

Point of Order—Mr. Epp

groups or individuals saying that there is a problem and they would like to see it addressed. My hon. friend should see it in that context.

The second point in his argument that I would like to deal with is the issue of the tabling of documents. The Hon. Member will recall that in the House on Tuesday last, as reported at page 694 of *Hansard*, I asked the Hon. Leader of the Opposition (Mr. Mulroney) if I could release the letter in question and he replied "Release it at any time". Subsequently on Wednesday, at noon, I had a conversation with the Hon. Leader of the Opposition who asked me to transmit to him the document that would be tabled before I tabled it in the House.

On Friday, during Question Period, as soon as I got the documents, I made sure they were delivered by hand to the office of the Leader of the Opposition. Subsequently the Leader of the Opposition walked into the House close to the time of tabling the documents. He was sitting in his seat when I rose to table the documents that I did table. So there was consultation with the Leader of the Opposition and there was also agreement from him at the beginning, in the House on Tuesday, January 24.

I think the points that the Hon. Member has raised are well taken in principle, that I do not think that we should proceed to tabling those documents without agreement or consent of the individual. When I stood up in the House, Mr. Speaker, you will remember that the Leader of the Opposition and the House Leader for the Conservative Party were in their seats and they did not raise any particular objection.

Hon. Allan Lawrence (Durham-Northumberland): Mr. Speaker, I did not come today prepared to argue the case before Your Honour about the release of documentation because there are others who are equally concerned and who have an opportunity to do more preparation on that matter. I hope you will be able to hear some of this argumentation today, even though in all fairness Your Honour might not be in a position to render a decision today. I am sure you will take it under advisement, however.

There is one point that I would draw to your attention which I think will be elucidated later by my colleagues, and that is the whole question of the Privacy Act, the position of the Privacy Commissioner in the House and the fact that the Privacy Commissioner does not report to the House through a Minister but reports to the House through the Speaker. We are not only dealing with a matter that may affect the privileges of Members and a question of very deep order as far as the House is concerned, but also, I suggest, with the unique position of the Chair in being the liaison and reporting body to the House for that particular Act. Unfortunately the Act does not appear to be able to impose any penalties or remedies when there is an obvious breach of it, as I suggest there has been in respect of the Minister's action regarding the documentation referred to. The Speaker of the House obviously has a very special duty to make sure that the provisions of the Act—and I draw attention to Section 4—are rigorously enforced and applied.

I want to bring one further thing to your attention which happened in the House today and which deeply concerns me. I think we are dealing perhaps not with a government but certainly with a Minister who has had the very obvious intention of "getting" another Member of the House. I put the word "getting" in quotation marks. I think there is a very obvious attempt here to try to blacken the reputation of a particular Member of the House. The way this scenario has unfolded, Sir, is that the Minister must have severely grilled the people in his Department to attempt to find information which would otherwise be held in very strict confidence as representations to government at one time or another. Last Tuesday the Minister blurted out the information he thought he had. Last Friday, or perhaps before, he realized he was completely wrong, and that is why we have had a half-hearted and rather mealy-mouthed apology today.

● (1530)

This is a matter which affects not only the privileges of the Leader of the Opposition, who is not here today to defend himself, but one affecting the privileges of every Member of the House. In the absence of the documentation he obviously thought he had, the Minister has referred to what may be even more privileged, a conversation, not between the Minister and the person who is now a Member of this House, but one between a civil servant and a person who is now a Member of the House. In so far as the integrity of information and representation is concerned, indeed the integrity of this and other Governments' efforts to encourage people to make representations concerning policy and legislation, the Minister has attacked that concept as well as the privileges of the Members of the House by referring to this conversation. If we were in a court of law, this would be struck out because as far as the Minister is concerned it is hearsay evidence only. He can always choose to weasel out by laying the blame on a misinterpretation of either what the civil servant said to him or what the civil servant understood the representations to be.

I think, Mr. Speaker, that today we have had an extremely gross representation in the House by a Minister who should obviously know better. But he does not, Sir, and I suggest to you that at the very least this matter has to be put in the hands of a committee of the House where not only the Minister can be questioned under oath, but also others who may have been involved. Obviously, this matter should not be swept under the rug. It should not be left in the position where we have a Minister breaking every rule of decency which some of us have been led to believe is paramount as far as the deliberations of the House are concerned.

Mr. Ian Deans (Hamilton Mountain): Mr. Speaker, I want to raise three matters which I think are germane to the issue before you. At the outset I want to say that, as I see it, there are three questions before us, one of which may well require the Speaker to make a ruling. The other two are certainly important but they are perhaps a little more political than the actual question which must be addressed.