

Privilege—Mr. Friesen

be resolved in favour of the Hon. Member who raises the question. There is only one instrument for resolving it and that is the Standing Committee to which the Hon. Member wishes the whole matter to be referred so he might produce there, in that forum, the documents which are public in other legislatures of the country but which for some reason or other the Government will not make public here, notwithstanding the existence of an order of this House that those documents be produced.

Never has there been a clearer case of privilege, Madam Speaker, and I would suggest in this instance that it is a most appropriate case for allowing the motion to be put that the matter be referred to the Standing Committee, so that apparently the hundreds or dozens, or whatever, of other documents that the Member could not reach in the limited time available to him for making the point which he has very ably done might be also produced.

The main point, Madam Speaker, is that it is too late now for the Government to invoke these restrictions and qualifications which, if it wanted to do so, should have been done at the time the House passed an unqualified, unrestricted, unconditional order for production.

[Translation]

Mr. Pinard: Madam Speaker, you asked me a question. You referred to a list of documents mentioned by the Hon. Member. You said that it would have been repetitive to table documents in the House that were already public property. You said that we acted in good faith when we tabled a large quantity of documents. Today, the Hon. Member is mentioning other documents he would like to examine. I said earlier that I would like to have time to check what documents he is talking about. I did not receive prior notice of this question. I am aware that according to parliamentary procedure, the Hon. Member is not obliged to give notice, but since we were acting in good faith in tabling a very large quantity of documents and the Hon. Member would like to have more of these, I would like to have time to check whether we have the documents and whether they can be tabled, and then answer your question later on, if you will give me enough time. However, I still think, and this was my reaction straight away, that as far as documents that are already in the public domain are concerned, it would be repetitive to table them in the House. Furthermore, the agreement with New Brunswick referred to by the Hon. Member was signed only a few days ago. I signed it last week while Parliament was still in recess. In the circumstances, I do not think a complaint is justified.

• (1530)

[English]

Madam Speaker: The Hon. Member for Surrey-White Rock-North Delta (Mr. Friesen) has made his case quite completely. Hon. Members will notice that I have let him go on for a considerable time to give him a chance to give his complete submission in this case, especially since I believe this is the second time he feels he has had to raise this question

before the House. I needed to have his complete submission in order to make a finding in this particular case. There is still some doubt in my mind as to the way my decision should go. The Hon. Member for Yukon (Mr. Nielsen), I am sure, is not suggesting that when I am in doubt I should automatically decide in favour of the Member who has raised a question.

Mr. Nielsen: Let the House decide.

Madam Speaker: When I am in doubt I try to find out more information about the case so that I can give a ruling which is not doubtful. That is precisely what I want to do.

There is no question in my mind that if there is a disobedience to an order of the House then this is a prima facie question of privilege. It is not as clear as I would want it to be to decide that the Government has refused to obey an order of the House. I agree with the Hon. Member that it is taking some time, and maybe his patience is coming to an end. Perhaps there are reasons for that.

I should like also to look into the point raised by the Hon. Member for Yukon about whether the time has passed at which a Member can invoke some other restrictions. As I understand it now, the Government has not invoked any restrictions, so that point is clear.

If Hon. Members would allow me to look at the order that has been made—I looked through my documents and I do not have it with me—I will rule on it later.

Mr. Nielsen: That is eminently reasonable, Madam Speaker. I do not want to be misunderstood on the question of doubt. I was not suggesting that if any doubt resided in the mind of the Chair it should be resolved in favour of the question. What I was suggesting to the Chair has been common practice in the past and it has been followed by at least two of your predecessors, and that is that where a doubt exists—and they are on record as saying this several times—it is resolved by allowing the motion suggested by the Member to be put to the House. I suggest that is the proper course here if there is any doubt.

[Translation]

Mr. Pinard: Madam Speaker, if I understand correctly, you are giving me time to argue my case further and to invoke restrictions if necessary. I think I understand you are not closing the door on any arguments I may bring forward, but as I said earlier, the request is so complex and the pile of documents tabled is so substantial that I would like to know whether anything was really left out and whether we had any reason to leave it out. Meanwhile, I would remind the House that as far as the time factor is concerned, since you mentioned the time involved when you were discussing the Hon. Member's question of privilege, the Hon. Member himself is well aware of the problem. On this side of the House we like to table documents in both official languages, and because of the number of documents involved, it took some time to have them translated, which explains the delay. So I hope the Hon. Member is not going to complain that we took the time that was necessary to observe the Official Languages Act.