

# HOUSE OF COMMONS

Thursday, November 18, 1971

The House met at 2 p.m.

## PRIVILEGE

MR. NIELSEN—ALLEGED CONTRADICTIONARY STATEMENTS BY SECRETARY OF STATE FOR EXTERNAL AFFAIRS AND MINISTER OF NATIONAL REVENUE

**Mr. Erik Nielsen (Yukon):** Mr. Speaker, I rise on a question of privilege of which I gave rather belated notice to Your Honour through no fault of my own.

My question concerns contradictory statements made by the Secretary of State for External Affairs and by the Minister of National Revenue. These statements are contradictory in themselves, and the two ministers have contradicted each other. The statements concern official documents of the executive government of Canada. These documents the government has refused to table. The statements also concern other documents which have been reproduced in the public press. The publishers allege them to be in one case an authentic version of one of the documents first mentioned, and in the other case a true copy of one of the documents first mentioned.

Certain of these statements have been made by the ministers in this chamber and others have been outside this chamber to the public media. Whether made in this chamber or outside it, these statements have themselves been reproduced in the public media. Again, the statements made outside this chamber have been the subject of questions in this chamber.

At this point I intend to meet an argument which I anticipate may be advanced. It is that statements made outside this chamber by members of the House are outside the jurisdiction of the House to deal with as a matter of privilege. In other words, a minister of the Crown, although constitutionally responsible to the House, may quite properly inform the House on a matter of public business by making a statement in the House, and may inform the public on the same matter of business by making a contradictory statement outside the chamber. And, because these contradictory statements are made by the minister when he is physically in two different places—although these places be only 100 feet removed—the House does not have the right to investigate these contradictory statements. If the law of Parliament says that, Mr. Speaker, my submission is that the law of Parliament is, as Mr. Bumble said, an ass.

Of course, Mr. Speaker, the law of Parliament does not say that, however much the ministers of the Crown may feel at home with such an interpretation.

The privileges which members of the House enjoy are exercised in trust in the right of the public. The right of this House to be informed in this chamber on a matter of public business is the right of the citizen to be informed, whether the citizen is informed in this House or outside it.

It is strictly from Alice in Wonderland to say that the citizen is entitled to one version in the House and another version outside it. It is a parody of the privilege of freedom of speech to hold that the citizen does not have access to the courts with respect to a statement made by a minister in the House because the minister is protected by the privilege of freedom of speech and at the same time to hold that this House cannot investigate statements made by a minister outside the chamber which do not agree with statements made inside it on the same matter. In this regard I would refer your Honour to the excerpt contained in paragraph 4 on page 419 of Beauchesne's Fourth Edition.

Because of the overriding importance of the whole matter, the right of members of this House to be informed, the right of the citizen to be informed, and because of the serious nature of the contradictions within the statements made by the Secretary of State for External Affairs himself, and between those of the Secretary of State for External Affairs and the Minister of National Revenue, I ask leave to move the following motion:

This House orders that the Standing Committee on Privileges and Elections forthwith investigate all statements made by the Secretary of State for External Affairs and the Minister of National Revenue concerning the Gray report, so-called, the published so-called authentic version of that report and the purported cabinet document dated July 29, 1971, concerning a screening mechanism to control foreign investment in Canada.

**Mr. Speaker:** The hon. member for Yukon has given notice of his intention to bring this matter forward by way of a question of privilege. As the hon. member knows, there is a slight technical difficulty in that the Standing Order does require an hour's notice to give the Chair an opportunity of looking into the matter and considering precedents and citations. Unfortunately, because of circumstances beyond the hon. member's control, there was a slight delay. I am satisfied that the hon. member is not responsible for that delay and I am prepared to accept the notice on this basis as satisfying, on that count, the requirement of the Standing Order.

• (2:10 p.m.)

The hon. member has put forward for the consideration of the Chair and submission to the House a proposed question of privilege which I submit is essentially the same as one proposed the day before yesterday. The Chair considered the matter extensively having asked for the forbearance of hon. members and the co-operation of the House to give me an opportunity to look into the precedents and citations, which I did for some hours in the afternoon. As a result of this consideration I made a ruling which is reported at pages 9618 and 9619 of the Commons Debates for November 16.

I suggest to the hon. member that the precedents quoted therein are applicable to the circumstances on which the proposed question of privilege is based. I do not want to