

Deputy Prime Minister spoke about in the House yesterday. The Speaker in the chair yesterday was unequivocal in his assertion that there was a prima facie case of privilege involved because of the evidence that had been produced. It was pretty clear from this assertion that a member of the House had not been informed on the facts in the way that he ought to have been, and that information was being withheld that ought not to have been withheld.

If that is a conclusion of the Speaker, then how are we to deal with this case? There is the Standing Committee on Privilege and Elections, whose very reason for existence is to consider prima facie cases of privilege. That is the purpose of the committee. It is not for this chamber, for members of the House of Commons at this stage of consideration of a question of privilege, to make a final decision on it. Not at all. We do not call witnesses, Mr. Speaker. We cannot call the former commissioner of the RCMP before the House. We cannot call the former solicitor general, the Minister of Consumer and Corporate Affairs (Mr. Allmand). In short, we cannot do the kind of job that the committee exists to do.

Once we get through the maze of irrelevant argument presented by the Deputy Prime Minister and come to his fundamental argument, we find a flaw in his judgment when he concludes, as he did yesterday, that it is the purpose of the House and not the purpose of the committee to reach a decision at this point on this matter. That is precisely the argument the Deputy Prime Minister made yesterday. I want to use his exact words because I certainly would not want to distort his argument. I refer hon. members to page 1865 of *Hansard* where the Deputy Prime Minister is reported as follows:

The Speaker is obliged, under our rules, to find whether there is a prima facie case of privilege. Prima facie means on the first impression, on the surface, or at first blush. Beauchesne goes on to say that it is the responsibility of the House of Commons to find in substance whether there is in fact a breach of privilege.

So today, when the government is saying that it does not propose to support this motion, it is not saying to the Speaker that we have no confidence in his finding. It is saying that Mr. Speaker having done his duty, we have probed beneath the surface and found that there is contradictory evidence—

Mr. Speaker, I say the Deputy Prime Minister was wrong on both counts. First, he was challenging a ruling of the Chair. I would argue, because he knows better than most of us as he has been here longer, that there have been only two occasions since 1965—one just a matter of weeks ago, and the one now brought before the House—where the government has challenged a Speaker's ruling.

The Speaker has looked at the evidence on a prima facie basis, and brings to the House a recommendation which a standing committee of the House should consider further. Mr. Speaker pointed out quite correctly in the House today that he did not make a final decision yesterday. He did not condemn the government, nor did he condemn a minister. He said there was a prima facie case, based on a sentence, and the President of Privy Council singled out this one sentence. He asked how the Speaker could possibly base a decision on one sentence. I would point out to him that some people are married for their whole lives after saying one sentence. People who perjure

themselves in court frequently do so on the basis of one sentence. His is not a very persuasive argument when he says the decision was based on only one sentence. It was not very persuasive for the Speaker, nor for people on this side of the House. He has challenged the traditional position of the House of Commons, the traditional position of decisions reached by the Speaker.

In my view, if it is appropriate to comment on decisions and, I think, indirectly it is, the Speaker quite correctly reached the right conclusion on the basis of the evidence that there is a prima facie case. He has put this to the House, and if the House had any sense at all we would not be debating this now. We would have let this matter go where it ought to go, namely, to a committee to consider whether there is something beyond the prima facie case. After considering the matter, hearing expert testimony, calling Mr. Higgitt and others, if it turns out there is no question of privilege, and I would find that strange although it is possible, the committee could come back to the House and make its recommendations. At that point, what the Deputy Prime Minister says is true. At that point the House of Commons should make a final decision as to whether we have or do not have a real question of privilege.

● (1612)

To put it bluntly, the Deputy Prime Minister has it backwards. He is saying that the House of Commons should be deliberating and passing judgment without evidence and without testimony. If there is an affirmative decision, he then wants to go to the committee. How absurd.

We say that the Speaker's ruling should be respected. We say there is indeed a prima facie case here, that an hon. member has been misled. This matter should go to a standing committee of this House which has been constructed to look at such matters. We say in the final analysis that the government is wrong, that it is challenging the decision. If this is perpetuated, the whole function of that committee, the whole *raison d'être*, goes out the window.

An hon. Member: And the Chair.

Mr. Broadbent: I am coming to that. Not far down the road Speakers' rulings will become irrelevant if they are not in accord with the majority view of this government.

Mr. MacEachen: Mr. Speaker, I wonder whether the hon. member will permit a question.

Mr. Broadbent: Certainly.

Mr. MacEachen: I have been following the hon. member's very interesting address, but from his comments he has obviously forgotten what the Speaker has asked the House to do, namely, not to draw him into the argument by saying that in reaching a decision, with each member of the House making up his mind on the motion, that that in any way is casting a reflection upon him, because he has done his duty and it is now up to the members of the House to do their duty. That is what I was doing in making my statement. I wonder if the hon.