

As I mentioned yesterday, the article is false and malicious but has not been rebutted by Canadian Press, even though I have given the news agency material from the Department of External Affairs, including an acknowledgement that the files in question were "inadvertently destroyed". This is extremely damaging to my reputation, and I am seeking the assistance of my colleagues in the Senate to take action to establish the facts surrounding the missing files, not only for my personal benefit but in the public interest, since the material destroyed relates to one of the crucial issues of our time, the free trade agreement. No other parliamentary process has dealt with this issue or is reasonably available to me, honourable senators.

In terms of proceeding in the courts, I should like to refer honourable senators to *Debates of the House of Commons* of March 22, 1983, on a similar issue involving a question of privilege wherein Madam Speaker pointed out:

Given the precedents I have studied, it is clear to me that while the Hon. Member could seek a remedy in the courts, he cannot function as a Member while this slur upon his reputation remains. The process of litigation would probably be very lengthy and there is no knowing how long it would take before the issue was finally resolved.

I believe, honourable senators, that my request meets the criteria for raising a question of privilege under the terms of rule 44(1) of the *Rules of the Senate of Canada*, and I am seeking your support in that regard.

**Hon. Royce Frith (Leader of the Opposition):** Honourable senators, I do not believe that I, or anyone on this side, can add anything to the debate to help His Honour decide whether a *prima facie* case of privilege has been made.

Senator Carney knows all the facts. I do not know anything she does not know. I think we should leave it to His Honour to decide whether a *prima facie* case has been made.

I will say that if the Speaker so decides, we would prefer — and I believe Senator Carney feels the same way — that the matter be referred to a committee for consideration, rather than the other option, which is to have the Senate deal with it here. It seems to me that there are a number of quite important and interesting issues arising out of this question of privilege that transcend the particular issue and personal concern of Senator Carney. I do not say that in any way to belittle her concerns. However, in fact, there are a number of issues that do transcend this question of ministerial documents. Our committee might wish to examine that issue in its broader context, as well as to look into the issue referred by the Senate to that committee on the motion of Senator Carney.

**The Hon. the Speaker *pro tempore*:** If no other honourable senator wishes to make a submission on this matter, then I would say to honourable senators that I will take the matter under advisement and give my decision as soon as possible.

The Senate adjourned until tomorrow at 2 p.m.