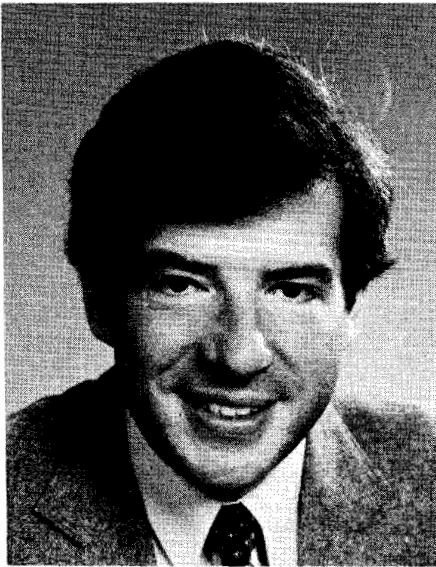


Speaker's Ruling

Question of privilege related to alleged misleading of the Quebec National Assembly, June 7, 1983.



Richard Guay

The background: On March 17, 1983, it was alleged in *La Presse* that Quebec Premier René Levesque had misled the National Assembly in answering opposition questions about the out-of-court settlement of a damage suit stemming from the wreckage of the James Bay hydro site LG-2 in 1974. On the opening day of the new session, March 23, 1983, the opposition called for a parliamentary committee to look into the matter. The inquiry was turned over to the Standing Committee on Energy and Resources which held 24 meetings on the matter between March 30 and June 3, 1983.

On June 6, the Speaker informed the National Assembly that the opposition House Leader and seven other members had informed him that they intended to raise a question of privilege on this matter. They claimed that upon examination and verification of the facts, certain answers have proved in part to be incomplete and inaccurate, having thus clearly misled the Assembly.

The ruling: (Speaker Richard Guay): As defined by Luther Cushing at paragraphs 529 and following of the 9th Edition of his treatise *Elements of the Law and Practice of Legislative Assemblies in the United States*, and resumed in former Standing Order relates to the security, the dignity and the freedom of deliberation and expression both of the House in its collective capacity, and of the Members, individually. Privileges are basic principles deeply rooted in British parliamentary law. The privileges of the National Assembly and of its Members are set out in the *Act respecting the National Assembly* (Chapter III, Division I). Standing Order 99.9 states that it is not permitted to refuse to accept the word of a Member. This does not constitute a privilege but rather an obligation on a Member to accept the word of a fellow Member and, consequently, the right of the accused to raise a point of order. Standing Order 99.9 is therefore relative to the question before us. While Standing Order 99.7 allows, by way of a motion, to raise a matter which may not be mentioned in a statement, paragraph 9 of the same Standing Order admits of no exception. In no circumstances may a Member's word be doubted as this would be contrary to the rules of the House.

It is permitted, under Standing Order 80, to call in question the conduct of a Member. If the accused denies the charge, the Committee examining the matter is not bound to determine whether a lie has been told but rather if the alleged act has been truly committed.

The rule which stipulates that a Member shall be taken at his word does not necessarily mean that all which he states is complete and accurate. If it is believed that a Member has erred, it is for the public to pass judgement.

The House may treat the making of a deliberately misleading statement as a contempt. One such example occurred in Britain some twenty years ago and is mentioned on page 142 of the 19th Edition of Erskine May's parliamentary treatise.

The facts should prove without a doubt that the House has been misled, and the Member charged, in full recognition thereof, loses the assumption which exists in his favour under Standing Order 99.9.

Opinions and precedents require the Chair to ensure that the matter is one which, *prima facie*, concerns the privileges and independence of the Assembly.

The form of the notice received yesterday is in conformity with the Standing Orders. The content of the question, however, has no direct bearing on a particular privilege of the Assembly or any one of its Members. No relation can be established between a specific privilege and the possibility of having been misled. Standing Order 80 does not, accordingly, apply in the present context.

The overall provisions of the Standing Orders are sufficient to deter the Member who would exploit the assumption provision of Standing Order 99.

To no longer benefit from the assumption permitted by Standing Order 99, the Member would have to admit to having deliberately misled the Assembly and, in so doing, would be in contempt of the Assembly.

For all the above reasons, the notice of a question of privilege was ruled out of order.

Editor's note: This is the official summary of the ruling as printed in the *Votes and Proceedings* of the Quebec National Assembly, June 7, 1983. For the verbatim ruling in French see the *Journal des débats* for the same day.