

*Privilege—Mr. Stevens*

referred the hon. member to section 21, paragraphs (1) and (2) of the Petro-Canada Act where the legislator saw fit to specify that in certain cases, circumstances or procedures might necessitate the intervention of the Minister of Finance (Mr. Chrétien) or the government to guarantee a commercial or financial operation on the part of Petro-Canada.

Now, in this instance, neither the government nor the Minister of Finance had to resort to the provisions of section 21, paragraphs (1) and (2) of the Petro-Canada Act. It is in that context, Mr. Speaker, that we must interpret the replies of both the Minister of Energy, Mines and Resources and the Deputy Prime Minister to the questions of the hon. members for York-Simcoe and Calgary Centre.

If one is taking into serious consideration the facts which are the very basis of the questions of privilege brought up today, one realizes that we are dealing with what is far more a matter of legal interpretation, discussion or debate than a matter of privilege of hon. members of parliament.

[English]

**Mr. Paul E. McRae (Fort William):** Mr. Speaker, my contribution will be short. I find myself compelled to say a few words because I do not believe that the motion of the hon. member for York-Simcoe (Mr. Stevens) is very serious.

Petro-Canada has had very rough going at the hands of many hon. members, particularly hon. members opposite. I think we should look back to when the bill setting up Petro-Canada was undergoing study in committee and in this House. After second reading there was a clause or clauses in the bill which made the relationship between Petro-Canada and the Minister of Energy, Mines and Resources much closer than is normal with Crown corporations. Clause 2 of the bill was before the committee for about 13 meetings, and in order to pass the bill it was agreed that the relationship between the minister and the corporation would be broken and that the relationship would be at arm's length. I think that was at the insistence of the opposition. Now we have the opposition claiming that for every step Petro-Canada takes, and every time it buys a paper clip, the government and the minister must be responsible.

There was an attempt to separate the corporation from the government. That proposal was accepted by our party in the interest of getting the corporation going. No matter what happens, the opposition will constantly berate Petro-Canada in this House. It happened with regard to the purchase of Husky and is happening with regard to Pacific Petroleum.

I believe Petro-Canada is an important part of the petroleum industry of this country. It is important that we have a national petroleum company, in the same way Britain has one and Italy has one. Some foreign state-owned petroleum companies are operating in Canada. The opposition constantly seems to be trying to undermine Petro-Canada. I understand that, if they had the power, they would immediately sell its assets.

[Mr. Pinard.]

● (1542)

I believe that in the course of the debates in committee it was clearly developed that Petro-Canada and the minister were separated in the interest of getting the bill through.

**Mr. Stanfield:** Mr. Speaker, I apologize, but I rise on the same point. I would simply like to serve notice—I think this is the first time I have had to give you notice—that I would like to consider bringing in a question of privilege myself in view of the answer given me yesterday by the minister. I took his answer at face value, but in view of the fact that the law as expressed by the hon. member for York-Simcoe (Mr. Stevens), and apparently accepted by the minister himself, puts a different light on it, I should like to reflect on whether I will raise a question of privilege against the minister. This is not something I would do lightly, but I simply want to give you notice, sir, and in view of the lapse of time I regard this very seriously.

If I come to the conclusion that I will raise a question of privilege, I would like to do it tomorrow. I will do it reluctantly, but if my present impression with regard to how the matter stands is correct, I will be proceeding with it.

**Mr. Speaker:** Order, please. Of course I will grant the hon. member for Halifax (Mr. Stanfield), as I would any other member, the right to reflect on the matter which he considers so seriously. Therefore I will stand the matter over until the hon. member for Halifax has had a further opportunity to examine it, and if he or other hon. members want to make further contributions after that time, I will be glad to hear them.

I think all hon. members will have to recognize, however, that the basic difficulty of the Chair in matters of this sort stems from two problems. When a minister, after a matter has been raised in this way as a question of privilege, returns to his reply and indicates that that was the reply he gave and that he has examined the matter, given it further consideration, and still stands by that reply, from a procedural point of view the Chair has two difficult decisions to make. The first is that if I were to try to make a decision, I have to make a substantive decision on the basis of facts, as to what set of facts is correct. Essentially that is a disagreement on facts, but often, to resolve it, the test that the Chair has to apply is whether it is a disagreement as to facts or a question of privilege by virtue of an attempt to mislead.

If the Chair finds itself in the position of having to make a decision between the two sides on an interpretation of facts, that is enough for the Chair to surrender the question of privilege and say that on procedural grounds, and in the circumstances, it has no jurisdiction. The difficulty is even more severe here because we are not even arguing about a question of facts but rather about an interpretation of the statute. Therefore the matter seems to place upon the Chair the obligation, not only of deciding on the correctness of facts but also of making a judgment as to which argument is correct under the law.

While I would concede generally that because of the clarity of the opinions which have been expressed this afternoon I