

It was obviously, Mr. Speaker, the duty of the then solicitor general to bring this to the attention of his colleagues so that the loyalty of the servants of the state be held up in all respects to the requirements of the law.

Let me say in conclusion, Mr. Speaker, that the hon. member did not raise a question of privilege, but simply abused the privileges of the House to try and raise a debate which he would not have been able to raise otherwise.

[English]

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, I do not wish to take part in the debate on this question of privilege, but I wish to give notice that I am seeking to rise on a point of order related to the same general subject: I shall do so after you have ruled on the question of privilege.

Mr. Speaker: Order, please. The hon. member for Prince George-Peace River (Mr. Oberle) gave the Chair notice of his intention to raise a question of privilege. The notice is in the following terms:

I wish to give you notice that at 3 p.m. this afternoon, January 26th, I will be raising a question of privilege with respect to the matter of an extraparliamentary opposition list which has been dealt with in the House since the resumption of parliament on January 24, 1977.

Indeed, the hon. member for Prince George-Peace River did raise, or propose a question of privilege related to that subject and proposed, if the Chair would find in his favour, that he would move, seconded by the hon. member for Central Nova (Mr. MacKay) that the matter of an extraparliamentary opposition which is referred to in a document circulated by the Solicitor General (Mr. Fox) to members of the government be referred to the Standing Committee on Privileges and Elections. I twice invited the hon. member to bring the matter within the confines of a question of privilege as we have defined it on many occasions in the past.

It ought to be remembered that questions of privilege have two important characteristics. In the first instance, they fall within a very narrowly-defined limit which has to do with the interference or prevention in some way of the ability of a member of the House of Commons from fulfilling his responsibilities, tantamount to a physical prevention of the hon. member from carrying out his responsibilities. It certainly has not been extended to include any sort of disagreement, interruption or argument; it has to be a deliberate prevention of the hon. member's ability to carry out his duties.

With respect to disagreements about answers given in the House, even misleading answers, there has long been a precedent established. Misleading answers, questions which seek to criticize those answers given, statements which even go to the extent of saying that the answers are misleading, that answers are contradictory as between one minister and another, or that the same minister has given conflicting or contradictory answers on different occasions, have all been held in the past to be matters of debate and not questions of privilege.

The second aspect of the question of privilege has often been referred to—misleadingly, I think—as having to do with a *prima facie* case. I think that language is somewhat mislead-

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ing. It ought to be understood that that aspect of the question of privilege is such that the motion which is sought to be put forward by the hon. member ought to take precedence over every other order of business. The subject of this motion, or the subject of the hon. member's comments, could, of course, be put forward by him in a substantive motion. That motion would not have the priority of a question of privilege.

The Chair must decide whether, because the privileges of members of the House are touched or affected, or because what is known as the collective privileges of the House are adversely affected, the hon. member's motion ought to have priority over other business and ought to be put by the Chair in precedence to the order of the business of the House. In line with the very strict definition of privilege in the past, I cannot find that his motion should fall within that category, although his complaint or grievance falls within that category which I take to be a matter of disagreement.

There is one aspect of the matter which remains to be clarified, and it is this: in the course of his remarks, the hon. member did not simply refer to answers or performances by ministers which were misleading. Rather, he used the words "deliberately misleading". If that is the subject of calculated language on the part of the hon. member, he ought to form a substantive charge because it is a very serious allegation. However, in the circumstances, the details were not spelled out in respect of the hon. member's presentation at this time, and after reflection the hon. member may wish to pursue that point further. At the moment I must find that he has a grievance, or has raised a disagreement and grievance which does not constitute a question of privilege.

● (1510)

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, as I indicated a moment ago, I rise on a matter related to the same issue that has been under discussion, except that in this case it is a point of order that I wish to raise. Beauchesne, in his fourth edition, at page 134 states in citation 159(2) as follows:

A minister of the Crown is not at liberty to read or quote from a despatch or other state paper not before the House, unless he be prepared to lay it upon the table. This restraint is similar to the rule of evidence in courts of law, which prevent counsel from citing documents which have not been produced in evidence. The principle is so reasonable that it has not been contested; and when the objection has been made in time, it has been generally acquiesced in.

I submit that I am raising it at the first opportunity. We now have a rule that we do not raise points of order during the question period. I rose at three o'clock, at the same time as my friend, and I am up again now. May I also read the first sentence of 159(3):

It has been admitted that a document which has been cited ought to be laid upon the table of the House, if it can be done without injury to the public interest.

I have read that sentence, not just because it is in line with the previous paragraph but because I want to make a reference in a moment to the phrase "without injury to the public interest". The Solicitor General (Mr. Fox) made reference two or three times to a letter which we assume to be a letter