

Privilege—Mr. Lewis

Parliament lies in the Minister of Finance sitting in his place while those incorrect facts remain on the record. That is where our privileges are being abused.

I suggest to you, Madam Speaker, that the Minister of Finance should do the honourable thing and correct the record now and state that there is no question, based on his own statement, that he knew when the budget came down, when he bragged that he had personally been in charge of the entire national energy project, when he personally approved everything—that is the point when the Minister of Finance, then the Minister of Energy, really knew of the involvement of Gillespie in the consortium.

We have spent a week and a half on that matter, Madam Speaker I suggest to you that the very fact that both Opposition Parties have concentrated on this matter in Question Period has to be evidence enough for you, through the fact that we represent the entire country, that despite the suggestions that we should be debating the economy, this goes to the very essence of what this place is about. If incorrect facts are tabled and if a Minister knows they are incorrect, surely that Minister must come clean and admit that they are incorrect.

Madam Speaker: About this development which the Hon. Member has just given to the House, what is he suggesting? That I should determine whether those facts are correct or not? The Hon. Member knows that the Chair is not in the position to determine whether documents placed before the House are correct or not or whether some of those documents, if the Hon. Member feels there is some contempt because of the fact that a document states a falsehood—if that is what I understand from the Hon. Member—could have been taken out of the record. I do not know if the Hon. Member would have thought of that, but the Chair is not in a position to determine if the facts tabled by the Hon. Minister or the Prime Minister are adequate. The Chair would be in a very, very difficult position having to determine a question of privilege on that basis.

Mr. Lewis: Madam Speaker, I would agree with the comments you have made, but the Chair is in a position to find that there is a prima facie case which should be sent to the Standing Committee on Privileges and Elections for review.

If you find from my remarks and my submission that there is sufficient evidence for a prima facie case, which I suggest to you does not mean enough to convict at this point but is just enough to substantiate what we have been arguing for a week and half—not all of the evidence that is in front of you right now but that we have brought forward enough evidence in this submission in the last two weeks for you to be sufficiently concerned—then as Speaker, as our equal among equals, you could find that there is a prima facie case to send to that Committee. We would be prepared to make that motion if you find there is prima facie evidence.

I have not had many opportunities to argue these questions of privilege but I suggest that we take a hard look at the words “prima facie”. In a court of law they mean that a judge feels

there is enough evidence to warrant a full judicial review—enough evidence, not for conviction, but to make it sufficiently important in the eyes of that judge to review the matter. Similarly, I suggest to you it is sufficiently important in the eyes of Members of the House to send this question to the Standing Committee on Privileges and Elections for review, so that we can get at the truth of this matter.

• (1210)

[*Translation*]

Hon. Yvon Pinard (President of the Privy Council): Madam Speaker, my learned colleague does not seem to understand the nature of a question of privilege. For his information I would like to point out that to determine whether the question may be raised and whether there is a prima facie case for privilege, the Chair must have a minimum of facts on the basis of which it can conclude that the freedom of speech of Hon. Members and their ability to discharge their duties as Parliamentarians have been restricted. However, that is not the point my learned colleague is trying to make. He is trying to claim that the documents that were tabled are not complete and that they do not correspond, according to his interpretation, to statements that may have been made, in answer to questions, by the Right Hon. Prime Minister or by other Ministers of the Crown. That has no connection with preventing a Member from exercising his freedom of speech or from discharging his duties as a Parliamentarian. He may not be satisfied with the contents of the documents or with the number of documents tabled, and he may not be very pleased with the interpretation given these documents by some Ministers or Hon. Members or the Prime Minister, but that is a matter of opinion, a matter for debate and interpretation. It is not up to the House of Commons to bring people to trial for any wrong doing.

To have a question of privilege, we must determine whether circumstances, or facts indicate that a Member has been prevented from exercising his right of free speech. That is the very essence of privilege. However, there is absolutely nothing in the facts submitted to the Chair by my hon. colleague that would justify the Chair examining whether or not there is a prima facie case of privilege.

In the circumstances, I feel that we have here a flagrant example of abuse of a procedure that should be used sparingly, according to Beauchesne and according to parliamentary practice relating to questions of privilege that are recognized as valid. In the circumstances, Madam Speaker, I submit, with due respect, that my learned colleague has absolutely no grounds for seeking a ruling from the Chair as to whether or not there is a prima facie case for privilege, because nothing the Hon. Member said indicates that Hon. Members have been restricted in their ability to discharge their duties as Parliamentarians in this House.

Madam Speaker: Considering the persistence with which the Hon. Member for Simcoe North is defending his position, the