I caution the Speaker that in a case such as this the interpretation of what was said by the Hon. Member for Montreal—Sainte-Marie (Mr. Malépart) could have taken perhaps a little more time. I cannot see any point of order.

Mr. Speaker: I will look at the point of order raised by the Hon. Member. However, I think the Hon. Member for Ottawa-Vanier (Mr. Gauthier) is right in the sense that I would assume, and I will look into it, that once I turn off the microphone the connection between the Hon. Member and the translation booth is broken. I would assume, therefore, what is happening after that is what is left over from what has already gone through the microphone system.

With regard to *Hansard*, I would be happy to look into it. However, I think the Hon. Member will know that *Hansard* picks up whatever *Hansard* picks up from whatever source, which is not always simply the microphones. It may not be possible to create that interruption.

I appreciate the point the Hon. Member is trying to make and I will look into it.

I have received notice of a Question of Privilege from the Hon. Member for Windsor West (Mr. Gray).

* * *

PRIVILEGE

CONFLICT OF INTEREST—APPOINTMENT AND TERMS OF REFERENCE OF INQUIRY—ALLEGED INTIMIDATION

Hon. Herb Gray (Windsor West): Mr. Speaker, on Monday 11, 1986, the Minister of Regional Industrial Expansion (Mr. Stevens) announced that, in the face of allegations of conflicts of interest raised in the House and in public, he had resigned from the Ministry and he asked for a public inquiry into the allegations in question. The Prime Minister (Mr. Mulroney) in the Far East, and the Deputy Prime Minister (Mr. Nielsen) in the House of Commons, have indicated that the Government has agreed to such an inquiry outside this House, presumably under the Inquiries Act. But the person or persons who are to undertake this inquiry are not yet appointed and their terms of reference have not yet been made public.

It has been the contention of the Opposition that while an inquiry is most certainly required, the proper place for such an inquiry, since it directly involves the privileges, procedures and Members of the House of Commons, is the House itself, likely through one of its committees. The validity of this assertion has been proven by statements in the House during Question Period both yesterday and today by the Deputy Prime Minister concerning the proposed inquiry. These statements have underscored the unsuitability of an inquiry outside of this House under the Inquiries Act or otherwise, in this case, and the statements alone, I submit, violate the privileges of this House. In particular, the Deputy Prime Minister said yesterday, as recorded on page 13225 of *Hansard* for May 13, 1986:

> —I have given Hon. Members the assurance that whatever statements or allegations have been made in the House of Commons, however temperate or intemperate, will be the subject matter of those terms of reference.

Later, on the same page, he is reported to have said:

> Surely he would want to clothe the impartial person with the broadest possible terms of reference . . . including all of the matters which have been raised in the House of Commons with respect to these circumstances—

Today in the House of Commons the Deputy Prime Minister said, and I think I have reported it accurately: "The investigation will take into account allegations made in the House of Commons both temperate and intemperate". These remarks make it clear that the Government is seeking through executive action to call into question statements made by Members of the House of Commons in Parliament in a place that, if it involves the Inquiries Act under statute law, has the power of a court of record. This is a clear violation of the privileges of Parliament recognized as long ago as the 14th century and, in fact, codified in Article 9 of the English Bill of Rights of 1688 as follows:

● (1510)

> The freedom of speech and debates, or proceedings in Parliament, ought not to be impeached in any court or place out of Parliament.

The applicability of this principle to Canada is clear. I draw your attention, Sir, to the 1971 case of *Roman Corp. v. Hudson's Bay Oil & Gas Co.* wherein Mr. Justice Houlden of the Ontario Supreme Court, after citing the aforementioned Article of the Bill of Rights, held:

> The court has no power to inquire into what statements were made in Parliament, why they were made, who made them, what was the motive for making them or anything about them—

The judgment was upheld on appeal by the Ontario Court of Appeal, wherein Mr. Justice Aylesworth held, in part:

> I respectfully agree with the learned trial Judge that the respondents cannot be called upon to plead to or defend against, in any ordinary Court of law, the allegations concerning statements they made in the House of Commons. For more than one hundred years no such Court has entertained an action based upon such statements, declaring it to be within the absolute privilege of the House itself to deal with them as the House may see fit.

This case was appealed to the Supreme Court of Canada. Mr. Justice Martland specifically upheld the statements made in both the trial and appeal judgments that applied to statements made in Parliament.

This fundmental principle has also been upheld in the courts with respect to proceedings in provincial legislatures. For example, the Chief Justice of Quebec in the Quebec Court of Appeal in the case of *Lavergne v. Le Club de la Garnison de Québec* dealing specifically with this point said:

> This freedom of speech was originally intended as a protection against the power of the Crown.

Erskine May's Nineteenth Edition, Chapter VI, provides lengthy and learned defences of these positions. It is of particular interest to note its commentary on page 84, respecting Article 9 of the Bill of Rights cited previously:

> There are three principal matters involved in the statement of law contained in this Article:—