

*Privilege—Mr. Friesen*

that the documents are now already public property here and that the President of the Privy Council is withholding public property.

In addition, Madam Speaker, there is no doubt in my mind that a prima facie case of privilege does exist and that the conduct of the President of the Privy Council and the Minister responsible for emergency planning in Canada in failing to provide documentation which he was to have provided under an order of this House of Commons should be referred to the Standing Committee on Privileges and Elections, the committee to have the power to call persons, papers and documents and report its findings to the House of Commons.

[*Translation*]

**Hon. Yvon Pinard (President of the Privy Council):** Madam Speaker, I am not so sure I understand what the Hon. Member means. He is saying there are documents that are now public property and that I am at fault because I am withholding them. Now if they are public property, how can there be any question of my withholding them! He is saying that what is important is not really the content of those documents but the amount. He is saying that this is a country where a lot of paper is produced and that, considering the number of employees we have, we should have been producing a more impressive pile of documents. I think the Hon. Member has a rather superficial attitude, and I am trying to understand what he really means, although frankly, I am at a loss.

The Hon. Member ought to know that the documents we produced were tabled with the consent of members on both sides of the House. We accepted this motion for production of documents in good faith, and I asked my officials to do the necessary research and obtain the appropriate material so as to respond in a full and adequate manner to the request and the order of the House. My parliamentary secretary tabled the documents himself in the course of his duties, and he tells me that the pile was about as high as the pile of documents he has here which he is going to table today in answer to another request. Perhaps the Hon. Member wanted a bigger pile and that is why he is now accusing me of withholding documents which are already in the public domain. I really cannot follow his reasoning.

In any case, Madam Speaker, perhaps I could draw your attention to a citation in *Beauchesne* which says quite clearly that a question of privilege ought rarely to come up in this House, and that the definition of privilege where members' rights are concerned is very limited and applies primarily to a breach of members' rights to freedom of speech. In the circumstances, I say that we acted in good faith, with the unanimous consent of the House, that we tabled all the documents we believed to be relevant and that if the Hon. Member were to indicate a document or documents in which he is interested and which could be tabled, I assure you I would do so without hesitation. However, I am sure that the Hon. Member never intended to question my good faith, because otherwise I would have a thing or two to say about that.

**Madam Speaker:** The President of the Privy Council (Mr. Pinard) has raised a number of questions. For the benefit of the ruling I will have to make on the question which has just been raised, I would like the minister to tell me, first of all, whether he is invoking the restrictions indicated by *Beauchesne*, in Citation 387 I believe, with respect to these documents? As far as I know, the government never invoked any of those restrictions and had always given the House to understand that it was prepared to produce the documents. The member for Surrey-White Rock-North Delta (Mr. Friesen) was very clear as to the documents he would like to consult if they were laid on the table of the House. He mentioned a number of documents he has as yet been unable to consult because, for some reason, the government has not yet tabled them. I do not know whether it is because they have not been translated or because the government does not have them at this time. In any case, to help me in making my ruling, I would appreciate it if the minister would tell me whether he is invoking *Beauchesne's* restrictions or whether he has another reason for not tabling the documents.

[*English*]

**Hon. Erik Nielsen (Yukon):** Madam Speaker, while the President of the Privy Council (Mr. Pinard) is thinking about that, I might intervene and submit to you, with respect, that it does not make any difference at this stage whether the Government wishes to invoke the discretion of privilege. The fact is that the House passed an order. That order called for the production of all papers and documents relevant to the subject matter of the motion which was on the Order Paper. That motion was accepted by the House. Normally, if any conditions or restrictions are going to be placed upon the agreement by the Government for the production of those papers, that is the point at which those conditions or restrictions are invoked. Now, that period of time has gone by so my submission to you, Madam Speaker, is that it is too late for the Government to attempt to impose restrictions on an order of this House which requires the Government to produce all documents and papers with respect to the motion.

The President of the Privy Council used the words "production of relevant documents." I submit that that discretion is now beyond him. The order of the House did not call for the production of all relevant documents, it called for the production of all documents, and it is a little late now for the government to invoke the doctrine of irrelevancy, the doctrine of privilege, or indeed any other doctrine that might have been available to it under the rules at the time the House adopted unanimously the motion of the Hon. Member.

It seems to me, Madam Speaker, from what I have been listening to, that the Hon. Member who raises the point has very succinctly and clearly made out a prima facie case of privilege and any doubt—and I submit that there can be none in your mind, but if there might be a lingering doubt—has to