

HOUSE OF COMMONS

Wednesday, October 17, 1973

The House met at 2 p.m.

[English]

PRIVILEGE

MR. MACINNIS—DISCREPANCY BETWEEN DOCUMENT PRESENTED TO COURT BY CAPE BRETON DEVELOPMENT CORPORATION AND EVIDENCE TO PARLIAMENTARY COMMITTEE

Mr. Donald MacInnis (Cape Breton-East Richmond): Mr. Speaker, I rise on a question of privilege arising from an answer given me yesterday by the Minister of Justice when I asked him a question with respect to the discrepancy between a court document presented by the Cape Breton Development Corporation and evidence to the contrary as expressed in a letter, and before a parliamentary committee, by Mr. Tom Kent, the responsible officer for that Crown corporation.

I have evidence to substantiate my statement and refute what was said by the Minister of Justice, who told the House he had had this discrepancy investigated. Perhaps I should first quote what the Minister of Justice said yesterday as reported at page 6906 of *Hansard* in the second column:

I have had a report on the matter which leads me to believe there is no such element present.

I have here a letter dated April 14, 1969, referred to as exhibit E, presented to the court by the Cape Breton Development Corporation and signed by E. C. Cuddy, director of claims and benefits of the Unemployment Insurance Commission, in which a statement is made about preretirement leave as applied to Cape Breton miners. I do not intend to quote the whole letter, but this is part of it:

As mentioned in your sub-plan, payments are not earnings.

It is emphatically stated in this document, used in court, that they are not earnings.

I quote, now, from a letter directed to me by Mr. Tom Kent on April 3, 1973, after the court case had been terminated. The opening paragraph reads:

I think you must be misunderstanding PRL. The payment has always been considered earnings at all times.

Mr. Speaker, there is no question or doubt that the views expressed in court by Devco and those expressed after the court action by the president of that Crown corporation are diametrically opposed.

If this evidence is not enough to convince the minister that the whole system has gone wrong and that the miners of Cape Breton are not getting their due in accordance with the legislation passed in the House in 1967, I can provide the hon. gentleman with details of a discrepancy between the views of the late Mr. Justice Gillis and the Minister of Justice himself. Two points of view expressed in a letter from the minister to myself are diametrically

opposed to what was contained in the judgment handed down by the late Mr. Justice Gillis.

I am prepared to table the letter from Mr. Kent. I am also prepared to table a copy of the document used by Devco in order that these discrepancies may be fully examined by the minister. If the hon. gentleman wishes, I will also table his own letter and the judgment handed down by the late Mr. Justice Gillis so that he may be aware of the discrepancies in them.

During the hearings in the committee the discrepancies which arose were too numerous for me to mention at this time. I refer this matter to the Minister of Justice. What he is supposed to provide in this country is justice for all, not justice for the high-paid employees of this corporation who have taken care of themselves and who have yet to initiate any action to implement the legislation as provided in section 18(a)(1) and 18(a)(2) of the Cape Breton Development Corporation Act. I can provide document upon document, including one of the minister's own, pointing out the discrepancies in this whole affair.

Mr. Speaker: With respect, I suggest to the hon. member and to the Minister of Justice, who have been involved in an exchange of questions and answers for some time in relation to the very important matter which has been raised, that there should not be a debate at this time. The hon. member has raised this matter by way of a question of privilege, but it would be very difficult for the Chair to agree that there is here a breach of parliamentary privilege which ought to be looked into and investigated by a committee of the House.

The hon. member may have a grievance. He says there are discrepancies between statements made or letters which have been written. That is quite possible. But, with respect, I suggest this is not the type of situation which can be cleared up by means of a debate under the guise of a question of privilege. The whole matter to which the hon. member has been alluding has, in the past, been considered by the Standing Committee on Justice and Legal Affairs. If the hon. member has a grievance, as may well be the case, maybe it could be revived in that way. As I said, I respectfully suggest it should be done in some other way than by a debate on a question of privilege.

The hon. member referred to the possibility of tabling documents. The Standing Orders do not provide for this procedure. If the hon. member has documents he would like the minister to see, he can always send them to the minister. Regretfully, I have to inform him that, as he knows, hon. members cannot table documents in the way he is now proposing to do. I would suggest that the documents be forwarded to the minister and that, with the agreement of the Minister of Justice and all members of the House we might for the time being allow the matter to rest on the statement which the hon. member for Cape Breton-East Richmond has made.