

similar in nature to the first one, I propose to deal with both in this ruling.

The Hon. Member has quoted, in support of his argument, a ruling by one of my predecessors which appears at pages 964 to 967 of *Hansard* of November 9, 1978, and also quoted pages 136 and 141 of Erskine May's Nineteenth Edition. He also submitted to me supplementary documents in support of his case, and I am grateful to him for having done so.

The Chair has spent considerable time reviewing the quoted references and several other precedents and rulings which it believes to be relevant to the issues the Hon. Member has raised.

Before going any further, I wish to underline the role of the Speaker in ruling on questions of privilege. The Speaker is confronted with a "claim" that privilege has been breached. All that the Speaker is called upon to decide is whether privilege appears sufficiently involved to set the matter down for debate in precedence to all other items and Orders on the Order Paper. There the role of the Speaker ends. The House will then, in its wisdom, decide if a breach has indeed occurred and what action it chooses to take, if any.

In every case, except one, that I have studied that is related to the issue involved, the Speaker has ruled that there was no prima facie case of privilege. The question I have to answer is whether the facts in this instance require that this one decision by Mr. Speaker Jerome in 1978 should be the relevant precedent.

In the 1978 case, there was evidence before the McDonald Commission that the then Solicitor General had been deliberately misled by officials under his jurisdiction. That evidence was the specific element which led Mr. Speaker Jerome to find a prima facie case of privilege and to allow the usual motion to be put to the House. In the present case before the Chair there is no such admission of wrongdoing or of wilful omission by officials or by the Minister. The Hon. Member appears to be in agreement with this since he himself stated at page 410 of *Hansard* on December 21, 1983:

Unlike the 1978 case . . . the House has no evidence that the departmental officials deliberately falsified documents and thereby caused the Minister to mislead the House.

Furthermore, Madam Speaker Sauvé clearly interpreted the scope of the 1978 case on May 27, 1981. I refer the Hon. Member to page 9979 of *Hansard*. She stated then:

That precedent has to do with a letter which had been improperly drafted by the RCMP and which they admitted had been improperly drafted, and which probably allegedly impeded the Hon. Member for Durham-Northumberland (Mr. Lawrence) in performing his duties in the House.

I have also reviewed the newspaper article and the document the Hon. Member provided to me. I found nothing in the newspaper article that I could link to privilege. The other document bears no departmental identification and no signatures. Its contents could be applied to any number of situations and indeed could be interpreted in different ways. The Chair could not find evidence therein relating to privilege.

I would suggest that this is a case where, far from having its privileges abridged, the House has provided a graphic instance

### *Privilege—Mr. Beatty*

of the exercise of its privileges. Hon. Members have decided, through the persistent and effective use of their right to question Ministers, to bring a specific issue before the House. The issue has been intensely debated. It has been the subject of an allotted day and continues to be raised during the Question Period. The questions asked and the answers given, together with the statements made on both sides of the House during debate, have raised considerable public concern.

This serious issue will undoubtedly continue to be pursued. We see the House at work in the full exercise of its privileges. The statements made on both sides of the House, the allegations and the answers to those allegations, are outside the Chair's responsibility or authority. It may well be, however, that the pursuit of this matter could result in departmental disciplinary action should it emerge, as alleged, that certain officials have in fact misled the Minister. However, this is not a matter for the judgment of the Chair. The evidence available is not such as to enable the Chair to determine that a prima facie case of privilege has been established.

The second point the Hon. Member for Wellington-Dufferin-Simcoe made was that the Minister had not corrected the record as soon as he realized he had made an incorrect statement. The Minister stated on January 16 that he has provided the House with accurate information.

It is the responsibility of the Chair to consider the procedural acceptability of questions and answers during Question Period. The quality and content of what is said during that period is not for me to pronounce judgment on.

As to whether false information is still on the record, I must refer the Hon. Member to Citation 145 of *Beauchesne's* Fourth Edition. I quote:

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

On December 15, 1981 Madam Speaker Sauvé in a ruling said the following:

It does not amount to contempt for a Member to mislead the House inadvertently, and this does happen from time to time. Furthermore, it is not unparliamentary to suggest that an Hon. Member has misled the House.

In such a case the Member may feel obliged to apologize to the House and to its Members where he may have unintentionally misled the House. This is an accepted procedure where a Member has made a mistake and has had his attention directed to it by another Member, or where his attention has not been drawn to a mistake but the Member nevertheless felt that he should advise the House.

#### ● (1510)

But if one Member wants to bring the conduct of another Member into discussion in the House and refer it to the committee, whether or not that conduct amounts to contempt of the House, he must accuse the other Member of a serious charge, and to say that a Member misled the House does not constitute a serious charge.

This, too, is a matter of serious and continuing concern to the Chair, but if a specific charge does not follow the allegation, the matter should end there.