

*Privilege—Mr. Jelinek*

**Mr. Cassidy:** Thank you, Mr. Speaker. I will address that point directly then.

In the first place, since the question has been asked, at no time did I make a suggestion in any way that the activities in which the Minister was involved would have been illegal had they been conducted as a private business transaction. I may deplore land speculation and speculation for redevelopment but, nonetheless, that is not an illegal activity in our society. That is not the question.

The question is whether a Minister of the Crown who is governed by the conflict of interest Code of Conduct for Ministers should in fact be making a loan which appears to be in the nature of a speculative investment, or whether in fact he should not have carried that out through a blind trust if, for reasons of his own, he felt that it was time to dispose of his interest in property. Again, that was an interest in property he had acquired in a legitimate way when he was a private Member of the House and which he had disclosed appropriately to the Assistant Deputy Registrar General. That, I believe, is the question on which I can focus.

**Mr. Speaker:** The Hon. Member for Ottawa Centre may not want to respond, but I think it is in the interest of the Chair, in view of the fact that this is a Question of Privilege, that the Chair be absolutely clear what position the Hon. Member for Ottawa Centre is taking.

● (1210)

Is the Hon. Member taking the position that yesterday in this Chamber he was entitled to ask questions, or, is he asserting that, while whatever transaction we have been hearing about may well be legal, nonetheless, it amounts to a breach of the conflict of interest guidelines?

As I understand the position of the Hon. Minister, he is saying that the effect of the questions was to accuse him of having breached the guidelines, not that the matter is illegal in the ordinary sense of commerce. I can share with the Hon. Member the fact that there have been times when even I have had some strong views about certain kinds of developments in some places. However, I think the point the Hon. Minister is making, a result of which his privileges have been breached, is that the effect of the innuendo carried by the questions was to slander him. The innuendo was an accusation or an assertion that the Hon. Minister was in breach of the guidelines. That seems to me to be the point we have before us.

**Mr. Cassidy:** Mr. Speaker, I regret your use of the word "innuendo" because I am not aware of any innuendo which took place.

**Mr. Malone:** Oh!

**Mr. Speaker:** I am not saying there was any innuendo. I am saying that the Hon. Minister has said that those questions carried an innuendo. Under the law of defamation, as Hon. Members will know, you do not have to say everything about

someone, but if you say something which, in the minds of reasonable people, carries an accusation, even it is not spelled out, that is innuendo. As I understand the Hon. Minister, that is what he is saying; the effect of the questions yesterday was to carry an innuendo which reasonable people would take as being that the Minister was in breach of the guidelines. That seems to be the point the Hon. Minister has raised. While these other points are of interest, and no doubt led the Hon. Member to feel that he had an obligation to his constituents or others to raise the issue, that is the narrow point I have to decide.

**Mr. Cassidy:** Mr. Speaker, on examination of the facts in question I drew the conclusion that there was a substantial case that the Minister was in breach of the guidelines, the Code of Conduct for Ministers—

**Mr. Jelinek:** Without checking the facts.

**Mr. Cassidy:**—and public officials. I believe it is a legitimate activity in the House of Commons to raise questions about complaints—

**Mr. Jelinek:** Check the facts first.

**Mr. Cassidy:**—which are not a legal matter, but which are under the discretion of the Prime Minister and delegated through him to the Deputy Prime Minister.

When you review the record, my first question was to ask the Deputy Prime Minister whether the activity in question was permitted activity under the Code of Conduct for Ministers of the Crown. On the question of privilege, I maintain that it is certainly legitimate for Members of this House to ask questions about the application. In addition, the fact that an official may have given a ruling to a cabinet Minister on this subject or any other subject does not therefore bind all Members of this House to agree with the ruling.

**Some Hon. Members:** Oh, oh!

**Mr. Cassidy:** Particularly since the official in question has made judgments in the past which have been open to question and, in fact, to judicial review.

The question here then is, I suppose, that the Minister might claim he disagrees with my judgment of what took place when I spoke of it as commercial and speculative mortgage activity. I am prepared to explain my use of those terms. However, I think you have indicated you would prefer I not go into detail on those. I would merely point out, however, that if this development were to succeed, the value of an investment of \$70,000 by the Minister seven years ago would rise to something over \$350,000, far in excess of the growth in property prices generally, which is one reason I referred to it as being a speculative kind of investment.

My final reason for raising this is that of a matter of public policy. I was asking specifically the Deputy Prime Minister whether or not this was a commercial activity prohibited by the code. If it is permitted by the code, if cabinet Ministers can