

Privilege—Mr. H. Gray

Mr. Foster: Quote it, then!

Mr. Hnatyshyn: I know there are precedents, Mr. Speaker, because I have observed them on a number of occasions with respect to different cases. I recall the case of John Pallett, MP, wherein there was a question of his activities and an allegation made with respect to those activities in 1959. The Speaker at that time held that matters that occurred outside of the House of Commons, not in the capacity of a Member of Parliament, were not matters of privilege.

Mr. Gauthier: That's not the point!

Mr. Hnatyshyn: So the question here with respect to the Code of Conduct—Mr. Speaker, I listened very carefully to the Hon. Member for Windsor West (Mr. Gray)—

Mr. Gauthier: No, you did not. Evidently you did not.

Mr. Speaker: Order, please.

Mr. Hnatyshyn: Perhaps they would do me the courtesy of letting me complete my argument. I take seriously the position put forward by the House Leader of the Official Opposition. I think it is unfounded; but I listened to him and I allowed him to complete his argument.

What I am saying is that this matter is a matter in which there is an investigation. As a matter of fact, the Acting Prime Minister (Mr. Nielsen) has indicated the intention of the Prime Minister with respect to the process, which is outlined in the Code of Conduct set forth in his letter and the letter to Ministers which was tabled in the House of Commons on September 9, 1985.

I would like to conclude here. I simply say that this is not a question of privilege. It does not affect in any way whatsoever the ability of Members to conduct their affairs. It does not in any way constrain Members from carrying on debate. The question of privilege is one which impinges upon the ability of Members to carry out their responsibilities. There is absolutely no question with respect to the intent of this particular inquiry. It has to do with matters outside of the House of Commons and not the activities of Members of Parliament in this place.

● (1520)

Mr. Speaker: Order, please. I take it Hon. Members now wish to rise to debate the question of privilege? Hon. Members know that the Chair has been given notice of a desire to raise a *prima facie* case of privilege. It is our practice, when it is put by a House Leader, to allow a response from a House Leader. However, the Chair cannot allow debate on the question at this time without determining whether or not there is a question of privilege. I think Hon. Members know that. Does the Hon. Member for Burnaby (Mr. Robinson) wish to contribute somehow to the question of a *prima facie* case?

Mr. Svend J. Robinson (Burnaby): Mr. Speaker, I do wish to rise to speak to the question of *prima facie* breach of privilege in

these circumstances. I would ask leave of the Chair to have an opportunity to make a brief submission on this very important question.

The issue here is clear and goes directly to the heart of Parliament itself. As has been suggested by the Government House Leader, we are not talking about actions which have taken place outside the House or this institution. The allegation of breach of privilege does not go to the actions or alleged actions of the former Minister of Regional Industrial Expansion or to the Code of Conduct. Rather, the allegation of breach of privilege goes squarely to the question of the words of the Deputy Prime Minister (Mr. Nielsen) and the centuries-old traditions of the House. I would suggest that that is the issue.

The Government House Leader has suggested that some obscure precedent from 1959 involving activities outside the House was not relevant here. He is absolutely right. That precedent has nothing whatsoever to do with the allegations made here.

The allegation made here is quite straightforward. Yesterday and again today the Deputy Prime Minister stated that an outside inquiry would be given any statements or allegations that had been made in the House of Commons.

Mr. Speaker: Order, please.

Mr. Robinson: Mr. Speaker, may I have—

Mr. Speaker: Order, please. The Hon. Member is making the speech he might wish to make if the matter were before the House. Could he bring himself to precedents with regard to a *prima facie* case, please?

Mr. Robinson: Mr. Speaker, in pursuing the question of the existence of a *prima facie* case, I would again remind the Chair that the privileges of which we are speaking here date back to 1688 and to the Bill of Rights. It is totally unacceptable and indeed a breach of the privileges of all Members of the House for any outside body, whether it be a judicial inquiry, a quasi-judicial inquiry or any other form of outside body, to be passing judgment on words spoken in this House. The opposition House Leader made reference to the precedents. He referred to the statements of Mr. Justice Houlden and others. That is the issue which is squarely before the House. No outside body has the right to pass judgment on words spoken here.

If any individual wishes to challenge words spoken in the House, the proper mechanism for doing so is surely within the House itself through the committee on privileges and elections. I suggest that the words spoken both today and yesterday by the Deputy Prime Minister, in and of themselves, constitute a breach of the privileges of all Members of the House.

Mr. Guilbault (Saint-Jacques): Mr. Speaker, I believe that my colleague, the Hon. Member for Windsor West (Mr.