

*Privilege—Mr. Hnatyshyn*

members of Parliament, do not have available to us the recourse or the remedies which would be available if the bill had been passed. Therefore we do not have the ability to go to an independent arbiter, information ombudsman or a commissioner, nor do we have the right to make a judicial appeal on that particular decision.

The importance and urgency of this matter are that we are now dealing with a momentous debate. We have a resolution which purports to amend the constitution of our country and to change in a substantial way the Constitution of Canada. So, we are denied information with respect to public opinion by the people of Canada in polling carried out at public expense by the government on the eve of the committee consideration, and indeed during the course of the discussion in Parliament of this very important topic. The second aspect is this: notwithstanding the fact that we have a statement by the minister in the House, the information which is being offered by Goldfarb Corporation for a fee and the information that has been obtained by Goldfarb for the government are amazingly similar. I think we have the right to ask ourselves whether or not there is a principle and question involved here of proprietary interest held by the Government of Canada with respect to the information obtained by the Goldfarb Corporation.

We should have the opportunity, I submit, Madam Speaker, to have a parliamentary investigation of this matter. I think it is appropriate for us as parliamentarians to be able to determine whether or not there has been a breach of the normal guidelines which would prohibit information obtained for the government for a fee, in which the government has a proprietary interest, to be merchandised by the polling company or by the consultants who have been retained to obtain this information. We should be in a position to satisfy ourselves that there is no motivation behind the Minister of Justice in refusing to disclose this particular information on the basis that he wants Goldfarb to come out first and be able to proceed on a commercial basis with this information before it is made generally available to the public.

The problem which concerns me is this: the matter has great urgency. The matter is one which deals with the rights and privileges of every member of this House with respect to the availability of information obtained at public expense for a very important debate in the House at the present time. My rights, and the rights of every member of Parliament in this House, have been seriously and adversely affected.

In introducing this topic to you, Madam Speaker, I simply say that in the event that you do find there is a prima facie case, I am glad to provide for your consideration not only the ad in question so that you can have the opportunity to look at the wording, but also the material sent to me from the Minister of Justice, together with the listing by him of the polls carried out by Goldfarb which have been denied to us. If you see, on the basis of information that I have supplied to you and the representation I am now making, that there is a prima facie question of privilege and my privileges have been adversely affected, I would ask you to entertain a motion for a reference, and I have a motion to propose to you.

However, I have one final point before I move the motion. It is a point which I believe was raised by the hon. member for Winnipeg North Centre (Mr. Knowles) the other day. It is not necessary for you to decide whether or not there has been a breach of privilege but whether a prima facie case has been raised by the proponent of the motion. It is up to the committee, once the question has been referred to that committee, to carry out an investigation to determine whether or not there has been a breach of privilege by the actions of the minister in this particular instance.

I simply want to submit to you that you are considering whether or not there is a prima facie case, but not deciding the issue itself as to whether or not there has been any breach of privilege by the actions of the minister. I am not asking you to decide but rather to have the committee decide. In any event, Madam Speaker, if you find a prima facie case, I would move, seconded by the hon. member for St. John's East (Mr. McGrath):

That the matter of the offering for sale by the Goldfarb organization of polling data denied to the House of Commons by reason of the federal-provincial exclusion clause of the proposed freedom of information legislation constituting a breach of the privileges of the House be referred to the Standing Committee on Privileges and Elections.

● (1520)

**Madam Speaker:** Before I hear other members on this question, I must say that it is very close to two other questions which I have under advisement. The additional question which is raised refers to the publication of certain material. The hon. member for Saskatoon West (Mr. Hnatyshyn) has raised this question. He indicated that the material which was published is very similar to the kind of information or the title of the information contained in documents transmitted to him by the Minister of Justice (Mr. Chrétien). However, he has not to my satisfaction described in what way the substance of the material published by Goldfarb constitutes a breach of the privileges of this House. The fact that something is published does not in itself constitute a question of privilege. The substance of it might constitute a privilege.

I will hear one other member because I have seen one rise on this question of privilege. I remind him that he must address himself to that particular point because, at this stage, I do not see a question of privilege in the matter that has been raised.

**Hon. Perrin Beatty (Wellington-Dufferin-Simcoe):** Madam Speaker, I will try at the outset to address myself specifically to the issue which you have raised because I think there is a very serious question of privilege here.

What my colleague the hon. member for Saskatoon West (Mr. Hnatyshyn), has questioned is whether it is proper, if in fact it has taken place, for commercial subscribers to the so-called Goldfarb report to have access to information paid for by the Canadian taxpayer and which is denied this Parliament. Surely nothing would be more fundamental when looking at the rights of members of Parliament than that they should be entitled to have access to information prepared for the Government of Canada at the expense of the taxpayers of