

Privilege—Mr. McKenzie

except to tell him and other members involved that they must pursue and exhaust the remedy in committee and in some way initiate a report to this House before this Chair can deal with it. Procedurally, I am in no position to accept and, therefore, in no position to comment, either for or against, on the proposition he has put forward this afternoon.

● (1520)

MR. MCKENZIE—FAILURE OF MINISTER OF TRANSPORT TO PROVIDE DOCUMENTATION TO HOUSE OF COMMONS

Mr. Dan McKenzie (Winnipeg South Centre): Mr. Speaker, I appreciate having this second opportunity to present my case. Yesterday I pointed out to the House that the Minister of Transport (Mr. Lang) has refused to give me complete documentation on the crash of a Beech 95A aircraft in Saskatoon, Saskatchewan, in March, 1978. I pointed out that the minister had submitted full documentation on the crash to the coroner's inquest in Saskatoon but that he has refused to make the same information available to the House of Commons.

The minister gave a long answer yesterday, but it did not pertain to the particular point I raised. At page 3409 of yesterday's *Hansard* he said:

There are certain things of a confidential nature which come before the Minister of Transport and which cannot be made public.

I have not asked for anything of that nature. I have merely asked for the full documentation on this particular crash. If the minister can make this documentation available to a coroner's inquiry, the report of which is made public, then he can make it available to the House of Commons.

Therefore, I would like to submit the following motion:

That the conduct of the Minister of Transport in providing to a coroner's inquest documentation which he will not provide to the House of Commons be referred to the Standing Committee on Privileges and Elections, the committee to have the power to call for persons, papers and documents and to report back to the House.

Your Honour has mentioned that there are other methods of obtaining information from ministers. We have tried all of them. I have been trying to obtain information from this minister on other air crashes since last October, but it is most difficult to obtain any information on any type of matter from the Minister of Transport. I would like you, sir, to entertain my motion.

Mr. Speaker: I have given the matter of the documents referred to by the hon. member for Winnipeg South Centre (Mr. McKenzie) careful consideration since receiving his notice. Of course, I was familiar with some of the background because of the question of privilege which he raised yesterday on what was essentially the same subject.

The matter raised yesterday was different in that the hon. member was raising the point that the Minister of Transport (Mr. Lang) had in a previous answer indicated that basically all documentation was on file or could be obtained, and the hon. member took issue with that answer. That point was disposed of yesterday when the hon. minister returned to that answer and defended it in this House, thereby, in my opinion, putting it into the area of a disagreement or argument between

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the two members and thus taking it out of the area of privilege.

As a result of that answer yesterday the hon. member now says that the minister confirmed that a document had been surrendered to a coroner's inquest, but that this document has not been made available to him, thus putting the hon. member in a position where his privileges are affected thereby.

The situation with respect to the acquisition of documents, as the hon. member will know, is that first of all in the House of Commons members may make application by way of a notice of motion for the production of documents. This is done on a regular basis and ministers, I am sure to the chagrin of opposition members, stand in their place and indicate that they are not going to produce their documents for various reasons.

If I were to grant that that matter were to become a question of privilege because the minister was refusing on some grounds to produce that document to a member, I think that I would be stretching the limit of the definition of privilege beyond recognition. If I were to decide that a prima facie refusal by a minister to produce a document became privilege, I would be altering the law or privilege considerably.

The hon. member does not actually say that he has made an application pursuant to motions for the production of documents and that the minister subsequently has refused to produce them. He does say in his argument that the minister has refused his other request for information, but he does not identify this particular one.

In addition, the hon. member supports his argument by referring to the fact that, if the document can be produced in a coroner's court, then it ought to be produced to the hon. member. That may very well be so, but it certainly does not follow that because the court has the power to subpoena a document, or have it produced to it or call as a witness the person who prepared the document, and thereby have access to the information, that that power necessarily lies in the hands of every member of parliament in the discharge of his obligations. Again, I think that it would be a considerable alteration of privilege to grant the hon. member's request.

If the hon. member has not already exhausted the other available devices open to him in securing this report, by way of a motion to produce the document, questions to the minister during question period and so on, I suggest that he ought to do so and perhaps in due time there may be more light shed on this argument. But on the basis of the arguments put forward today by the hon. member, I cannot bring it within the ambit of privilege.

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POINT OF ORDER

MR. NIELSEN—REQUEST FOR EXPANDED REFERENCE TO STANDING COMMITTEE

Mr. Erik Nielsen (Yukon): Mr. Speaker, on a point of order which I direct to the government House leader, on February 14 I asked him if, in view of the fact that the House had