

Privilege—Mr. Jelinek

buy and sell real estate and advance money on a promise of payment or on a mortgage, then it would appear to me that means they can carry on what amounts to the business of commercial real estate activity while holding office under the Crown. I believe, and I was seeking to make the point with the Deputy Prime Minister yesterday, that that kind of activity should be prohibited. If the current interpretation is that it is permitted under the code, then I suggest it is time this House of Commons and the Government reviewed and altered the code to make it very clear that an activity which may have been acceptable to the ADRG under the current code would not be acceptable in the future. Those are my points.

Mr. Speaker: The Hon. Member takes the position that whatever he may have said he did not mean it to carry an innuendo of wrongdoing against the Minister. It seems to me the Hon. Member is now saying, and perhaps quite properly, that perhaps the guidelines should be re-examined. That is a legitimate issue of debate in this place. However, given that the Hon. Minister has said everything he did was at least fully reported to the Assistant Deputy Register General, the gentleman who is supposed to look after these things, perhaps the Hon. Member would like to make it clear to the House—the Hon. Member may want to say this or he may not, but it seemed to me it would be appropriate if the Hon. Member wanted to say that his questions were directed at a question of public concern, which is the guidelines, but they were not directed at any suggestion that the Hon. Minister, especially after what he has said today, was knowingly in breach of those guidelines. If the Hon. Member wishes to make that clear to the Chamber it might help a lot.

Mr. Cassidy: As I have said before, there is no suggestion of illegality in the actions of the Minister. I believe the Minister is and was in breach of the code in this particular transaction. However, I accept that the Minister consulted with the ADRG and complied with the advice he had. In giving that advice I believe the ADRG was in error in his interpretation of the code. If that interpretation stands, then I suggest it allows all kinds of commercial real estate activity by Ministers and it is wrong and therefore should be changed. Either the Minister and the official erred in their interpretation of the code or the code itself is in error and should be changed.

Mr. Nelson A. Riis (Kamloops—Shuswap): Mr. Speaker, I want to add two or three points to this discussion. The first is simply to refer to Citation 55 of Beauchesne's Fifth Edition which says:

The privilege of freedom of speech is . . . the most fundamental right of the Member of Parliament on the floor of the House—

I think it is important to keep that in mind when we examine the question of whether or not there has been a breach of privilege. The Hon. Member for Ottawa Centre (Mr. Cassidy) was exercising that right during Question Period. He was directing his questions to the Deputy Prime Minister (Mr. Mazankowski), the cabinet Minister responsible for the conflict of interest guidelines. In other words, it was directed to

the appropriate Minister, because the Hon. Member for Ottawa Centre indicated there was some question of whether or not the guidelines had been breached.

When you look at the questions asked it seems to me that the Minister of State for Fitness and Amateur Sport (Mr. Jelinek) is perhaps protesting somewhat unduly, because the question asked, and I think it is worth repeating, is simply that:

In view of the risky nature of this investment can the Deputy Prime Minister—

And it is the Deputy Prime Minister who is responsible for answering for the ADRG—

Mr. Jelinek: The Prime Minister.

Mr. Riis: In his absence the Deputy Prime Minister (Mr. Mazankowski) assumes that responsibility.

● (1220)

He asked:

—can the Deputy Prime Minister tell the House whether speculative commercial mortgage lending is a permitted activity under the Government's Code of Conduct for Ministers of the Crown?

That is a simple question and, I might add, a legitimate question. It was raised during Question Period which presumably is the appropriate time to raise questions when seeking information.

The Hon. Member for Ottawa Centre went on to ask:

When a Cabinet Minister makes a \$354,000 second or third mortgage loan, is that not a commercial activity which is in fact prohibited by the code? What action does the Government intend to take to enforce the code with respect to the Minister of State for Fitness and Amateur Sport?

Those are straightforward questions. There is certainly no innuendo there, simply a question whether the code was breached and were these types of mortgages recognized as speculative commercial loans.

Mr. Mazankowski: Withdraw, then.

Mr. Riis: We asked the question during Question Period. We directed the question to the appropriate Minister. There were no innuendoes in either the introductory comments or in the questions themselves. In my view, there is no question of privilege.

If a Member of the House of Commons does not have the right to ask these kinds of questions during Question Period, seeking legitimate information, what kind of questions are we permitted to ask?

Mr. Mazankowski: While smearing other members? Smear some more.

Mr. Rodriguez: You are so sensitive. Poor baby.

Mr. Speaker: The Hon. Member.

Mr. Riis: I appreciate that there seems to be a great deal of sensitivity on the other side. Quite frankly, I recall a number of occasions when totally different situations were being