

Supply

everyone in the Public Service. I suggest that we must write guidelines that apply to every Member of Parliament both today and in the future. The guidelines must clearly stipulate what is acceptable or unacceptable behaviour so that any person seeking a seat in Parliament can decide whether they wish to do so. They must be clear so that every person in the Public Service knows that their affairs must be arranged and their conduct conducted in such a way as never to allow what they have done to be drawn into question. Then any people who aspire to high, senior positions within the Public Service will know, as they work their way up the ladder, what will be expected of them in the way they conduct their business if, as and when they reach or achieve such high office.

● (1140)

Therefore, the guidelines cannot simply be guidelines of the Prime Minister of the day, applying only to that particular Government, but must surely be those which apply to every single Member of Parliament. No matter which Government it is, whether it be Liberal, Conservative or NDP, the same guidelines should continue to apply and should be constant, easily understood, unequivocal, and should set out what we, the Members of Parliament, on behalf of our constituents, believe should be the way Governments should be conducted.

The question then arises, should these guidelines be a matter of law, subject to the interpretation of the courts, or should they be an in-house operation of the Parliament of Canada? I suggest, in the first instance, that the guidelines should not be a matter of law—and this is a personal view—but, rather, should be ones determined by the Committee on Privileges and Elections and approved by the House of Commons, and should then become part of the Standing Orders of the House of Commons. They should be enforced by the House of Commons and made subject to the same provisions as are other Standing Orders.

I suggest that to put them into a court system would diffuse their value and would take the behaviour of Members, Cabinet Ministers and senior public servants out of the realm of Parliament itself. They would then become interpreted by courts across the land from time to time and would, in many ways, prove to be the undermining of Parliament.

I therefore suggest that the other course of action is the one which should be followed, and that we should accept the view that the guidelines which affect Members of Parliament who become Cabinet Ministers or members of the public who rise to high levels in the Public Service should be those established by the House of Commons, not guidelines established only by the Cabinet for its own purposes at the time, should be subject to change and interpretation by the House of Commons only, and therefore subject to enforcement by the House of Commons.

I suggest to Your Honour that if we were to accept the suggestion as it is contained in the motion today, and if we were to accept the proposal put forward by the Leader of this Party that this should not be a matter of confidence today, without passing any comment on things which have happened in the past, we could agree that the conflict which arose over

the interpretation of the guidelines in weeks gone by, though it may have motivated the decision to seek this kind of parliamentary review, is not the reason, in itself, for going ahead with this parliamentary review.

It is in the best interests of everyone in the House of Commons that these guidelines be carefully considered as to their adequacy and written by the Members of this House who sit on the Committee on Privileges and Elections, referred back to the House of Commons for approval at some point as to their adequacy, and then made part of the Standing Orders of the House.

How would the guidelines be enforced? I suggest that the question of enforcement is one which is raised very frequently, yet I think it is a bit of a red herring. Someone said to me during the debate a couple of weeks ago on what has become known as the Coalgate affair that it would be very difficult to enforce guidelines on former Cabinet Ministers. That is not so. The enforcement of guidelines on former Cabinet Ministers rests with existing Cabinet Ministers and senior public servants.

Mr. Nielsen: With the Prime Minister.

Mr. Deans: If the guideline stipulates that a former member of Cabinet may not do something, whatever it is, that a person who has formerly sat in a Cabinet may not undertake to do a certain act, the enforcement of that guideline rests, in the first instance, with the individual himself or herself. However, in actual fact it rests with the current Cabinet Minister who would be required to pass judgment on the matter, or with the senior public servant who, having knowledge of the guidelines, would recognize that the former Cabinet Minister was in breach of the guidelines, perhaps inadvertently, and should bring to that former Cabinet Minister's attention the fact that whatever he or she is seeking cannot be sought at this time because he or she is in violation, or may appear to be in violation, of the guidelines.

As far as the question involving enforcement for members of the current Cabinet or for senior public servant, the answer is quite simple. If there is a clear breach, the responsibility then rests with the individual, in the first instance, to recognize the breach, having studied the guidelines to familiarize himself or herself with them, and to take the appropriate course of action, which has historically been to resign portfolio responsibility. That is in the case of the Cabinet. Failing the resignation of the Minister, if the question has been raised and proven to be true, it then becomes the responsibility of the Prime Minister to insist that that course of action be followed.

In the case of senior public servants, if they fail to abide by the guidelines, then their jobs are certainly in jeopardy. The responsibility rests with the Minister in charge of that particular Ministry, or with the Prime Minister, to replace such individuals whose actions have proven to be unacceptable to the House of Commons as set out in the guidelines.

I would like to suggest, rather than having the public continue to feel as it does, that there is, in fact, an old boy