

**Mr. Hawkes:** And who does he report to?

**Mr. Riis:** The Chief Electoral Officer is an officer of Parliament. I just wanted to clarify that because the Prime Minister (Mr. Mulroney) kept referring to this individual as an officer of the House and he simply is not an officer of this House.

In spite of what my hon. friend has indicated, you will be aware of the numerous precedents of prima facie cases of privilege being decided against individuals who were not Members of this House. I want to make it clear that you do not have to be a Member of the House in order to be the subject of a question of privilege.

In my earlier comments I referred to the specific case on May 7, 1976, and there are many others. I simply wanted to make it clear on the record that you do not have to be a Member of this House to be named by the Speaker as being in contempt of Parliament.

**Mr. Jim Hawkes (Parliamentary Secretary to Deputy Prime Minister and President of the Privy Council):** Mr. Speaker, I would like to make a short contribution which might indeed be helpful to you.

The Member opposite has advanced the case that the actions of Mr. Gorman have in some way impeded the ability of Members of this House to carry on their duties. I see nothing in the submission that deals with the actions of Mr. Gorman.

The Member opposite goes on at some length on the issue of a two-tiered system of justice. Any reading of the letter would fail to find anything which could be interpreted as a two-tiered system of justice. The notion of a two-tiered system of justice comes from the Opposition. If contempt is really the issue about which the Hon. Member is concerned, the appropriate motion would be to examine the behaviour of the Opposition in the House of Commons for bringing the House into disrepute. It is certainly not Mr. Gorman's motion which is advanced at any point.

All of us who serve in this Chamber were involved in a campaign, subject to the Canada Elections Act. We were all involved totally in our campaigns in the sense that we signed statements about expenditures which our official agents signed as well. Whatever others did on our behalf when we were out knocking on doors while they were in the office, we did.

I am looking across at the Member for Hamilton East (Ms. Copps) who, I believe, signed a form which was found to put her in a position of contravention of the Act. Working with the elections officer in the investigation it was modified in some fashion to reflect—

**Ms. Copps:** Amended by the courts.

**Mr. Hawkes:** —a view of the facts, which was not the view first presented and signed and which would have been a contravention.

*Privilege—Mr. Riis*

Parliament, in its wisdom in setting up this Act, very carefully included the principle that the official elections people would look at the circumstances of the case, reach certain conclusions, and make those conclusions firm and public.

It seems to me from the letter that was introduced by my hon. friend into evidence that Mr. Gorman has complied exactly with the Act. Some of the dispute in the House has centred on the word "involved". According to the Act we are all involved in all aspects of the campaign from the day we are nominated and file our papers to the day that we sign our expenses at the end of the line.

If evidence existed to show that the Minister of Energy had acted in a manner which caused the commissioner to think that charges should be laid, surely he would have laid charges. If Members opposite think that Mr. Gorman did not act in the manner required by the Act, surely they should present some proof to the House.

The Opposition's assertion that Mr. Gorman is in contempt of this House for creating a two-tiered system of justice that treated Members differently than campaign team members were treated should be documented. There should be evidence produced that Mr. Gorman treated people in a two-tiered fashion rather than simply an assertion. The man surely deserves that much protection from the House and the Chair.

**Mr. Speaker:** The Chair has listened carefully to the representations that were made. The Hon. Member for Kamloops—Shuswap (Mr. Riis) did cite some authorities. I know Hon. Members will understand that I wish to do him the courtesy of reading them. I will look at them.

I must say, though, that in a case like this the Chair is under some particular difficulty. Even assuming for the moment that the argument which was skillfully put by the Hon. Member for Kamloops—Shuswap is one that the Chair ought to adopt, the Chair is in considerable difficulty over evidence that is not before us. Having listened very carefully to the argument and having listened very carefully to questions and answers put in the House for several days, it is not possible for the Chair to decide why a certain official decided to prosecute in some cases and not to prosecute in others.

• (1530)

Certainly from that point of view there is a lack of information which, as long as it is not there, makes it very difficult to draw any inference one way or the other with respect to whether the official conducted himself in an appropriate way. However, I want to assure the Hon. Member for Kamloops—Shuswap (Mr. Riis) that I know that he has raised a matter in a serious way. I will consider it and return to the House if I feel that that is appropriate.