

*Privilege—Mr. Riis*

Therefore I suggest that there has been an offence against the dignity of Parliament in this case. Any suggestion that there may be different types of justice for different Canadians, particularly those in Parliament, is something I think we have to take extremely seriously.

While I am on my feet, I want to remind you of what Joseph Maingot's *Parliamentary Privilege in Canada* says at page 192:

While privilege may be codified, contempt may not, because new forms of obstruction are constantly being devised—there is no closed list of classes of offences punishable as contempt of Parliament.

In this case I firmly and strongly believe that the former commissioner has seriously hindered us in our tasks as parliamentarians. I believe in doing so he has committed a contempt of this House.

In conclusion, if you find a prima facie case of privilege, I would move that this matter be referred to the Standing Committee on Elections, Privileges and Procedure. I thank you for this opportunity to say a few words on this critical matter.

**Hon. Doug Lewis (Minister of State and Minister of State (Treasury Board)):** Mr. Speaker, I will be brief because I realize that today is an Official Opposition Day and I do not want to take up any more time than is necessary. However, there are some things we have to get on the record. My friend was given an unusual amount of latitude to put his case and I want to speak for two people who are not here.

I want to speak for Mr. Gorman, who is not in this House, not able to defend himself, who exercised his duty as an officer of Parliament in accordance with the Act, and now finds it being suggested that he is guilty of contempt of Parliament. I think it is unfortunate that such a charge would be laid against an individual who is not here and able to defend himself. The other person I want to speak for is the Hon. Minister of Energy, Mines and Resources (Mr. Masse).

There is a presumption not only in this House but in this country under democratic principles that you are presumed innocent until proven guilty—proven guilty. The Hon. Minister found out that there was an investigation under the Elections Act being conducted into his actions. He immediately advised the Prime Minister (Mr. Mulroney) and resigned or was relieved of his duties. In other words, he stepped aside as a Minister of the Crown. He did the honourable thing. Then, at a later date, November 28, the Commissioner of Canada Elections, the very gentleman who it is suggested is in contempt of Parliament, states this:

I have reviewed the results of the investigation and I have decided that no charges will be laid against the Hon. Marcel Masse.

Mr. Speaker, the Act makes it quite clear that it is the function of the commissioner to decide whether or not to proceed to prosecute a case. The commissioner consents to prosecution only when he is satisfied that he has all the necessary facts and only in those cases where he believes it would be in the interests of justice to do so, and where there is

every likelihood that the prosecution will succeed. The commissioner makes the decision, the same decision made every day by Crown attorneys and law enforcement officers, and he made the decision not to prosecute. He conducted an independent investigation, drew his conclusions, came to a decision, and announced that decision: No charges will be laid.

• (1520)

Any further action second guesses the Commissioner, amounts to double jeopardy for the Minister, and interferes with the jurisdiction of an officer of this House. I suggest even further, Mr. Speaker, that it puts every Minister, and in fact every MP, in an impossible situation because they are never charged, therefore never exonerated and, if you follow that reasoning to the end, never innocent. No one in a free democratic society such as ours would accept that conclusion or line of reasoning.

Perhaps I can make the point to the Hon. Member by quoting a member of the other place, a member who served in this House for a long time and would, therefore, know the difficulty of being a Minister of the Crown, as he once was, and being an elected Member of Parliament. Senator Pierre de Bané said: "The attacks on the rights of Marcel Masse are not justified and sap the basic principles of our system of rights".

That is a Liberal Senator and a former colleague coming to the defence of the system. He is coming to the defence of a system which says that you are innocent until proven guilty. In this case there was not even a charge laid because an independent commissioner, an officer of this House, said that there were not sufficient facts and it was not in the interest of justice to lay a charge. Surely he has fulfilled his duties and surely the system has been well served.

I think it is unfortunate to drag this out any further. It is unfortunate for the reputation of the Hon. Minister and very unfortunate for Mr. Gorman who is not here to defend himself. He served this country honourably as a member of the RCMP, took on a difficult position on the Elections Commission, and now finds himself pilloried by a Member of this House and cannot come to his own defence. I think that is very unfortunate.

I suggest to you, Mr. Speaker, that there is no contempt of Parliament. There is contempt for the system of justice that you and I believe in. There is contempt for the theory that you are innocent until proven guilty. I urge you, Mr. Speaker, with all of the knowledge that I have at my command of justice at the bar which both you and I served, to reject outright this suggestion that there has been any contempt of Parliament.

**Mr. Riis:** Mr. Speaker, I do not want to prolong this discussion but I do want to correct a couple of errors that the Hon. Minister of State just made. The individual in question, Mr. Gorman, is not an officer of this House. The Minister of State will note that an officer of the House is someone who reports to Parliament. Mr. Gorman never did report to Parliament. He reports to the Chief Electoral Officer.