

Privilege—Mr. Clark

At paragraph 71 Beauchesne says quite clearly, and I quote:

Direct threats which attempt to influence members' actions in the House are undoubtedly breaches of privilege. They do, however, provide serious problems for the House. They are often made anonymously and it is rarely possible for the House to examine them satisfactorily. The common practice today is to turn the responsibility for investigating them over to the ordinary forces of the law.

Therefore, if the hon. member has any indication that there was an attempt to influence or intimidate the members, then we probably could pursue the matter further.

Erskine May says the following:

It may be stated generally that any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence.

Therefore, one has to prove that these actions, and in this particular case the letter written by an executive of the bank, did in fact impede the members from fulfilling their normal duties in the House of Commons. There is no indication that the information collected has been misused or has been used in such a way as to intimidate a member. There is no evidence which leads me to conclude that any member of the House has been impeded or obstructed in the performance of his parliamentary duties by the action complained of.

The suggestion has been made that my decision on this question of privilege be deferred until some evidence is brought out before the Standing Committee on Finance, Trade and Economic Affairs which is currently considering the Bank Act. I accepted that suggestion, and that is the reason I did not rule any sooner on this question. I took the matter under advisement until it was again raised in the House today.

It will be of interest for the House to know that on May 13 last, the same day the question of privilege was raised by the hon. member for Broadview-Greenwood, the Canadian Bankers' Association released a statement which gave some explanation about the information sought in the original letter which formed the basis of this question of privilege, and I understand that a representative of the association did also give some explanation in the committee to which I referred earlier.

Equally interesting to me is the fact that since the matter was first raised in the House on May 13 it has not been raised in the Standing Committee on Finance, Trade and Economic Affairs up to this day. For some reason members have not found it useful to call upon anyone to raise this question.

After giving the matter the serious consideration it deserves, I cannot find any evidence to persuade me that the privileges of members of this House have been breached, and I must therefore rule that there is no *prima facie* case of privilege in this instance.

MR. CLARK—TRANSFER OF RESPONSIBILITY FOR STATISTICS CANADA

Right Hon. Joe Clark (Leader of the Opposition): Madam Speaker, I rise on a new question of privilege. It refers to a matter which just arose in the House when a government

member, the hon. member for Laurier (Mr. Berger), posed a question to the President of the Treasury Board (Mr. Johnston) regarding a transfer of responsibility for the operations of Statistics Canada. I raise the matter because I think that the privileges of the House of Commons have been affected in two ways by a transfer of jurisdiction and a transfer of responsibility which has never been explained or presented to the House of Commons.

As the hon. member for Laurier indicated in posing a question to his own minister, he was denied the privilege as a member of Parliament of putting questions which he wanted to put in a standing committee of the House of Commons because the apparent indecision of the government as to which minister is responsible for Statistics Canada led to the cancellation of not one but two meetings of the Standing Committee on Miscellaneous Estimates.

Again the capacity of the House of Commons to carry out its responsibilities has been limited by the mystery or the indecision about Statistics Canada in that members of this House who might want to pose questions in relation to that agency do not know to which minister those questions should be directed because we do not know at this stage who reports for Statistics Canada in the House of Commons.

The President of the Treasury Board was obviously embarrassed and unhappy about the fact that responsibility for Statistics Canada has been taken away from him. That indicates that the matter has been one of some dispute within the government and it suggests that the Prime Minister (Mr. Trudeau) must have had some good cause for taking away from the President of the Treasury Board responsibility for an agency which previously reported to Parliament through that minister.

● (1510)

It would be very helpful to the House of Commons to know why Statistics Canada has been moved from the Treasury Board, why that decision could not have been announced to the House or could not have been finalized in time to allow the standing committees of the House to carry on with meetings that had been previously arranged. I think that probably the matter could be resolved if the Prime Minister or some other responsible minister would come into the House and tell us exactly what is going on with Statistics Canada; what was wrong with the President of the Treasury Board; why he is not able to carry out his responsibilities of reporting to the House of Commons for Statistics Canada; why, if the decision had been taken some time ago with enough advance notice to cancel two meetings of the Standing Committee on Miscellaneous Estimates, that information was not conveyed to the members; and why that information was not conveyed to the whole House.

There is unnecessary mystery here which I think simply reflects an unwillingness on the part of the government to indicate the reasons for its actions to the House of Commons. I simply want to draw Your Honour's attention to it because it has limited the capacity of members to function effectively in