was being spoken about was this letter that Mr. Piquette was delivering pursuant to Standing Order 15(2) by direction of the Speaker and which he had almost but not quite simultaneously released to the press at the same time that he handed it in to the Speaker. That is why we must deal with the rules about publications, not just documents of the House. That wasn't the charge, so to speak. That wasn't what the Speaker found the *prima facie* case on, a publication, and the only authority was section 41 of *Beauchesne*, control over publications. The only publications mentioned there -- and they must therefore be typical of the class -- are the Votes and Proceedings and *Journals*, but *Hansard* is in that class doubtless, namely the commonsense meaning of the word "publication."

If I send you a letter, Mr. Chairman, it's my publication in legal terms, not yours. Conceivably it might be your publication if you handed it on to someone, but it was Mr. Piquette's publication and not any publication of the House. So he was free to do with it as he liked, and citation 41(1) of *Beauchesne* is beside the point. That was the point he made when he attempted his statement to the Speaker on April 10. He said:

As to the question of publication, here again I must with the greatest respect express the surprise I feel at my letter to you being considered a publication of the House, as are, for example, *Alberta Hansard*, the Votes and Proceedings, and the *Journals*. *Beauchesne*, citation 41(1) and following, to my mind, makes it very clear that the words "published" and "publications" are words used in *Beauchesne* in their ordinary sense, so that my letter to you setting out the question of privilege was my publication and not a publication of the House. The copy of my letter to you which I kept was mine to do with as I liked. In giving copies to interested reporters, the matters already being in the public eye, I believe I was acting reasonably, and no disrespect of anyone was intended. However, if in any way that may reasonably be construed as disrespectful of the privileges and courtesies of this House, in that event I would apologize.

Now, the next point is that since I'm just divining from what

I hear from the one person that's spoken against the motion that this is the case, what we're dealing with to impeach Mr. Piquette on this count is the release of a copy of the letter to the Speaker to the press, then we must look at the evidence too. The evidence is that Mr. Piquette did not in fact himself release the letter; someone else did that. Mr. Piquette did not dissent from its release, but he himself did not release the letter. So if that is the ground of the opposition to the motion, not only is it wrong in principle but it's wrong on the facts in any event, Mr. Chairman.

You know, I suppose I sound partisan in this because Mr. Piquette is of the same party as I am, but my remarks would not be one whit different were it a member of this House from some other party dealing with this matter. An attempt was made, successfully as it turned out, to say that the Member for Calgary Buffalo had been guilty of a breach of privilege, and I argued just as strongly in his case on the grounds that the procedure had not been followed as I would had he happened to have been a member of my caucus.

Everything I say is based on my honest appreciation of the situation. It requires no expert knowledge, however. It's just plain common sense in my respectful submission, irrespective of the fact that he happens to be a member of the party I uphold in this House.

MR. CHAIRMAN: Thank you, Mr. Wright.
Are members ready for the question?

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: All those in favour of the motion of Mr. Wright, signify by saying aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Contrary?

SOME HON. MEMBERS: No.

MR. CHAIRMAN: All those in favour of the motion, please signify by raising their hands. Contrary. Thank you. I declare the motion defeated.

MR. CHAIRMAN: Mr. Russell, we have received your motion, and I would ask you now to speak to it.

MR. RUSSELL: Thank you, Mr. Chairman. This motion is contrary to the one we just finished debating. That's the reason I didn't participate in the previous debate, because I'm going to make a series of contrary and opposing arguments. The motion reads:

Be it resolved that because the hon. Member for Athabasca-Lac La Biche has breached the privileges of all members of the Assembly

- (a) by his failure to uphold the absolute authority of the Speaker to rule on points of order and to accept such rulings without debate or appeal,
 - (b) by casting certain reflections upon the Speaker and his actions and thereby attempting to undermine the position of Mr. Speaker,
- the committee recommends that the hon. member unconditionally apologize to the Assembly in respect to such breaches of privilege at the first reasonable

opportunity.

So the motion sets out the framework of argument for the breaches of privileges and then suggests a reparation or a repair, and in this case it's simply an apology to the House. Mr. Chairman, in making my argument, I'm going to deal with essentially three main aspects of this: that is, the plan that had been organized and described by the caucus of the Official Opposition in order to make their point on this issue; then relate from the evidence the story of what had happened; and thirdly, conclude with some comments about the behaviour of the hon. member in question with respect to the incident.

By way of introductory remarks, I believe it's been established through the sittings of this committee that we are not able to decide whether or not there is a legal right for an hon. member to speak French in this Assembly. That matter is now before the Supreme Court of Canada. We are also aware that there is precedent for French having been spoken in this Assembly, as there have been instances where many other languages have been spoken. So the matter, as a matter of courtesy extended by all members to one of our colleagues to speak any language in the House on certain occasions, is there by precedent, and I don't believe that's the question that is in order. What we are looking at is: once having embarked upon this plan, the Speaker intervened, and at that point did a breach of privilege occur? My argument will attempt to show that it did.

The first part of the argument -- that is, the plan -- I believe, as described by various witnesses, was well thought out and well organized. The hon. member is a well-known proponent of the French language rights of the French community in Alberta and was anxious at times to speak in French in the House and had discussed this with the Speaker, and that's confirmed in writing and also in testimony. The hon. member in his testimony before the committee said that he wanted to speak in the French language on this particular case because it dealt with a clause in the School Act and that was of particular interest to his constituents. In fact, some of those constituents may have been present in the House that day. He said he gave prior advice to the Clerk's office and to the minister that he was going to question and that to make sure the question would be recognized, it was the plan of their caucus leader to designate that question as a second question belonging to the Leader of the Opposition on the particular day they wished to ask it.

So the story is clear. They had a reason for doing it which we all understand, and all hon. members have done this: brought people into the House, tried to arrange scheduling, et cetera, when they want to make a certain point. The reason I'm describing the plan, Mr. Chairman, is because we are not dealing here with a case of an hon. member proceeding innocently in the heat of the question period. This was strategically and well thought out, and the ground rules had been earlier described.

I think it's very important for us to consider why this happened in the question period. We know that since the election of 1986, when there are many more members on the opposition side of the House, the question period has become more active than it had been when there were fewer members. Now, one thing that has been introduced is the long preamble to questions, which has been recognized by the Speaker and agreed to by the various House leaders. I mention that because in effect those are minidebates. Questions, when they're put to ministers of the government, really become minidebates. They're spontaneous, without prior notice in most cases, and it's the responsibility and the right of every member to participate. It's also the respon-

sibility of the Speaker to rule and uphold the rules of Parliament through *Beauchesne* and *Erskine May* and the rules of our House according to our Standing Orders. So the question period is probably one of the most important parts of the agenda of this Assembly. I went into some length to describe that because it's important, if it's to function well, that all members in the House understand at all times what is happening, what is being said to them or about them or about their constituents. It's also important that members of the public and members of the media covering the events understand what has happened.

So we have the day arriving. The member, having spoken to the Speaker, I suppose a year previously, with respect to the use of the French language in the House and being told specifically not to ask questions in the question period using the French language, proceeded to do exactly that. We have the letter from the Speaker outlining that conversation and understanding which occurred. The hon. member says he had discussed the question with the minister on the evening prior to the question being asked the next day during the course of half a flight's descent from the Assembly down to the main floor, and again I think the verbatim testimony of the hon. member outlines his various recollections of that discussion.

We then have the explanation that the Clerk's office was given advance notice of what was to happen, to be prepared for something to happen in French presumably. This advance notice occurred somewhere -- eight or nine minutes -- before the House convened that day, and the discussion which occurred between the hon. member and the Clerk's office was certainly very brief and not very detailed. I know I had trouble understanding what exactly might have been meant when the hon. member said he came in and said, "Get ready for French" or "Be prepared for French" that day. Whatever the exact words are, they're in the proceedings. And fortunately the clerks understood what he meant because they had previously discussed the use of the French language.

It's interesting to note that the opposition believed they had informed *Hansard* when in fact no such thing had occurred. I'm reading from the letter of the hon. House leader . . .

MR. GIBEAULT: Point of order, Mr. Chairman. [Inaudible] to see what the minister's discussions here relate to his motion. There's nothing in here in reference to *Hansard* as far as I see. What does that have to do with the motion?

MR. RUSSELL: Yes, I'm getting to that. I'm describing the sequence of events that happened that day, and I'm going to show why a breach of privilege occurred. They claimed in a letter from their House leader, which has been tabled as an exhibit, that *Hansard* staff had been informed, when in fact we learn that no such thing had occurred. They may have believed it occurred, but in fact it hadn't, and we heard that from the witnesses. We then have the testimony of the Minister of Education, describing that plan or the proposal to ask a question in French and her comments and reaction to it.

So what we have against the background of the question period as it now exists in the Alberta Legislature is a well-structured plan, organized by the opposition -- and there's nothing wrong with that; I'm not inferring any kind of criticism, but it was a well-thought-out plan -- and the story of what in fact happened in the implementation of that plan. It's pretty sketchy, and I think the kindest words I could use is that there are strong differences of opinion as to what really happened that day prior to the question being asked.

Then we come to the day of April 7 and the behaviour of the hon. member in the House. Now, he had been told a year previous not to use French in the question period, and he got up and did it anyway. When he was interrupted by the Speaker to speak in English, the working language of this House, he attempted to proceed in French again and from there on challenged the ruling of the Speaker and, subsequent to that, the letter telling the Speaker that he had exceeded his authority, et cetera, and the attendant news coverage that went with it.

I'll conclude my arguments, Mr. Chairman, by referring to *Beauchesne*, "The Speaker as Presiding Officer of the House of Commons", section 117 through 118 and 119. Those are sections we've referred to many times in debate in this House to remind all of us that the referee, whether we like him or not or whether or not we agree with his rules, has to be respected, otherwise the place will lose its order and decorum. If a person does have a way of disagreeing with the Speaker, there is a way to do it. But I do believe, and I'm making the proposition, that the hon. member breached the privileges of all of us, the rest of the members, in attempting to ask a question in French during a part of the House proceedings in which it's important that we all understand what's going on and in fact probably want to participate; that notwithstanding being called to order by the Speaker, he attempted to proceed with his proposition in any event and, in fact, challenged the ruling of the Speaker.

So I believe we should put an end to this matter, this part of it. We've dealt with his rights to speak French, and they do not exist in a legal sense, although in a sense of courtesy, the conventions of this House have permitted them to happen on previous occasions. But as a legal right, that has not yet been determined and won't be determined by this Assembly. So as a matter of courtesy, he could have had he followed the arrangement he'd reached with the Speaker. So we've put the question of the right to language. We're now dealing with the behaviour of the hon. member, and frankly, I think, without attaching a label of a fascist Assembly or anything of that nature to ourselves, we should ask the member to apologize at the earliest opportunity.

MR. CHAIRMAN: Thank you, Mr. Russell. Mr. Fox, followed by Mr. Wright.

MR. FOX: Well, it's bad enough that our motion that would find Mr. Piquette having breached no privilege is defeated by government members, but to be presented with an offensive motion like this causes me great sadness. It's not enough that the Conservative members of this committee, through exercising their majority, in an offhanded way attempted to dismiss expert testimony in terms of the right to use Canada's other official language in this Assembly; it's not enough that they effectively offended every Franco-Albertan by denying that French has any status as an official language in this Assembly by their motions yesterday. But they go beyond that now to try to bully an hon. member who merely did what he thought was right and in no way tried to offend or exceed or violate privileges of this Assembly. I find it saddening and truly offensive. No matter how temperate the hon. Deputy Premier tries to be in his remarks, the intent is clear, and that is that they want to punish the Member for Athabasca-Lac La Biche because quite frankly his actions have caused them some degree of embarrassment and discomfort. I think that's really unfortunate.

Mr. Russell refers to a plan in his motion, that the Official Opposition had a plan. He keeps using the word in a sort of insidious way as if to imply that Mr. Piquette actually planned to

be ruled out of order that day. I'm not sure if that's his intention; he may clarify that for me if he speaks again.

I'm going to speak about what happened in terms of the asking of this question, because I sit on our caucus' strategic planning committee, and I'm involved daily in making decisions about what goes on in this Assembly from the Official Opposition. We spent some two weeks on and off discussing Mr. Piquette's questions to be asked in regard to specific sections of the School Act, those sections regarding French language education. We spent all of that time considering the content of the questions, wanting to make sure that by asking the government certain questions about what their plans were with regard to the pending School Act, we didn't by inference contradict our policy objectives in terms of how French language education ought to be handled in the province of Alberta. We did not for one moment think about the language in which the questions were going to be asked. Now, that is the absolute truth of what happened. The reason we didn't give it one moment's thought is because it seemed absurd to think that anyone would object to the asking of a question about French language education in French, especially when the member was intending to translate it in English immediately upon finishing posing the question in French and he would be asking it to a minister who has some competence in French. So that's the extent of the plan in fact to which the hon. Deputy Premier refers.

He also referred to the agreement that supposedly existed between Mr. Speaker Carter and the hon. Member for Athabasca-Lac La Biche, an agreement made over a year ago. I gather from Mr. Piquette that it was an agreement worked out in a conversation that occurred both prior to and after Mr. Piquette's maiden speech, although from the letter received by this committee from Dr. Carter it refers only to a discussion prior to Mr. Piquette's maiden speech, so I'm not sure about that. Anyway there was a conversation. There's no doubt that there was a conversation between these two honourable gentlemen about the use of French in the Assembly. There are, however, some apparent differences of opinion about what took place in that conversation between them. We don't have the opportunity as members of this committee to cross-examine the Speaker, for some perhaps very valid reasons, but nonetheless his words appear before us in a letter. And I object in the strongest possible terms to Mr. Russell referring to everything Mr. Speaker Carter says in his letter as if it were absolute fact when it's in contradiction, admittedly in contradiction, to some of the things Mr. Piquette said. I accept both of them as hon. members of this Assembly, take them both at their word, and before I decide for myself what actually went on in that conversation, I wish I'd had the opportunity to try and marry their two testimonies. Indeed, if we'd had this letter from Speaker Carter before we had a chance to cross-examine Mr. Piquette, even that would have given us a chance to try and determine whether or not Speaker Carter's 25-word exact, quoted recollection of the conversation was somewhat different from Mr. Piquette's recollection. But we don't have that information and we can't make that determination.

But what I would like to point out again to members is that we had two hon. members having a casual conversation about the use of French in this Assembly. From that point on we had one of those members deciding that it was appropriate for him to speak French at a given time and going ahead and acting out what he thought he was required to do as a result of that conversation. He went to the Clerk's office and informed them, perhaps not in a way that they would have liked, but it's agreed and

obvious that he did go and make some attempt to tell them what he was doing. He did go to the hon. Minister of Education, perhaps in not the most appropriate way, but he did let the hon. Minister of Education know what was coming up and expected her to be able to infer from that that questions would be forthcoming. So he acted upon his memory of that conversation.

On the other hand, based on the testimony we have here, we have no indication that Speaker Carter told anybody or acted in any way on his recollection of the conversation. I find that difficult to resolve. In my mind, it's clear that ministers of the Crown weren't informed, or at least the minister that we contacted or we cross-examined here. We weren't told by her, or she wasn't told by the Speaker, that French would not be allowed in question period. The Acting Clerk of the Assembly wasn't told. Mrs. Empson wasn't told. I think that's a considerable difficulty in terms of us trying to decide who's right and who's wrong or, indeed, if there's any conflict between the two members.

I think in my mind that what may have occurred is that Speaker Carter said he wanted the use of French restricted to debates only. Perhaps that was what was said, and in Mr. Piquette's mind, as a novice member, he didn't distinguish between debates and question period as procedure in the House. Sometimes these differences of opinion are easy to resolve, but we as a committee have not been able to resolve that, and I don't think we should make determinations based on that. And to infer quite directly that one member is right and another member is therefore wrong is not proper, I don't think.

In terms of whether or not Mr. Piquette notified *Hansard*, well, he did not go and speak to someone who is an employee of *Hansard*, but he did go speak to Mrs. Empson, and she admitted that. She also admitted that when it comes time to provide French translation for *Hansard*, it is she that does so. Certainly one can see that Mr. Piquette did attempt to notify *Hansard* in the way that he thought it appropriate.

I want to look at this offensive motion that's before us now and examine the actual proceedings of that day, because this motion says:

Be it resolved that . . . the hon. Member for Athabasca-Lac La Biche has breached the privileges of all members of this Assembly

That's a very, very serious charge. Let's look at what it's based on, section (a):

By his failure to uphold the absolute authority of the Speaker to rule on points of order and to accept such rulings without debate or appeal.

Well, let's look back here. On that day Mr. Piquette said: Thank you, Mr. Speaker. To the Minister of Education, le ministre de l'éducation.

or however you say that. He translated that. Then he went on to ask a question. He got six words of the question in French out of his mouth before he was ruled out of order, at which point the Speaker reminded him of a conversation they'd had last June. And perhaps the Speaker's recollection of that conversation differed from the hon. Member for Athabasca-Lac La Biche's recognition, but he reminded of that and then said: in English, please; "En anglais, s'il vous plaît."

I submit that Mr. Piquette did exactly what was appropriate at that point. The Speaker reminded him of a conversation past. He reminded the Speaker that he rose in the House last year and outlined why he believed it was his right to speak in French in the Assembly and then went on to finish asking the question in

French so he could proceed with the English as asked by the hon. Speaker. He was again interrupted before he could finish that. The Speaker made a definite ruling where he implied that it had better be English or you'll lose your place in the question period, and then Mr. Piquette went on to ask the question entirely in English, as he had been directed. Had the Speaker said in his initial interruption, "In English only, s'il vous plaît; en anglais seulement, s'il vous plaît," then Mr. Piquette would have understood that to be a clear direction and it might have been a little different. But I just can't imagine how this would be interpreted as a breach of privilege of this Assembly.

If that's the case, if the government members of this committee want to establish that precedent in this House, we'll be kept busy from now till sundown with matters of privilege arising out of Westlock-Sturgeon's occasional conversations with the Speaker. Indeed, the member who sits next to this chair here, the hon. Provincial Treasurer, would be found in breach of privilege several times, as would the Minister of the Environment, because they on many occasions stand up and have to be called to order on two or three occasions before they sit down when they're attempting to answer, in a very graphic and long-winded way, perhaps, questions posed by the opposition. Do we really want to find that Mr. Piquette breached the privileges of this Assembly by trying to finish his question in French so he could put it in English as he was required to by the Speaker? I hope not, but I fear that the government members of this committee will do whatever they decided to do two months ago, and we're not going to be able to change that.

Did Mr. Piquette fail to accept the ruling without debate or appeal? He did, in the most gentle of ways, say to the Speaker that he doesn't agree with the ruling. Well, that's a common thing in this House surely. He raised that point, and then at the end of question period said in a very temperate way, "I rise on a question of privilege." I don't have to read it all into the record, but he used very polite and courteous language while trying to express to the Speaker his concern about a ruling made. It goes on in the House all the time, and I sure hope we don't want to find that those sorts of things are matters of privilege, breaches of privilege.

If there is someone that casts direct aspersions upon the Speaker or challenges the Speaker the way I see Conservative members in Manitoba challenging the Speaker by standing up and yelling and pointing their fingers, well, those are of concern to me because we need to have decorum in this House. But Mr. Piquette did not breach the decorum and did not do anything that was unreasonable or out of line or that in any way undermined or cast aspersions on the authority of the Speaker in this Chamber. I can't find that he did that in any subsequent action, either in raising a point of privilege or doing what our rules require him to do, and that is to submit a letter that outlines his concerns. Any member of the public who wishes to review Mr. Piquette's letter I'm sure would find it to be, as described by expert witnesses, a very temperate expression of his concern. And how that could be determined to be a breach of privilege is again beyond me.

But Mr. Piquette went further. On Friday, April 10, he attempted to apologize. He was asked to apologize. He attempted to apologize by saying, basically: the reasons given me for having to apologize don't really make sense to me but, with respect, if you find that they do, then I apologize. That's what he was saying. But that wasn't enough; he was ruled out of order. The Premier jumped up and accused him of weaseling afterwards. To turn a member's sincere attempt to apologize to members of

the Assembly for what may be perceived as a wrongdoing -- he attempted to turn that into a partisan debate, and I thought it was a shameful display by some members of this Assembly.

I'm really offended that Mr. Piquette was not allowed to apologize. Now, after denying him the opportunity to apologize, we're going to require him to apologize now? Is it possible that if Mr. Piquette is made to apologize by this committee and he decides to do it, would he be prevented from doing it again if his apology doesn't quite tuck his tail far enough between his legs before the government members require him to run out the door? I'm using the strongest words that I can possibly use in this Assembly, because I find this highly offensive.

I think the Conservative government is attempting to use a sledgehammer to crack a nut here. You know, they've admitted that some positive things have come out of all of this. There's been some unfortunate debate, but the cloud has indeed had a bit of a silver lining, to quote my friend from Lethbridge, and now we want to punish Mr. Piquette for some really ridiculous things here. We want to punish him for doing what members commonly do in this House, and that is to raise points of order. We want to punish him for doing what our Standing Orders require him to do, and that is to supply a letter to the Speaker outlining his concerns. We want to punish him for apologizing or attempting to apologize in the House. You know, it's beyond belief, and I'm most disappointed, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Fox. Mr. Wright, followed by Mr. Gibeault.

MR. WRIGHT: Mr. Chairman, the Minister of Advanced Education, in speaking in favour of the motion that he has introduced, referred to section 117 of *Beauchesne* as being the basis of the motion. That is the section that is familiar to us. It doesn't really need authority, but it sets out the commonly accepted points that you don't quarrel with the Speaker, that his rulings have to be accepted and not argued with.

It goes without saying in all these sections or rules that all just exceptions are permitted. In this case, there is a higher authority than a mere book of commentary, however authoritative, such as *Beauchesne*. There are our Standing Orders, Mr. Chairman, and Standing Order 15(5) says:

A member may always raise a question of privilege in the Assembly immediately after the words are uttered or the events occur that give rise to the question.

Well, we know that in question period you may not raise matters like this until the question period has ended, and so he abided by the rules doubly. He abided by Standing Order 15(5), and he waited till the end of question period just to make quite sure that he was in order, Mr. Chairman. He said, at page 631 of *Hansard*:

Okay, if you do wish the translation. But I want to rise on a point of order relating to this, because I think my rights are not being abided by, by this Legislature.

And for that he has to apologize, Mr. Chairman? For doing what the standing order permits him to do if he has a point of privilege to be raised? Why did the minister proposing this motion not advert to that? Is he trying to -- well, I won't take it any further. But you know, his experience in the Assembly is eight times or 20 times -- I don't know what it is -- greater than mine, Mr. Chairman, yet it's very easy to see that there is a section in Standing Orders, a suborder that permits him to do exactly what he did so far as the events of April 7 are concerned.

Now, I've already referred to the other occasions, being . . .

I guess there was only one other occasion -- that is, on the 10th, when he attempted to make his apology -- that he could have been thought in some way not to "uphold the absolute authority of the Speaker." But he was upholding the authority of the Speaker even on that occasion, because he was attempting to do what the Speaker had required on the previous day. He made his points -- "with the greatest respect" was his expression -- and he made them in measured and reasonable terms. I don't see how, even if he was wrong in doing that, that could be typed as a breach of privilege. I mean, you can be out of order, but this goes beyond that; this is called a breach of privilege of all members of the Assembly.

The privileges of members of the Assembly are the bundle of all their rights that they have extra to ordinary people that enables them to exercise their functions. And so what are the privileges of all the members of the Assembly that Mr. Piquette broke on either occasion? Obviously, he broke nothing at all when he attempted to make his point of privilege. And on the later occasion, if what he did was not in conformity with what the Speaker had asked, and he was out of order doubtless, he broke the privileges of all members of the Assembly, their privileges? It's very hard to follow altogether, Mr. Chairman.

Now, the other thing is:

By casting certain reflections upon the Speaker and his actions, and thereby attempting to undermine the position of Mr. Speaker.

Well, that's the same thing again, with the possible exception of the letter, which again is pursuant to suborder (2) of Standing Order 15, Mr. Chairman.

In addition, the minister paraded in (a) a number of other items which are not the foundation of his motion, and so I suggest we can't pay attention to them in deciding this motion. This motion is quite specific that the hon. member has breached the privileges of all members of the Assembly by his failure to uphold the absolute authority of the Speaker and by casting reflections upon him in his actions.

Now, the minister drew attention to Mr. Piquette's conduct in asking the question contrary to the Speaker's ruling. Well, let's have a look at that; not to his ruling, I suppose, but to the agreement. Now, it's just assumed that what the Speaker puts in a letter that Mr. Piquette did not have a chance to answer and when he declines to give evidence before this committee, although there's nothing in the law or the Standing Orders or elsewhere that prevents him doing that, that we must accept that over the word of the member. And as my hon. friend from Vegreville has said, when you do have the chance to question people, the most obvious, apparent contradictions dissolve or are seen not to be so contradictory after all when it comes to sorting out the impressions that honourable people might have had from exactly the same conversation. It's a fact of life. We're all familiar with it. Lawyers are particularly familiar with it when it comes to deciding what version of a single event was the case when undoubtedly honest people have different versions of that same event. And yet the minister unhesitatingly chooses the weaker class of evidence just because it is the Speaker. On something like this, where the evidence is what counts, there is no substitute for having the assessor of the proposition speak before us so we can ask him or her questions, Mr. Chairman. Again, the whole thing was quite wrong in not putting the statement of the Speaker to Mr. Piquette before he had been dispensed with.

Again, inadequate notice to the Speaker, in effect. The minister speaks of that as being somehow relevant. Mr. Chairman,

there are no rules about this. The only rule was an informal one that some notice would have to be given to the Speaker and to *Hansard*, and Mr. Piquette has explained how he attempted to comply with that. There was reference, too, to the letter of the Member for Edmonton Centre to the Speaker. There is no such letter. The only letter was that delivered pursuant to Standing Order 15(2).

So what we have here is a proposed resolution that relies on matters which cannot, in the estimation of any fair-minded person, be considered wrong, and there is an attempt to bolster that by matters not complained of in the motion which are more in doubt but matters of fact. The overriding point remains, however, that whatever the details and minutiae of the evidence, it's very, very plain that the hon. Member for Athabasca-Lac La Biche was merely attempting to make a very valid point, that he took all the reasonable steps that were necessary to carry that point through. He did it in the greatest of good faith. He was not intemperate, and for that he is deemed to be in breach of privilege and must unconditionally apologize to the Assembly in respect to such breaches of privilege at the first reasonable opportunity, if this motion is to pass.

Mr. Chairman, I can only say that we have here an attempt to dragoon a member that has caused the government some embarrassment into his supposed place, to teach him a lesson so he won't speak up again, to set this up perhaps as a lesson to others to watch their step. That's the only construction I can put on it because of the incredible attempt of the proposer of this motion -- and therefore, I surmise, of the government -- to make bricks without straw. There just isn't the underpinning, Mr. Chairman, to ground this motion at all. We must therefore look for some kind of motivation that would drive them to try and get it through anyway, and that is the reasonable inference from these determined attempts to do what no reasonable and fair-minded person would consider for a minute.

MR. CHAIRMAN: Thank you, Mr. Wright. On my list I have Mr. Gibeault, followed by Mr. Musgreave, and then Mr. Oldring.

Mr. Gibeault.

MR. GIBEAULT: Mr. Chairman, this motion that is before us is so shamefully petty and partisan that I am very, very troubled by it. I am appalled that government members would put some kind of a motion like this before us. But let's deal with the clauses and their merits, such as they are.

The first one refers to the absolute authority of the Speaker. Now, I suppose members of the committee and others have seen various press references to alleged divine powers of the Speaker, but I myself haven't seen evidence of that. I think that while everyone offers, certainly, respect to the Speaker, I think that respect is given under the understanding and belief that that will be properly exercised. The circumstances surrounding this particular question where Mr. Piquette tried to ask his question in French and the subsequent ruling it out of order and so on clearly show that Mr. Piquette had a very clear respect for the ruling of the Speaker and his authority. I think, Mr. Chairman, the same could not be said for the Speaker in his relation to Mr. Piquette. He, I would suggest, quite rudely ruled Mr. Piquette out of order without even giving him the decency of allowing him to finish his question to have something upon which he could make a decision. No, he interrupted him before allowing him to even complete his comments, and he did that twice.

But even after that rudeness, I would say, Mr. Piquette, in all

respect for the Speaker's position, yielded and continued to ask his question in English. And even thereafter he followed all the directions that were given to him to supply this letter. He even indicated, as we've heard earlier, that he did not believe he had made any errors, but if he had and offended anyone, then he was quite prepared to apologize. And it seems to us that this particular resolution asking for Mr. Piquette to basically grovel before this Assembly and apologize when he has already made an apology for any wrongdoing that may have been done, although there's no evidence to indicate that he has done anything wrong whatsoever, is really bizarre, Mr. Chairman.

Mr. Piquette has appeared before the committee; again, that's something we can't say for the Speaker. He seems to have had some reasons for feeling that he doesn't need to explain his words to this committee; Mr. Piquette has done so. So if we want to talk about apologies in this resolution, we could certainly think of people who could, or perhaps should, give some apologies. But, Mr. Chairman, I and my colleagues are not going to stoop to the pettiness of the government members to go about demanding that people get on their knees and apologize. That is just so petty and shameful that words are difficult to come by to describe it.

Let us just look at the next part of this resolution. It says: "by casting certain reflections upon the Speaker." Well, we've just gone over all kinds of evidence to show that Mr. Piquette has yielded to the rulings of the Speaker. He presented the expression of his concern on the question of privilege in the most moderate and temperate forms. How he could have done it any more is beyond the expert witnesses to have told us. And so the question of undermining the position of the Speaker I think is just so totally ludicrous. I'm totally puzzled why the government members would want to put something before us and before the public in such a form.

Now, the resolution actually again here is requiring an apology. I think if an apology is in order, one really must, and should, be forthcoming from the government members of this committee. They certainly owe an apology to the Franco-Albertan community of this province for the insulting behaviour that they have shown to that community. And I think certainly they owe an apology to the rest of this country, to our partners in Confederation, for undermining and betraying the proper respect for Canada's two official languages in the motion that's before us now and in the motion that was before us yesterday. Both of these, and in particular the one that is before us, are shameful. This motion is simply a question of trying to bully one member of this House. And not to put too indelicate a point on it, Mr. Chairman, it looks to me like this is really an attempt by the government members to indulge some sort of sadistic tendencies to see someone grovel before them, and that is just totally offensive.

MR. CHAIRMAN: Mr. Musgreave, followed by Mr. Oldring, and then Mr. Wright.

MR. MUSGREAVE: Mr. Chairman, in view of the fact that the hon. member Mr. Piquette is new to the Assembly, perhaps he was not aware of the importance of the role of the Speaker in enforcing the rules of the Assembly. If the Speaker did not enforce these rules, then we could, in effect, have a very chaotic Assembly. I point out that the Speaker thought they had an agreement how and when the hon. member would use French. Now, a year later he drops an offhand remark in the Clerk's office about using French. Now, with a year interval from his first

conversation with the Speaker, you would think that he would confirm his agreement with the Speaker in person, when nothing was in writing between them on what had been agreed to by the Speaker and the hon. member. Now, I'm not aware of whether the House members were aware of the agreement, and I can assure you that the members of the House were not aware of any such agreement.

I'd just like to quote from -- I know the hon. members are upset because the Speaker has not accepted the invitation to come to the committee, and I can understand why the Speaker takes this position, but I would like to quote from the letter of June 22 of the Speaker to you, Mr. Chairman. He says:

I went on to say that "... of course there would be no questions asked in French in Question Period since not all members of the Assembly would be able to understand.

Then he said that Mr. Piquette agreed. The hon. member told this committee under oath -- under oath -- that he had told the two people in the Clerk's office that he was going to ask a question in French -- under oath. Two members of the Clerk's office, also under oath, did not agree with his version of this brief conversation. The Minister of Education and the hon. Member for Athabasca-Lac La Biche were both under oath. There was some question as to what he said to the minister and where he said it to the minister. Again, we had varying interpretations of what the member said and what the minister thought he said.

I have to agree with the hon. Minister of Advanced Education when he said that in his opinion the whole escapade was well planned; there was to be a media event. I think the hon. member, when he realized what had happened, that what he was putting in jeopardy was how we conduct the affairs of the citizens of Alberta and that the role of the Speaker, so essential to the conduct of the business of the House -- and to try and advance a cause of the use of two official languages of Canada in a forum in which the use of both languages has been minimal; that was the intent.

Now, Mr. Chairman, there's no question, in view of recent events -- and I just find it appalling that I have to rebut the remarks of some of the hon. members -- that this province has stood very solidly behind the rights of Francophones in Canada. We take a backseat to no province in this country in terms of giving opportunities to young citizens to learn to be conversant in both official languages. I point out to the hon. members that there are still some of us in this Assembly who gave years of our lives in the defence of our country so that we would have these rights that the hon. member tries to make light of by ignoring the established practice and rules of this Assembly.

Mr. Chairman, I'd like to deal with another hon. member, who raised, on the matter of question of privilege, that Mr. Piquette did not argue with the Speaker. I'm speaking now of April 7. Now, he may not have argued. I'm not a lawyer. I'm not an authority as we've had here on interpretation, but I ask you this. He stands up in the House, and here's what he says; he's not arguing, but this is what he says to the Speaker. Firstly: "You breached the privilege enjoyed by all members of this Assembly ..." Secondly, he says: "... you exceeded your authority." He's telling the Speaker this. He's not arguing; he's just telling the Speaker.

He goes on to say:

The basic right of all Albertans to conduct their business through and with their provincial government in either of Canada's two official languages ...

He's not arguing. Then he goes to say:

... it is the right of each and every member of this Assembly to conduct their business ...

Then he goes on to say:

This privilege can only be denied under the authority of some instrument superior to those constitutional ...

He goes on to say:

No such authority exists, and therefore your direction to me earlier today can enjoy the sanction of no such authority.

Then he finishes by saying:

... I ask you to reconsider your ruling in light of the privileges of this Assembly, and I ask the unanimous consent of this Assembly to grant me that right.

Now, I ask you: is that argument or not? Is he not questioning the role of the Speaker and the decision the Speaker made? I suggest he was.

MR. CHAIRMAN: Thank you, Mr. Musgreave.
Mr. Oldring.

MR. OLDING: Thank you, Mr. Chairman. Speaking in support of the motion, I want to comment on a few things just to begin with. I've heard the suggestion that Franco-Albertans should be insulted by the actions of this committee. I think I want to make something very clear at this point. I want to make it clear that this committee wasn't established to examine the role of French in the Legislature; this committee was established to evaluate whether breaches of privilege had been broken or not in this House. It was only through some good fortune that we were able to come out of it with the positive motion that we did in yesterday's session.

I want to talk about the scenario that four of my members to the left have tried to paint for us this afternoon. They've told us about this very reasonable member that really wasn't trying to cause any kerfuffles in the House, that was taking a sensible approach to the whole thing; he was merely standing up to exercise what he established to be a constitutional right -- and we've already decided in this committee that we're certainly not the body to be able to decide that: whether there is or is not a constitutional right -- a reasonable person that took the time to notify properly the Speaker's office, the *Hansard* people, and the minister; everything was done on a very rational, level basis to protect the decorum of this House and to make sure that it would go off without any problems whatsoever.

I would suggest from the evidence that I've heard that that just plain simply didn't happen. I've thought about it, and I've tried to reconcile where these indifferences could be coming from. I suppose in part it's memory, and it's part that any time we try to communicate anything, be it in English or French, at times parties can leave with different understandings. Certainly I can understand the member leaving from his discussions with Speaker Carter back in June of last year with the understanding that he was going to be able to speak French in the Legislature under certain terms and conditions. I think that we're all capable of selective listening at times. Sometimes we only hear what we want to hear, and we don't take it any further. I would suspect that was what happened this occasion, that he honestly felt that he did have the right to speak French at any appropriate time, provided he took the necessary steps.

Now, he made it very clear in his own testimony that he understood from his conversations with Speaker Carter that he needed to notify his office. I counted at least seven occasions where he acknowledged that he left with the understanding that

he at least should notify the Speaker's office if he intended to speak in French. I'm not sure why he would feel that poking his head through the doors of room 313 and saying, "Get ready for French," would by any means indicate to the staff or to the Speaker that he wanted to specifically ask a question in French in this Assembly. We all go past room 313 from time to time. We say a friendly hello to the girls or share a short comment with them about who knows what, or we raid their ju-jube jars they mentioned in their testimony. And I can imagine the member going by -- "Get ready for French" -- and there were actually three girls in the room at that time. I'm sure they all thought, "Good old Leo; he's always talking about French," but wouldn't take it for anything more than that.

I'm trying to understand why he couldn't have given better notification. And he obviously thought he had; I think that he honestly did feel that he had given adequate notification, and I suppose in part he was perhaps caught up in his own excitement. He was really enthused. This was a commitment he had made to the Franco-Albertan association, and he had them here in the gallery and getting all hyped up. He had notified the media: "Here comes a real big to-do; here it comes. I'm going to ask a question en français and it's really going to throw things for a loop. I want everybody to be here." I guess getting caught up in his own excitement and what he considered to be a major coup, I suppose, he just plain, simply neglected to give the notification that he indicated to the Speaker that he would.

Clearly from the testimony that I heard, the Speaker certainly wasn't aware, the Clerk's office wasn't aware, *Hansard* wasn't aware, the minister certainly didn't have that understanding and wasn't at all prepared for a question in French. So for whatever the reasons, those courtesies were not extended. So I don't have the same picture of this member as his four colleagues do, and to suggest that because of that we're being unreasonable, I think is absolutely ludicrous.

But in terms of, you know, specific breaches, there's no question that he failed to uphold the ruling of the Speaker on a point of order. And it was a point of order, not a point of privilege. It was a point of order, and it's very clear. There are all kinds of citations in *Beauchesne* that we can quote to show that it is clearly the Speaker's responsibility to uphold the order of this House, and he tried to do that, and the member, not once but twice, refused to listen to the Speaker.

I'm sorry, Mr. Chairman, but I feel very strongly that the actions we are taking are appropriate, that they're reasonable, that the orders of this House certainly were flagrantly abused by that member. And again I say that by his own admission on seven different occasions in his own testimony he clearly acknowledged that he did at least leave with the understanding from the Speaker that he should give adequate notice at any time so that the necessary arrangements could be made, and he didn't do that.

Thank you.

MR. CHAIRMAN: Thank you, Mr. Oldring.

Mr. Wright, followed by Mrs. Hewes, and then Mr. Fox.

MR. WRIGHT: Mr. Chairman, reference was made to a media event by, I think, the hon. Member for Calgary McKnight. There's little or no evidence of that. But in any event, what is meant by that? Is it suggested that the hon. Member for Athabasca-Lac La Biche planned to be ruled out of order? Because there would have been no media event had he not been ruled out of order. Is that what's being suggested? I mean, this

really boggles the mind. There's no evidence of that at all. In fact, the evidence is quite the other way, that he was surprised that he was ruled out of order.

The hon. Member for Calgary McKnight actually quoted from Mr. Piquette's raising of a point of privilege at the end of question period when, under section 15(5) of Standing Orders, that is exactly what he is supposed to do. So there is the right under Standing Orders to state your point of privilege, and obviously, if his point of privilege is that his privilege has been breached by a Speaker's ruling, then he was saying it exactly as it's supposed to be said. And if that's why that hon. member is voting for this motion, I do draw that to his attention and ask him to vote on our side on this motion.

The hon. Member for Red Deer South spoke of the function of the committee being the finding of whether privilege has been breached and not to deal with the legal question of the role of French. Well, with the greatest respect to the hon. member, that really does show a great deal of confusion. It's contrary to the motion we passed yesterday as well, because the breach of privilege was, of course, the allegation on the part of the Member for Athabasca-Lac La Biche that his privilege had been breached because he wasn't allowed to speak French, which he considered a right. That, we're all agreed I think, is a legal question, and that is why this committee has not made a ruling on the status of French as it stands presently in the Legislature.

So to say that the function of this committee is not to deal with the role of French is simply, I suppose, to say that it's inappropriate for it to deal with a question of law, which we have already dealt with. So the bearing on this motion, then, of that observation is extremely limited or in fact nonexistent. The fact is that the hon. Member for Athabasca-Lac La Biche was simply trying to assert what he considered to be his right. When that was denied, he took the necessary steps to bring it to a head. Now he's being punished for that, and no more than that.

The hon. Member for Red Deer South seems to place his support for this motion on the footing that the agreement alleged between him and the Speaker, to give notice in certain ways and not to ask questions in French, was disobeyed. In the first place, that begs the question as to what the agreement was. We've not had a fair chance to determine that. In the second place, it is not the foundation of the motion as expressed. So once again, if that's the reason that he's voting for it, I invite him to vote on our side on this one, because that's not the reason that is relevant in the motion. In any event, that would, at most, be a discourtesy and not something that would require the finding of the House of a breach of privilege and all that.

Mr. Chairman, the last thing I wish to point out to members of the committee is that it does not follow that because a breach of privilege has been found, therefore any remedy or reparation has to be ordered. In the case of odd newspapers it often is the case -- I don't know how often, but it sometimes, at least, is the case -- that the newspaper, unintentionally or otherwise, breaches what some would hold to be the privileges of the Assembly or of the Speaker. Yet nothing is done about it, because discretion is the better part of valour so very often. That's one example. Here it's plain that even if there was technically a breach of privilege, which we think quite absurd to assert -- nonetheless, if there is, it's plain that the hon. Member for Athabasca-Lac La Biche was acting in good faith and going about what he conceived to be his business in a not unreasonable way. Therefore, to require him to go down on his knees, as it were, under such conditions is unreasonable even if you find there was a breach. And so that's yet another reason

why fair-minded people should vote against this motion.

MR. CHAIRMAN: Thank you, Mr. Wright.
Mrs. Hewes and Mr. Fox.

MRS. HEWES: Yes, Mr. Chairman. I find myself highly uneasy at what has transmitted here today and in previous meetings of your committee, because it seems that it's a measure of our bias in the committee, not of our adherence to rights and rules. I'm frankly dismayed. I would have thought in the committee that we could here, at least, be objective. Apparently, that's not to be the case, and this has been evident in debate, certainly, and in questions of those giving evidence and of the comments of our counsel, who has also described exactly what I'm talking about.

Mr. Chairman, of course members cannot be allowed to break rules, wilfully or otherwise. To do so would be anarchy. We have the rules for fairness and justice. They're there to enable the work of Parliament, of the Legislative Assembly; they're not there to impede. The rules allow for questions to be asked, and of course all hon. members obey and respect them.

Mr. Chairman, there have been a number of differing views put forward, both in debate and in evidence, about the past, about the details of conversations held between the hon. member and the Speaker of the Legislative Assembly. I accept all versions. In retrospect, I suppose it would have been easier had a memo been exchanged between the two persons involved to verify exactly what their conversation meant. But I believe each believed he knew that, and acted accordingly. And so acting on that, I think the hon. Member for Athabasca-Lac La Biche thought that he was acting in a proper fashion and that he had taken the steps that he understood to be required and to be correct.

Mr. Chairman, the minister, in speaking to the motion and presenting the motion to us, talked about a plan. I'm not sure whether I understood he was talking about something rather devious and subversive or whether he was simply acknowledging the fact. And surely -- I know his memory is good; he has been in the opposition -- and of course there is a plan in questions in question period. Of course it is not spontaneous questioning. There is a reasoned, measured plan behind questions in question period. No one said it was anything else in this case or otherwise. The minister remembers, I'm sure, from his brief and heady days in the opposition, that one has to plan very carefully and that it's not only a plan for the day and for that particular question period, but it's part of a much greater plan. We do it in our caucus. I'm sure others do. And he understands that. His plan succeeded. I hope mine will, too, in the greater sense.

So the member within his own caucus was attempting to achieve certain things by the line of questioning that he was taking and, to be sure, it was calculated in that fashion. And I believe, as I said before, that he thought he had taken the required steps, the agreed steps, in advance of presenting his first question in the French language. Now, yes, he questioned the Speaker on his point of privilege. And yes, he attempted to apologize. He was in fact treated at that point with some derision, which was unfortunate.

Mr. Chairman, if we go ahead with this motion, which I don't support at all, quite obviously, what in fact will we gain? Will we preserve or add to the stature of the House? Will we preserve or add to the rules of the House or the decisions? Will we make better decisions as a result of it? Will we behave bet-

ter? Will we collaborate or co-operate better as a result of this? Quite the contrary. I don't think this will in any way enhance the rules, the rights, the fairness, the enabling part of the procedures of our House -- not in any way.

What do we stand to lose? How is it going to be viewed? And is this what we really are trying to achieve? Mr. Chairman, I believe that this will be viewed in Alberta and in the nation as an attempt to punish a member for speaking French. That is of course not the intent, I'm sure, of the mover, but that's how it will be viewed, and I think that's very unfortunate. Punishing a member for speaking French, one of Canada's cherished and respected official languages: whether we like it or not, that's how it's going to be seen.

Mr. Chairman, I see the motion as unacceptable, related to the member. I do not believe that he breached my privileges as a member or the privileges of the House, and I don't believe the motion, as it's going to be understood, is reflective of the community of Alberta, what Albertans believe, what Albertans feel in our commitment to our Canadian Constitution and to the two founding Canadian cultures.

MR. CHAIRMAN: Thank you, Mrs. Hewes.
Mr. Fox.

MR. FOX: Yes, Mr. Chairman. I just have a few more comments, things that have come to mind, listening to some of the statements made by other members. I listened attentively to the Member for Red Deer South, and I do believe that he is a fair-minded member and he has listened closely to the evidence presented and formed some opinions based on what he has heard. But I am concerned that he's based that opinion on something that has, in the ultimate sense, absolutely nothing to do with this motion. He is concerned about some apparent inconsistencies in testimony given by some people who have appeared before the committee and letters that have been sent to the committee about a supposed arrangement between Speaker Carter and the hon. Member for Athabasca-Lac La Biche regarding the use of French in this Assembly. Well, those aren't rules. Those aren't rules that are written down in Standing Orders, *Beauchesne*, or temporary Standing Orders. There was not an agreement made between the Speaker and the House leaders. There was not a statement made by Speaker Carter in the Assembly about what he rules on this in terms of how question period should proceed with regard to the use of languages. That was done in terms of how question period would proceed with regard to the number of questions asked by the Leader of the Official Opposition, the number of supplementaries allowed, and that sort of thing. But none of those things were done.

I'm concerned that the hon. Member for Red Deer South feels that the Member for Athabasca-Lac La Biche has breached the privileges of the House because he didn't live up to some agreement. Well, it's not germane. It has nothing to do with this. What we're doing here is voting on a motion that says: "Be it resolved that . . . the hon. Member for Athabasca-Lac La Biche has breached the privileges . . ." based on a couple of things: "his failure to uphold the absolute authority," "casting . . . reflections," "attempting to undermine" -- all sorts of very, very strongly worded statements that have nothing to do with this agreement. I hope in light of my clarification he will reconsider how he votes on this.

I can't imagine, Mr. Chairman -- and perhaps Parliamentary Counsel would straighten me out if I need to be on this -- I can't imagine a more serious charge being brought against a member.

What could we charge a member with that would be any more serious than a breach of privilege? The motion says that the hon. Member for Athabasca-Lac La Biche has breached the privileges of all members of the Assembly -- not one, not two, not 10, but all members of the Assembly. We're alleging that this member breached the privileges of all members of the Assembly. Now, is there a more serious charge that can be brought against a member of this Assembly? I don't believe there is. It's incredible, because that most serious of charges is being based on one simple little thing here, and that is that the Member for Athabasca-Lac La Biche didn't begin to speak in English immediately upon the Speaker's requiring him to do so. Instead, he was trying to finish his comment in French so that everybody could see that he was intending to speak in English anyway. He didn't challenge the Speaker, as referred to by the Member for Red Deer South. He did try and continue to finish his French statement so the English would be apparent to everybody, and he had to be called into question by the Speaker again, at which point the English flowed. Everything that happened from that point on was done in the Member for Athabasca-Lac La Biche's attempts to fulfill the requirements of our Standing Orders.

So it can't be on any of those things that the government members are prepared to determinedly breach privilege. It has to be on the fact that Mr. Piquette said that he didn't think his right to speak French to the Assembly had been abolished by the Speaker's statement. Is that what we want to rule a breach of privilege of all members of the Assembly? I've witnessed much more serious challenges or questioning of Speakers' rulings. Questioning the Speaker's ruling is not out of order, not uncommon, and certainly not to be a breach of privilege. Not respecting the ruling of a Speaker may be determined to be a breach of privilege, but Mr. Piquette respected and obeyed the ruling of the Speaker and questioned it in the only way available to hon. members to do so.

But I've witnessed some serious things in here. I remember when the Member for Lethbridge West was in the Chair, chairing a committee, and he called a member to order. He said: Order, order please. The member said: Order -- what do you mean, "order"? Although it was offered in perhaps a lighthearted way, reading the *Hansard* it looks like a serious challenge not only of the Chair's ruling but of the Chair's right to make a ruling. Why aren't we debating that in this committee? Why aren't we making that member apologize for breaching the privileges of all members of the Assembly? We're not, because it would be ridiculous. And that's what this is; this is ridiculous.

We've alleged a plan, that Mr. Piquette had a plan. Did that plan include being ruled out of order for something which he claimed is right? I don't think so, of course not. He fully intended to be able to finish asking his question. What would have happened, Mr. Chairman, had Mr. Piquette been allowed to finish his question? He would have given the English of it, and that would have been it. National and international media attention would not have been focused on us, and we would not have spent all of this time wrangling over the use of French in the Assembly.

There were other options open to Mr. Speaker, and I respectfully submit that he could have said at that time to the member, "Perhaps the hon. member would forego the asking of this question in French until the matter can be resolved satisfactorily between he and I and House leaders," or something. But no, the Speaker ruled Mr. Piquette out of order. Mr. Piquette was

shocked because he thought the right clearly exists, and what followed was, I submit, a very normal and straightforward exchange between the hon. Speaker and an hon. member. The hon. member adhered to the Speaker's ruling.

I'll close my comments for now.

MR. CHAIRMAN: Thank you, Mr. Fox.

MR. MUSGREAVE: Mr. Chairman, I hate to disappoint the hon. Member for Edmonton Strathcona, but the point I was making when I was discussing what the Member for Athabasca-Lac La Biche was saying to the Speaker was that he in effect was arguing with the Speaker. I agree with the hon. Member for Edmonton Strathcona that he certainly did the right thing as far getting up on a matter of personal privilege after question period, but he should have simply said that he disagreed with the Speaker, and that was the end of it. I suggest he started to argue with him.

On both April 7, the 10th, and in the letter of April 8, the member alleged that the Speaker exceeded authority and accused the Speaker of being in error. On the question of order, the allegations were improper, and they constitute a breach of all members' privileges. I think the hon. members of this committee could find all sorts of authorities provided in *Beauchesne* or *Erskine May*. But what the hon. member was in effect trying to say in his point of privilege was that he had a constitutional right to speak French. Our Speaker did not rule on that for the simple reason that he cannot rule on it, but he did find a *prima facie* case of a breach of privilege, and the House referred that to this committee. The member's sole claim to privilege lay in his mistaken belief that the questions of law that related to his claim of privilege were all settled. We know they're not, because right now we have a case before the Supreme Court of Canada.

If one reviews the Hansard of yesterday, you'll see that -- well, we know that the evidence that came to our committee was contradictory. Those are about the kindest words I can use. Yesterday during the debate on Mr. Horsman's motion the member's own party representatives on this committee acknowledged that the matter cannot be determined conclusively, and until such time as it is, it cannot be said that the member had or has a statutory constitutional right to speak in French in the Assembly during question period. That was the very basis of his claim of privilege in the first place. In other words, the member failed to conduct himself in accordance with the appropriate procedures to speak in French in the Assembly. He chose rather to raise the matter in a sensational way, and as the hon. Member for Edmonton Gold Bar mentioned, obviously it was for political reasons rather than idealistic purposes or in any way advancing the cause of Francophones in the province of Alberta.

I point out again that he ignored prior arrangements with the Speaker; he debated with the Speaker and accused him of exceeding authority and being in error. Finally, he breached the privilege of all members by casting such reflections upon the Chair.

MR. M. MOORE: Well, Mr. Chairman, the Deputy Premier in introducing this motion quite clearly outlined the reasons why the committee in total ought to support the motion that's before them. I have never heard such weak and inadequate defences of a clear breach of privilege that occurred on April 7 from some hon. members as we've heard today. The hon. Member for Edmonton Strathcona must have had to reach to some new depth in the law schools to try to mount an argument that there wasn't

some breach of privilege in the conduct of the hon. Member for Athabasca-Lac La Biche on more than one day. For any member of this House to suggest that whatever the House does in providing some remedy to this situation reflects on the right or otherwise to speak the French language or isn't somehow connected with that is absolute nonsense.

This House and this committee is charged with the responsibility of providing some remedy to a clear breach of privilege that's occurred in this Assembly. We shouldn't be restricted from completing our duties in that regard by some suggestion that it's somehow or other a reflection on French-Canadian people. It simply is not. What we're dealing with is this, and if members have had a chance to look at page 636 of *Hansard*, on April 7 Mr. Piquette on a question of privilege rises and says:

Mr. Speaker, it is my contention that in directing me during the course of today's Oral Question Period to put my question to the Minister of Education [in English], you breached the privilege enjoyed by all members of this Assembly . . .

I can't imagine this House being able to conduct its business day by day over a three-month period or whatever time if a member is allowed to challenge the Speaker by saying: you, Mr. Speaker, breached the privilege enjoyed by all members of this Assembly.

MR. WRIGHT: Shame, shame.

MR. M. MOORE: What kind of a House would you have if a member were allowed to do that? Then he goes on to say, "And you exceeded your authority." We can't conduct the business of this Assembly if members are allowed to get up and say, "You exceeded your authority, Mr. Speaker; you breached the privilege enjoyed by all members." Surely that in itself is a gross breach of privilege that ought to be dealt with at least by an unconditional apology by the member.

All this motion asks for is what any hon. member would have done on the spot that day: stood up and said, "Mr. Speaker, I reflected on what I've said." Or perhaps the next day, on April 10, the member could have gotten up and said, "Mr. Speaker, I have now had some counsel from some of my learned friends in our caucus who went to law school and have some history of service in this Assembly, and I believe what I did was wrong." Instead, he stood up, and on page 719 of *Hansard* on April 10 he said, "I did of course have to state what I believed to be an error in your ruling." Well, he didn't have to state that an error in the ruling constituted a breach of privilege of the House by the Speaker, or he didn't have to suggest that the Speaker exceeded his authority. He could have debated the issue without getting into that. Then he goes on to say -- this is the hon. member Mr. Piquette -- on April 10:

But if I went beyond what was necessary in stating my objection and, with respect, I do not believe I did, nonetheless, I would apologize.

Now, he didn't apologize, and he puts several conditions on it. This House ought to make sure that the hon. member does apologize at the earliest opportunity to the Speaker for what is clearly a breach of privilege and a breach of privilege that if it were carried on by all hon. members of the House, or even very many, simply wouldn't allow this House to operate in the way it should.

So, Mr. Chairman, I am in full support of the motion that's been moved by the hon. Deputy Premier, and I think the hon. members of the ND Party and the Liberal representative here

ought to recognize that in a parliamentary system there have to be some rules. One of those rules requires people to observe certain conduct, and if they don't, it requires them to apologize for that. If they don't apologize of course there are other remedies. Surely the hon. Member for Athabasca-Lac La Biche should take that opportunity to apologize, and then the matter is dealt with and completed. He will have learned that in this Assembly there are some rules that have to be upheld if we're going to do the province's business in the way we ought to.

Thank you.

MR. CHAIRMAN: Thank you, Mr. Moore. Mr. Gogo, followed by Mr. Wright.

MR. GOGO: Mr. Chairman, I had not decided to become involved in speaking to this resolution, but I wanted to make the following two comments. I was and am most disturbed by the comments from the hon. Member for Edmonton Mill Woods with regard to casting aspersions on members of this committee regarding the French language. I have chosen to wait until I have an extract of what he said before I pursue that, whether this committee continues or not. It's something I would have assumed the hon. member was above.

Secondly, I recall the testimony of the experts called by the committee in determining what privilege was. My recollection was -- I say this for the benefit of all members, because I've heard what I think has been discussion on a very narrow basis, that one would expect in a court of law -- that Professor Dawson said, if I could paraphrase him, that one would have to consider many, many circumstances in determining a breach of privilege and not simply one or two in isolation. I sense, Mr. Chairman, that I'm coming to a conclusion in my mind with regard to this resolution, based on the comments I've heard not in isolation but in total.

In addition to those comments, I have read *Hansard* many, many times, based on the occasions which we're discussing, and I would simply remind members that if they wish to give credence to the testimony of some or all witnesses, they should perhaps recall the testimony of Professor Dawson in determining what a breach of privilege was, and that was to consider all the circumstances and not just isolated instances.

Thank you, Mr. Chairman.

MR. WRIGHT: Mr. Chairman, I am astonished, just astonished, by what fell from the minister of hospitals and medical services. That a member should be deemed in breach of privilege and censured for referring to the Speaker in the second person -- i.e., the use of the word "you" -- is just such extraordinary nonsense that I cannot forbear from remarking on it. The Speaker is the one person you can use the second person to, because he's the person that you must address all the time. There's no other way of speaking about him other than in the third person, referring to him as "Mr. Speaker" to his face, which is silly. So to single that verbal thing out is really quite astonishing. Even if it were incorrect, it's astonishing to think that a person should be censured for that.

The passage that the hon. minister was referring to was simply Mr. Piquette's assertion of his right to raise a point of privilege under Standing Order 15(5). It really makes me fearful as to the absence of limits on proceedings in this House against members if a minister of the Crown can be so off base -- that's all I can say -- in his approach to a relatively simple matter such as this.

But what I really wanted to speak about at this point in conclusion to my remarks, Mr. Chairman, is the big picture here. The big picture is that an hon. member raises what can only be characterized, it would seem, as an unpleasant subject in the minds of the government. And he persists; he claims his privilege has been breached. So instead of simply dealing with that, yea or nay -- and that we dealt with yesterday; we dealt with it wrongly, but some good came out of it anyway. But instead of leaving it at that -- and one has to admit it's following the lead the Speaker for that matter -- there are three or four counter-charges laid against the member, who in all good faith and honesty and service to his constituents raised the point. Charges against him are a classic case of killing the messenger. Killing, of course, is the wrong analogy, but that's the expression: turning on the messenger because you dislike the message. It's wrong; it's childish in fact. Yet that's exactly what has happened. There have been expressions of dragooning, of bullying. All of it is correct, and this proceeding should have stopped at yesterday's resolution. All of the rest of it is vindictive.

MR. CHAIRMAN: Thank you, Mr. Wright.

Mr. Russell, would you like to sum up, please?

MR. RUSSELL: Yes, I will, if there are no other speakers.

Just a couple of points for clarification, Mr. Chairman. I've enjoyed listening to the debate because certainly debate of this issue in dealing with one of our colleagues is always very difficult.

First of all, some members seem to be upset by the fact that I said this was part of a plan, and I believe that if they read *Hansard* tomorrow, they'll find out that I also said there's nothing wrong with that. All caucuses make plans, and by the testimony that came out through a number of witnesses, we did learn that this was a plan. The hon. member involved gave notice to a variety of people in a variety of ways that he intended to do this. There were guests invited in the House. It was to be a designated question. That came out in testimony from witnesses. It wasn't my idea to say that, and I see nothing wrong with it. So members shouldn't be offended by my use of the word. This was an important issue and part of a plan. I made that point in my debate to make the difference between this happening as part of a planned action as opposed to something that happens in the heat of the moment and in an unplanned way.

I must admit I'm a little puzzled, I guess is the word, by the fact that every time testimony or evidence by somebody on the other side of the argument for Mr. Piquette is referred to, it's "alleged" or "purported," whereas if Mr. Piquette's actions or messages weren't quite right, he was merely "trying to do this" or "only" or "simply" trying to do this. I find that flavouring a little difficult, and if anybody has any doubts about what happened, they need to merely view the tapes of the two days in question. The video tapes are on file in the Speaker's office, and they show very clearly not only what was said but the manner in which it was said, and I think the actions speak for themselves.

Mrs. Hewes brought up a very interesting question, and Mr. Gibeault referred to it in a way in referring to, "If we pass this motion, what will we have accomplished or what will we have done?" It refers to the Speaker, because the motion ties in members' respect in actions to the Speaker and, thereby, all members of the House. I suppose we could let it go, and we could let the next incident go, and pretty soon that would become the practice in the House. Why would we bother to correct members?

The media has in the past criticized us for being a dull and ponderous and orderly House. It's far more interesting to report our actions if we're hurling things at each other and yelling and screaming. But frankly, I take pride in the fact that we do have an orderly House and that members respect the office of Speaker. And if we lose that respect or the Speaker loses the confidence of members, there's a proper way in which to replace that person. But I liken it to an athletic contest. It doesn't matter what team we're playing on, if it's hockey or baseball, if the ump or the referee doesn't have the confidence of all of the players, it takes away from the game. We may not like all the rulings of the ump or the line calls or the referee, but the fact that we respect them and that everybody respects them makes the proceedings better for everybody involved, and really that's what is at issue here. We could ignore it.

The last thing I wanted to deal with is the punishment or whatever being meted out to the hon. member. I don't think it's severe in any sense of the word. I wrote down some words when Mr. Gibeault was speaking: grovel, petty, shameful. We're recommending to the House that we ask the member for an unconditional apology. Now, not so long ago the hon. Member for Westlock-Sturgeon gave one. It took him about 20 or 30 seconds. The Speaker stood up and thanked him for the gracious way in which he had delivered it, and the matter ended. In that case I had been involved. I had checked the *Hansard*, gone to the hon. member and said, "This is what I'm going to suggest you do because I think you were wrong." He had a chance to consult with at least one of his caucus colleagues and got up and said, "Yes, I was wrong, and I apologize," and that ended it. That's what an unconditional apology means. It's very simple.

But if one goes to the *Hansard* of April 10 and reads the purported apology there, with so many caveats and conditions -- I don't agree with you; I don't believe I was wrong, but if I was, I apologize -- that really isn't upholding the authority of the Speaker. So that's why that word is in there. Frankly, I haven't taken a great deal of pleasure in moving this motion. I think it's the correct one to do. I think the action we're asking for or recommending is reasonable, simple, and straightforward for the member to deal with, and I believe the incident, when it's part of the history of this House, will make for better proceedings in the future.

MR. CHAIRMAN: Thank you, Mr. Russell. I'll call the question.

All those in favour of the motion, please signify by raising your hands. Contrary? I declare the motion passes.

MR. GIBEAULT: Mr. Chairman, I'd like that recorded.

MR. CHAIRMAN: Would all those in favour of the motion please raise their hands again? Contrary?

Is there any other business to come before the committee?

MR. OLDRING: Mr. Chairman, I know it's getting late and we've been through a number of lengthy meetings throughout this whole process, but I do believe there is one matter that still remains unresolved, and I'd like to introduce a motion at this time. I've got copies to be distributed to all members. Maybe while it's being distributed I can read the motion.

Be it resolved that the editorial in the *Edmonton Journal* of April 9, 1987, entitled "Bilingual Rights" contains reflections upon the Speaker, and hence upon the Assembly, which constitute a gross breach of the privi-

leges of the Assembly, and the committee recommends that the Assembly admonish the *Edmonton Journal* in respect to same.

Mr. Chairman, speaking in support of the motion, a former member of this Assembly, James McPherson, once told me that it's pretty hard to argue with someone that buys their ink by the barrel. But I don't believe this is really a matter for argument or for debate. What we have here is a matter of principle, and what the motion does is clearly recognize the facts for what they are.

I think Dr. Dawson put it very well when he was giving testimony back on June 3, and I quote from Hansard on page 71. "I don't think there's a doubt in the world that the editorial is a contempt." Further down he goes on to say, and again I quote, "It is a remarkably scurrilous editorial." Of course, he also pointed out that we might not want to carry it any further on the basis that we probably would see a flurry of editorials about freedom of the press. Nonetheless, Mr. Chairman, I felt that it was a scurrilous editorial and that it did show contempt for the Legislative Assembly and for the Speaker, so I felt that it was important that we do deal with it.

I cite *Beauchesne*, citation 45, and I quote:

Traditionally, articles in the press reflecting badly on the character of the House have been treated as contempts. Two members of the staff of the House have been dismissed for writing such articles, and in 1873 the House judged an article written by a member to be a "scandalous, false and malicious libel upon the honour, integrity and character of this House, and of certain members thereof, and a high contempt of the privileges and constitutional authority of this House".

Citation 52(1):

The Speaker should be protected against reflections on his actions.

Now, I know that in citation 45 they were talking of 1873, but there are recent examples of where this citation has been implied. The House of Commons set a precedent back in 1976 in dealing with an editorial from the *Globe and Mail* and Speaker Jerome. It's of interest to note that there was an all-party agreement and unanimous vote to declare a gross breach of privilege. That was done immediately, and it was done in the House. It wasn't referred to committee, and there weren't witnesses called or anything else. They recognized that it was a serious breach and that it was important to protect the privilege of the Assembly, and they therefore passed a motion very expediently.

I think it is important to protect the privilege of the Assembly ...

MR. WRIGHT: Point of order, Mr. Chairman, please. I am astonished that we should be considering a motion to condemn the *Edmonton Journal* in point of breach of privilege when they have not been called before the bar of the House to answer the charge. It is totally wrong, totally wrong. I ask you to instantly rule it out of order, or take some time if you like, but ...

MR. CHAIRMAN: I don't believe it is out of order, Mr. Wright. If you wish to speak on the motion when it comes, then I would be pleased to hear from you, but I can't rule that the motion is out of order for the reasons given.

MR. WRIGHT: Yes. Mr. Chairman, can you kindly tell us, then, why it is in order to entertain the motion in the absence of calling the object of the motion to account?

MR. CHAIRMAN: Well, he has cited certain precedents wherein there were in fact motions brought in the House of Commons without any witnesses having been called to the bar or anything like that. Unless you have a citation that indicates that this is not permissible, I can't rule that motion out of order.

MR. WRIGHT: Well, just on the basis of ordinary common sense and fairness, it's obviously wrong.

MR. CHAIRMAN: I'm not prepared to rule the motion out of order on the basis of -- unless you can show me some citation or basis upon which ...

MR. WRIGHT: Common sense, courtesy, and decency should be enough for us, Mr. Chairman.

MR. OLDRING: Mr. Chairman, I would appreciate if the member would extend me the things that he just outlined so that I can finish my comments.

I think I've already pointed out that there were precedents in the House of Commons back in 1976, and it was done without requiring witnesses, and it wasn't referred to committee. So there is precedent. Again, Mr. Chairman, I emphasize that it's important to protect the privilege of the Assembly as a whole from erosion. As the Deputy Premier commented earlier in the discussions, it's important to protect any erosion of the decorum of this Assembly, and if such breaches or contempts are not at least recognized as such, what's to prevent it from going on?

In conclusion, Mr. Chairman, I believe it's the duty of all members to uphold the Speaker upon reflections being made upon the Chair, which in turn reflects upon all of us. So I would encourage the passing of this motion.

MR. CHAIRMAN: Mr. Gibeault, followed by Mr. Fox, and then Mr. Wright.

MR. GIBEAULT: Mr. Chairman, the Member for Red Deer South talked about a principle, and indeed there are some very important principles involved with this motion that's just been placed before us. One of the most important principles certainly has got to be the freedom of the press. I would have thought that members who have any understanding of the history of this Assembly would have realized that when previous governments tried to bring the press to heel, it resulted in so much public ridicule that they would never have considered that in the current times.

Certainly freedom of the press has got to be one of the most protected freedoms we have in our society, and to entertain such a motion here, which alleges that there was "a gross breach of the privileges of the Assembly," and as Mr. Wright so clearly pointed out, to even consider passing this before we've heard from the *Edmonton Journal* involved, would be a total and unmitigated offence against natural justice. Mr. Chairman, we just could not in good conscience surely, as legislators, entertain any such prospect.

Mr. Chairman, this is a public place. We are public people. We have been elected, and that includes the Speaker. We are subject to public review and criticism by the press, and if some members -- and I must say with respect that this must include the Speaker -- exercise poor judgment from time to time, then we have to be there to take the consequences.

If this motion is passed, Mr. Chairman, there is no doubt that we are going to be adding one more reason to be having this

committee and this House held up for public ridicule all across the country, and I urge members strongly to defeat this motion.

MR. FOX: Speaking against this motion, Mr. Chairman, again I'm surprised at what lengths the government members of this committee will go to in order to demonstrate their power and their ability. We just passed, in the face of opposition from our side of this committee, a motion condemning the behaviour of the hon. Member for Athabasca-Lac La Biche and meting out some punishment. Let's look at that in light of this. I think there can be no more clear illustration of the government's vindictive behaviour in this committee than that on the one hand we demand an unconditional apology from M. Piquette, whom both Professor Dawson -- the hon. Member for Red Deer South quotes him when it's convenient -- and Dr. Forsey agreed was essentially blameless, while choosing to simply admonish the *Edmonton Journal*, which, according to the Member for Red Deer South, Professor Dawson at least believed to have published something that could be considered contemptuous.

The reason is that Mr. Piquette is within the reach of the government members and they can bully him with impunity and get away with it. The *Edmonton Journal*, however, has the ability to fight back, and I certainly hope they will. This is really incredible. In terms of disciplining members, I might remind some of the government members who were here at the time that when a member of their own caucus attempted to disagree with them publicly, they banished him to the opposition benches, representing a seat that is now legitimately in the opposition benches and one they might never get back again.

In terms of whether or not the *Edmonton Journal* breached the privileges of all members of the Assembly or whether this editorial constitutes a gross breach of privilege, I think we have to look at that and look at it in light of today's conditions. There may have been a time -- and I think the Parliamentary Counsel alluded to it -- in the past when separation of powers, the state and the Crown, was difficult to make and needed to be made. There had to be an assertion of the absolute authority of the Speaker in the Commons, and it had to be reinforced by extending the rights of the Speaker to his horse and all members. I mean, these were things that were done years ago, and there was a good reason for it.

We've grown up a bit since then, and there is certainly on our side widespread respect for the traditions of this Assembly and for the authority of the Speaker and the Chair, and that, I submit, is regarded by members of this Assembly, within reason, at all times. But the rights of people outside this Assembly are a little different than ours. I mean, we might call ourselves into question or find one another guilty of breach of privilege because we have some very strict rules to adhere to here, but for us to go out and imply that free-thinking editorial writers who try and convey the sense of what happens in here to the rest of Albertans are breaching privilege by editorial comment, I think, is a serious, serious precedent to set in 1987. There may have been a time when that was appropriate, but we live in a free and open society that we cherish. While I certainly don't agree with some of the comments made in newspaper editorials about members of the Assembly or the Chair, nonetheless I think we're being foolish if we try and deny them the right to make those sorts of comments.

I have respect for their readership too, Mr. Chairman. The readers of these publications are the people we rely on to uphold our democratic system and vote in elections and give us advice on what we should and shouldn't do. I think they're capable of

separating the wheat from the chaff and deciding whether or not the paper is worth the 25 cents you have to pay for it in the morning in terms of the editorials that are written. That's for them to decide, and this is going too far. We already went way too far in the previous motion, but for this committee to purport to find the *Edmonton Journal* editorial constituting gross breach of privileges of the Assembly and recommending that the Assembly admonish the *Edmonton Journal*, I think really does fly in the face of freedom of the press.

The Member for Red Deer South doesn't tell us what "admonish" means. Does that mean that if the committee approves this, we would adopt it in the Assembly and the *Journal* would feel duly reprimanded and behave itself from now on? I mean, is that what "admonish" means?

It's an unfortunate motion again, and I'll vote against it.

MR. CHAIRMAN: Mr. Wright, followed by Mr. Sigurdson.

MR. WRIGHT: Yes, Mr. Chairman. Having collected my thoughts a little after first viewing this motion, I first address the question of procedure. That is:

A member wishing to raise a question of privilege shall give a written notice containing a brief statement of the question to Mr. Speaker and, if practicable, to any person whose conduct may be called in question . . .

That is Standing Order 15(2). That is the provision under our rules of giving notice to the person whose conduct we impeach. We are not only talking about members in that suborder. It says "to any person," and for the purposes of this motion the person involved would presumably be the editor of the *Edmonton Journal*, certainly some responsible person at that newspaper. That has not been dealt with at all. Of course, what was anomalous was that it was the Speaker himself who raised the question of supposed breach of privilege, but he is a member of the Assembly and he should have seen to it that in the appropriate way the proper representative from the *Edmonton Journal* be called before us. There is therefore a basic deficit in the proceedings before us.

Quite apart from that -- and I know that there'll be some argument that that is something that has been waived or has passed now, so we can't rely on that. Those are barren legal arguments beloved by lawyers, or the poorer sort of lawyers at any rate, Mr. Chairman. What we have to deal with in this committee and should be dealing with are questions of basic, elementary fairness. Here we are censuring a newspaper -- it happens to be a newspaper; it could be anyone. We are censuring a person, or attempting to in the motion, without giving them a chance to defend themselves. It is simply wrong. Perhaps it is in order. I would hate to think something as wrong as that can be in order, but that's beside the point. If it's wrong we shouldn't be doing it. Even if we happen to think that there is a clear exceeding of the rights of fair commentary and therefore a breach of the privilege of the Speaker, as one of the expert witnesses happened to think, that was not proceeded with simply because no one had hailed them before us. We had thought that in this instance the government would have shown some common sense and just left it at that, but I see they haven't. They're suckers for punishment it seems.

Mr. Chairman, please note the sneakiness of all of this, and please note again why I asked you, Mr. Chairman -- I suppose the minister of hospitals and medicare will cite me in contempt for addressing you as "you," Mr. Chairman -- to receive all the motions to be received on this matter, discuss them in turn, and

then vote on them at the end. In the end I gave up on that because we were just wasting time in discussing it, and I suppose the rest of the committee, or those that wanted it in the logical fashion, gave up for the same reason.

Here we see the clear result of that in two ways. The first is that if we had known what a member was proposing by way of dealing with the *Edmonton Journal* and the remedy proposed and could have compared it with the impeachment made of the hon. Member for Athabasca-Lac La Biche, we would have had a most compelling argument of inconsistency and unfairness. But we were not to know that until after we had voted and passed the motion dealing with the conduct of the Member for Athabasca-Lac La Biche. Then this sneaky government comes in with a motion that would have furnished us with considerable ammunition in dealing fairly with the previous motion.

Then, too, to wait until the end to involve the *Edmonton Journal*, without any questions being addressed to the witnesses or intimation that they would be brought to task: that is such an incredible and basic breach of the rights of the *Edmonton Journal* and any other citizen in this province. We aren't talking about the rights of members at this point; we're talking about the rights of citizens not to be treated as playthings and mere ciphers by this Assembly, Mr. Chairman. That's what we're talking about. That's such an overriding point that I just simply refuse to get involved in any discussion of the contents of that editorial. It's beneath my dignity to deal with it when we haven't asked those people to be present and to defend themselves. We should be ashamed of even considering this motion, let alone passing it.

MR. CHAIRMAN: Thank you, Mr. Wright. Mr. Sigurdson, followed by Mr. Russell, then Mrs. Hewes.

MR. SIGURDSON: Thank you, Mr. Chairman. I suppose the expression about absolute power seems to be coming to fruition. This motion is just awful. The arguments of freedom of the press and the right to make and express opinion aside, this motion is unfortunate because we've not even allowed the people that we're recommending to the Legislative Assembly that the committee admonish to come forward to the committee to defend themselves. You know, Dr. Dawson said that if we were going to respond to it, the way to do it is to say that it's beneath contempt, but no, not this group, not this Conservative government.

It would appear that we can add to wasted expenditure the money spent on the Committee on Tolerance and Understanding, because that seems to be a waste of money as well when we look at this kind of motion. It's unfortunate that we're dealing with it, and we ought not to be dealing with it.

Thank you.

MR. RUSSELL: Well, Mr. Chairman, this has nothing to do with freedom of the press. I don't see anything in here that muzzles anybody. I expect that there'll be a whole series of editorials and follow-ups as a result of whatever decision is taken as a result of this motion, and we know that. There's precedent for it. Dr. Dawson referred to it when he was a witness here in front of the committee with respect to the British Parliament and the *Daily Worker* and the things they used to go through there.

I guess it's a good debate whether we bother dealing with it or not. The reason the government members on this committee decided to deal with it is that it was referred to in the Speaker's

judgment when he ruled on the prima facie case of privilege and subsequently had the matters referred to this committee when he put his decision back to the House. It was the responsibility of the government to draw up a motion, and the four-part motion was drawn up and question 4 was put in there and allows us to deal with such things. So it has nothing to do with freedom of the press. There's nothing in here that censors anybody, and in fact, I would expect it would have the opposite effect, that it'll just generate a whole sequel of similar editorials. But who cares? I still think we're doing the proper thing based on the advice we got from Dr. Dawson that evening, in which he called it a "remarkably scurrilous editorial," and it probably is. But he says,

Yes, it is an offence. It is a contempt, but it's beneath contempt. We recommend that nothing further be done.

Those are quotations out of a committee of the British House in dealing with *Daily Worker* editorials. So of course it's a good debate whether or not anything is done about it.

And "admonish": we're simply as a House saying to the *Edmonton Journal* that we think this time you exceeded the bounds of good taste and went too far. They can do what they want with it, and they probably will.

But I think we should, again for the reason on the previous motion, when I responded to the points brought up by Mrs. Hewes -- I think that in this case we should do it; we should send the message to them. It's up to them, exercising their responsibility as a major newspaper in the province's capital, how they respond to it, but at least the ball will be back in their court. It's got nothing to do with censorship.

MR. CHAIRMAN: Thank you, Mr. Russell.
Mrs. Hewes.

MRS. HEWES: Thank you, Mr. Chairman. Well, I think this whole thing is patently unfair. It's unfair to the *Journal*, there's no question, as the Member for Edmonton Strathcona has indicated. It's unfair to members of this committee the way it has been dropped on our heads, and frankly I want no part of it whatsoever. It is to me just so much muscle-flexing nonsense at this point in time, and I think the committee should not be guilty of that.

Look at the motion in itself, Mr. Chairman. I mean, such hyperbole. The motion says:

contains reflections upon the Speaker, and hence upon the Assembly, which constitute a gross breach of the privileges of the Assembly . . .

A gross breach. Even the Speaker in his statement described it as: "has come dangerously close if not exceeding the privileges . . ." But a gross breach. And the mover didn't even tell us why he used such flagrant terms. It just boggles the mind. I fail to understand why on earth we are faced with it now. I can't see it as being in order under any circumstances when we have not heard from the *Edmonton Journal* and have not even invited them to offer any information to us.

Mr. Chairman, just looking back on the editorials, who else then shall we censure? Local newspapers, the *Calgary Herald* prints some quite remarkable comments. The various staff writers in their columns have made some really quite interesting -- you know: heavy-handed decision, raise the stakes by taking heavy shots at. The papers all across the country carried this story, and all of them used this kind of terminology. Now, are we going to write little old letters to all of them, admonishing them? What utter nonsense. We should pay attention to Dr.

Dawson, Mr. Chairman. Let's get serious.

MRS. OSTERMAN: Mr. Chairman, I've obviously missed the opening part of this discussion, but I think it's really interesting that a number of the members are getting so incredibly exercised over all of this. The ability of a newspaper, obviously, without question, to print their views and the editorialist to do that is not at question here at all, and the tradition, as I understand it in my reading of what is appropriate when discussing the rulings of the Speaker and the conduct in the House, is another matter. Surely, if members believe there is a question and agree as a group that there is a question about the conduct and the words that were used here -- the public does not have the benefit of a discussion about what the rationale behind the words and so on was. The words are there. They are there to be seen, and those are the words that went out to the public in terms of the criticism of the Speaker and so on.

I think that the opposition members should be absolutely delighted that this motion has come forward, because it has given them the soap box that we knew they would use in speaking to this. I'm sure it will be fodder for the editorialists, and notwithstanding all of that . . .

MR. WRIGHT: On a point of order, Mr. Chairman, imputation of motives. The minister has clearly imputed a motive other than the one that actuated me in objecting to this; namely, to be published in the newspapers. I ask her, with respect, to withdraw that.

MRS. OSTERMAN: Mr. Chairman, I apologize and withdraw that comment.

I would just conclude by saying that I believe that it is appropriate, and it should be so, that regardless of what we, I think, will understand is sometimes a lack of understanding of what the privileges of the Assembly are, as members of the Assembly now and in the future, it is our obligation to make sure that we speak out when we believe there has been a breach, notwithstanding the fact that we stand to be criticized for that.

MR. CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

MR. CHAIRMAN: Oh, I'm sorry. Mr. Oldring, do you wish to close debate?

MR. OLDRING: Just very briefly, Mr. Chairman. It's been interesting . . .

MR. GIBEAULT: Point of order, Mr. Chairman. Under citation 83 of *Beauchesne*, it says

Should a question of privilege be based on published material, the article in question must be submitted and read at the Table.

I don't believe that's been done, has it?

MR. CHAIRMAN: It's been done. It's an exhibit to the committee.

Mr. Oldring.

MR. OLDRING: Thank you, Mr. Chairman. It's been an interesting debate, and to listen to some of the responses -- I heard suggestions like: we're about to bring the press to heel; the ex-

tent that we will go to demonstrate our power; that we're censoring a newspaper; there is talk of absolute power; unfair to the *Journal*. To listen to this, you'd think that the motion we're proposing was about to close the doors of the *Journal*, that we were going to seize all their presses and take away all their rights, that the *Journal* was finished.

What we're doing here, Mr. Chairman, is merely stating it for what it is. We're calling a spade a spade. Is the *Journal* beyond reproach? Are they so powerful that members are afraid to challenge or speak out? I don't think so. I think it's clearly a contempt of this Legislative Assembly, and we're saying so. It's no big deal. We're letting them know that we think there are some privileges that exist in this Assembly and that they're important, but certainly we're not putting an end to freedom of the press. I heard the word "hyperbole" used. I think that's hyperbole. I mean, all we're doing is saying that there is some contempt here. I think that's very evident and very clear, and we're pointing out to them that we don't agree that their actions were proper. Nothing more and nothing less.

MR. CHAIRMAN: Thank you, Mr. Oldring.

MR. WRIGHT: There is some question on the point of order, Mr. Chairman. In the first place, there is some question as to which exhibit this is. I have it noted as exhibit 9, but . . .

MR. CHAIRMAN: Yes, that's what the clerk has it noted as too. The clerk shows it as exhibit 9.

MR. WRIGHT: Second, I think it's clear that article of 83 has not been complied with.

MR. CHAIRMAN: Just for the purpose of the members that have not got *Beauchesne* in front of them, citation 83 reads:

Should a question of privilege be based on published material, the article in question must be submitted and read at the Table.

The article, of course, has been submitted to the committee. It has been made an exhibit, exhibit 9. I don't know that "read at the Table" means reading aloud.

MR. WRIGHT: Of course it means reading aloud.

MR. CHAIRMAN: Well, all right. Thank you very much, Mr. Wright. I appreciate your comments, as well as the comments of all members. If that is the rule here, it doesn't say that without reading it is automatically out. I assume that the committee can rule on that particular matter itself. I don't think I would rule the motion out of order by virtue of 83, so if indeed it is the wish of the committee that it now be read at the Table aloud, the Chair would certainly be willing to subscribe to that point of view. Is it the wish of the committee that it be read at the table at this point?

SOME HON. MEMBERS: No.

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: Okay, I'll call the question. All those in favour of the motion, please signify by raising their hands. Contrary?

MR. GIBEAULT: Mr. Chairman, we'd like to have that re-

corded, please.

MR. CHAIRMAN: Very good. The motion is carried.

MR. SIGURDSON: Mr. Chairman, on a point of order. A point of order has been raised, and if that's your ruling, then it can be appealed to the Assembly.

MR. CHAIRMAN: I just heard that out there too. Isn't that strange? [interjection] That's fine. This is a recommendation of this committee by virtue of its motion, a recommendation to the Assembly, which will form part of the report to the Assembly.

Moving then, are there any further matters, any further motions? Mr. Oldring.

MR. OLDRING: I move that we adjourn.

MR. CHAIRMAN: Prior to that, may I just say under the area of Other Business, the report to the Assembly, if there is no further business to come forward, is something that the Chair will prepare, and I presume that if it's the wish of the committee, we would call a meeting of this committee prior to any such report and have that report reviewed by the committee so that it can in turn confirm that the report is accurate and reflects the motions that have been registered here. So I would propose to call such a meeting for that purpose in due course.

Mr. Gogo.

MR. GOGO: On perhaps an administrative matter, Mr. Chairman, I've served on other committees of this House, and the chairman of those committees has put in a great deal of work prior to the business of the committee being carried out, in terms of preparation and so on. I wish to make a motion here so that colleagues on the committee are aware -- it would be my view, although I don't know specifically, that you have spent several days in preparation for these meetings. I don't know what they are, and I frankly don't know how to raise it other than a motion. I would make a motion, Mr. Chairman, that up to seven days' work by you yourself as chairman of this committee, up to seven days, be claimed as your efforts toward the conduct of these committees in terms of honorariums and expenses.

MR. CHAIRMAN: Is that a motion?

MR. GOGO: That's a motion, Mr. Chairman.

MR. WRIGHT: Is that in addition to the four days of sitting?

MR. GOGO: Yes. I say "up to." If the hon. chairman has spent one day, Mr. Wright, two days, three days, I don't know that, but I do know, for example, that Mr. Kowalski, Mr. Oldring, various chairman I've experienced, have spent time in preparation for meetings. This is not something that would ever come from a chairman that we've had. But I would move that up to the seven days, Mr. Wright, and the chairman could then determine the number of days he's spent. I don't know how else to put it, Mr. Wright.

MR. CHAIRMAN: Mr. Gogo, before I even let it go further, as far as the Chair is concerned, I will waive that. I will just subscribe for the appropriate number of days, like all of the members.

MR. GOGO: Mr. Chairman, with respect, I've moved a motion, and it's highly irregular for you to interrupt me.

MR. CHAIRMAN: Members who'd like to defeat the motion?

MR. GOGO: Hon. chairman, if I could speak again. Then you would simply claim zero days. That would be your prerogative.

HON. MEMBERS: Question.

MR. CHAIRMAN: All in favour?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Contrary? The motion carries.

Now, Mr. Oldring, did you want to make a motion for adjournment?

MR. OLDRING: I move we adjourn, Mr. Chairman.

MR. CHAIRMAN: Motion for adjournment. All in favour, say aye.

HON. MEMBERS: Aye.

MR. CHAIRMAN: Contrary? The committee is adjourned.

[The committee adjourned at 5:06 p.m.]