HOUSE OF COMMONS

Thursday, October 6, 1994

The House met at 10 a.m.

_____

Prayers

_____

[*Translation*]

PRIVILEGE

COMMENTS BY PRIME MINISTER—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the question of privilege raised by the hon. member for Roberval last Friday, September 30, 1994, concerning comments made by the Rt. Hon. Prime Minister on September 28, 1994.

In his presentation, the hon. member for Roberval claimed that the replies made by the Prime Minister during Question Period were contradictory. This, he argued, impeded the opposition in the discharge of their duties, since the nature of the answers given by the Prime Minister changed a particular line of questioning followed by the Leader of the Opposition. Quoting from *Erskine May*, the hon. member held that such action constituted a contempt of the House.

[*English*]

To support his contention, the hon. member pointed to the exchanges which took place on September 29 between the hon. member for Sherbrooke and the President of the Queen's Privy Council for Canada and the Deputy Prime Minister during question period, as well as the point of order raised by the hon. member for Sherbrooke following question period.

The hon. member for Roberval also submitted that, in his view, as the behaviour of the Prime Minister constituted an obstruction of the House, the matter should be referred to the Standing Committee on Procedure and House Affairs, where the answers and the behaviour of the Prime Minister could be reviewed and witnesses summoned.

[*Translation*]

Joseph Maingot, in his book entitled *Parliamentary Privilege in Canada* at page 205, notes that if a member of the House has admitted to deliberately misleading the House or through his or her conduct in some other concrete, tangible way has become a subject of a question of privilege, then that member would probably forthwith be the subject of a motion for contempt. Maingot goes on to quote Speaker Michener's famous ruling in the Pallett privilege case of June 19, 1959. At that time Speaker Michener stated in part:

> Simple justice requires that no hon. member should have to submit to investigation of his conduct by the House or a committee until he has been charged with an offence.

In his May 5, 1987, ruling at page 5766 of the *Debates* Speaker Fraser said something which is apt in our current circumstance. He stated:

> I would remind the House, however, that a direct charge or accusation against a member may be made only by way of a substantive motion of which the usual notice is required. This is another long-standing practice designed to avoid judgment by innuendo and to prevent the overextended use of our absolute privilege of freedom of speech.

[*English*]

I now want to address the allegation of the hon. member for Roberval that the Prime Minister's answers misled the House and whether in the specific circumstances a contempt has taken place.

[*Translation*]

I have carefully examined the exchanges which took place on September 28, 29 and 30, especially during the Question Periods of those days. It is clear to me that there is disagreement among members over the facts surrounding the issue. And furthermore, no evidence has been presented to support the contention that the Prime Minister deliberately misled the House.

[*English*]

The chief government whip quoted from Beauchesne's sixth edition, citation 31(1) which states:

> A dispute arising between two members, as to allegations of facts, does not fulfil the conditions of parliamentary privilege.

● (1010)

Speaker Fraser noted on December 4, 1986 at *Debates* page 1792:

> Differences of opinion with respect to fact and details are not infrequent in the House and do not necessarily constitute a breach of privilege.

[*Translation*]

There are numerous other rulings, such as those of Speaker Lamoureux on February 3, 1971; November 16, 1971; and March 2, 1973; as well as those of Speaker Fraser on June 1, 1987, and finally, December 16, 1988, which amply demonstrate that this is a long-held view of the Chair.