

Privilege—Mr. Crosbie

Mr. Smith: That is what “deliberate” means.

Mr. Nielsen:—and that Your Honour then has no alternative but to find that there is no longer a prima facie case of privilege in view of the statement of the minister that he did not intend to mislead and in view of what the parliamentary secretary called “explanations given by the minister”, as he put it in a second point.

In my respectful submission, that does not dispose of the obligation of the Chair. In my submission, the sole obligation of the Chair is to determine whether or not there exists a prima facie case of privilege. To adopt the point of view of the hon. member for Lincoln and of the parliamentary secretary would mean that we would be accepting a practice wherein Your Honour would be making a decision which is under the sole jurisdiction of this House to make. Because if you find that there is a question of privilege, then, of course, the House would vote on the substantive motion. Naturally, that would carry in the government’s favour and would dispose of the matter. However, it would not dispose, in my respectful submission, of the obligation of the Chair to take that intervening step and to deal with the question as to whether or not, on the basis of what you have heard, there exists a prima facie case of privilege.

What Your Honour has heard is that the government, in fact, made a decision before the minister made those statements in the House. I respectfully submit that nothing could be clearer on the face of the record itself. I therefore suggest that the evidence is quite compelling that there does exist that prima facie case.

All the minister had to say last Tuesday was, “Yes, the government has made a decision on that matter, but it has not been finalized. The Governor General or his aide must sign it in order to perfect the decision.” He did not say that. The Prime Minister tried to say it the following day, but that was a little too late.

The cure is not for the Chair to duck its obligation, as suggested by the hon. member for Lincoln and the Parliamentary Secretary to the President of the Privy Council (Mr. Smith). Indeed, if your reason and logic tell you, Madam Speaker, that a decision is not a decision until the Governor General signs it, you would have to accept the proposition that no decision was made with respect to the patriation of the Constitution until Her Majesty signed it on that day last month, that it was not a decision until she signed it. That is where the kind of logic of the parliamentary secretary and the hon. member for Lincoln takes one. Surely we cannot adopt that kind of Alice in Wonderland reasoning.

Mr. Chrétien: You are missing the point.

Mr. Peterson: It was when Mr. Chrétien decided.

Mr. Chrétien: I am the Attorney General. I made the decision.

Mr. Nielsen: I would like to make one final point. If Your Honour finds that there is no prima facie case of privilege and, subsequently, no motion to put to the House, where are we left

on this side? Every single day in question period we hear the type of question as was asked by the hon. member for Spadina (Mr. Heap) on May 19, when he directed a question to the Minister of Industry, Trade and Commerce and Minister of Regional Economic Expansion (Mr. Gray) concerning canvas footwear. The response by the minister, as reported on page 17590 of *Hansard*, was:

Madam Speaker, the existence of the canvas footwear loophole was taken into account by the government when it made the decision—

The hon. member for Spadina would have the right to ask, if Your Honour does not find a prima facie case of privilege exists here, “How can I believe that the cabinet has made a decision on this question? It may not be final.” That is where that kind of reasoning leads us if we are to accept the position advanced by government members.

• (1730)

At page 17586 of *Hansard* the Parliamentary Secretary to the Minister of Energy, Mines and Resources (Mr. Dingwall) in response to a question of the member for Vancouver-Kingsway (Mr. Waddell), said as the parliamentary secretary:

—a complete review is taking place at present as to whether or not we will pursue this particular program.

How can we believe that that is a decision that has been taken?

Madam Speaker, clear logic compels us to come to the conclusion that there was in fact a decision made by the government before the minister made his statements in the House that no such decision was made. I would ask, Madam Speaker, that you take the matter under advisement and that you come to the conclusion, the compelling conclusion, that there is indeed a prima facie case of privilege in the right of the member for St. John’s West, and that his motion be then put to the House and the usual procedure adopted of calling for a vote on that motion.

Mr. Mackasey: I rise on a point of order, Madam Speaker. I am not sure the hon. member is quoting me correctly, unless I check the “blues”. I have no recollection of having said that this disposes of the case. The points needs emphasizing that the word of an hon. gentleman has been an unwritten rule, Madam Speaker. My point was to remind the House and the Chair that there was a new element here that was not there yesterday, that is, the word of a minister. The statement of the minister today that he did not deliberately mislead the House is an additional argument that you must take into consideration and give the weight it deserves.

Madam Speaker: That is not really a point of order. Since the hon. member for Yukon (Mr. Nielsen) did tell me he would be the last speaker on this side—

Mr. Yurko: Madam Speaker, I want to have my say on such an important matter.

Madam Speaker: The Chair feels now that it has been sufficiently informed and has heard all of the views that need