

and what a senior official of the United States is revealed to have asserted according to a Canadian Press story which appeared on the weekend.

He continues:

According to the Canadian Press story, Mr. Bill Merkin, Deputy Chief U.S. Negotiator for the U.S.-Canada trade agreement, in a briefing provided for United States Congressional staff, declared that there have been discussions on the Autopact taking place in the free trade talks. Specifically, he said that auto tariffs would be dropped and that the Canadian government believes that the provinces would agree to removing duty remissions and could get the provinces to make other requested changes in the Autopact.

The letter of the Hon. Member for Oshawa continues as follows:

This claim by Mr. Merkin on June 4, 1987, was flatly contradicted on June 17th by the Parliamentary Secretary to the Minister for International Trade when he said in the House: "This Government has not requested that the Auto Pact be on the table for negotiations. To date, neither has the American side requested that it be part of the negotiations".

The Hon. Member for Oshawa, the Leader of the New Democratic Party, closes off his application in writing by saying:

It is clear that if the briefing of the U.S. Congressional staff took place in the manner described by Mr. Merkin, the Parliamentary Secretary has misinformed the House.

I draw to the attention of Hon. Members that the Hon. Member for Oshawa has not said that there was any deliberate misleading or that misinformation was deliberately given. However, I thought that in the interests of clarity it was appropriate to read the entire written application of the Hon. Member for Oshawa because, in my view, it puts forward very succinctly the complaint and, I suppose to some degree, the dilemma which the Hon. Member and other Hon. Members feel they are in.

My response is to say, first, that the issue of the Auto Pact is a very serious one, not only to the Province of Ontario but, naturally, to all of Canada. I am sure there are Members on all sides of the House who are extremely concerned about any suggestions made, whether accurate or inaccurate, which lead to public discussion creating concern or anxiety with regard to the future of the Auto Pact.

I do not, therefore, minimize in any way the seriousness of the matter raised by the Hon. Member for Oshawa and others. My task, of course, is to decide whether, as important as the issue is, under the laws of procedure of this place it amounts to a breach of privilege.

The question of the issues which are or which are not subject to negotiation in the course of the free trade discussions currently taking place with the United States is one of very great importance. Questions have regularly been asked in this House on this fundamental point and Ministers have answered these questions within the context of a negotiating situation.

I stress that it is a legitimate matter for parliamentary questions, for debate, and for the expression of anxieties which may arise as a consequence of what may appear in the press, what may be said by different parties to the negotiations, or what may be said in this Chamber.

### *Privilege—Mr. Broadbent*

With regard to anxieties, I know that Hon. Members will have noted that in the continuing debate on free trade, and especially on the Auto Pact, both sides of the House have expressed anxieties with regard to what others in this House and in other places have either said or been reported to have said.

When negotiating an issue of this magnitude varying reports have to be anticipated, some well founded and some less well founded. Some, naturally, are no more than speculation. Some reflect a particular point of view. Reports emanating from the other side which appear to contradict assurances given by Ministers are clearly the subject of legitimate debate and questions in the House.

However, parliamentary privilege exists to protect Hon. Members from obstruction or intimidation in the fulfilment of their duties. The publication of contradictory statements, it would seem to the Chair, does not in itself provide justifiable grounds for a case of privilege. The privileges of Members are not infringed by the existence of controversy, disagreement, contradiction or any of the multifarious elements which enter into political issues.

I must add, however, that if those contradictions took such a form that there was a serious allegation that there was an intent to mislead, under those circumstances the difficulty in deciding whether there was a breach of privilege would give the Chair a great deal of concern indeed.

I say that because if, for instance, there was a deliberate tactic on one side or another to put forward misleading information, it might well be that it could amount to obstruction in the fulfilment of the duties of Hon. Members because of the material put forward and the motivation which lay behind it. However, as I say, that is not the allegation before us. The allegation is that there have been contradictions. As I pointed out, the Hon. Member for Oshawa was very careful to confine the question of privilege to those contradictions.

As I have said, any action which prevented full debate or the free expression of views on such issues could violate parliamentary privilege. However, in this case, at least at present, there is no evidence of that kind of action and I cannot, therefore, accord this matter precedence over all other business.

I point out to the Hon. Member for Oshawa and others that this ruling is, of course, strictly a procedural one on the narrow grounds of what constitutes a breach of privilege of the Members of this place and does not in any way minimize the very great importance of the issue. I want to thank Hon. Members again for their interventions and the attention all Hon. Members have paid to them.

In closing, I want to reiterate how much the Chair has appreciated the very clear and succinct terms in which the Hon. Member for Oshawa put forth the facts and the complaint in his written application to the Chair on this question of privilege.