

general, and clearly any question in relation to them was pertinent and relevant at that date, and nothing new has been added to our knowledge at this point in time.

Mr. Walter Baker (Grenville-Carleton): Mr. Speaker, I have just one or two things to say following upon the remarks of the Minister of Transport and Minister of Justice (Mr. Lang). It is really quite easy to say that we ought to let the McDonald commission continue its work. Of course, the McDonald commission will continue its work regardless of what this House says about it. That is not the point.

The point made by the hon. member for Northumberland-Durham (Mr. Lawrence) in his very excellent presentation is one of importance that we ought not forget. It is not the McDonald commission that focuses on the privileges of this House. It is the McDonald commission which focuses upon the truth as a case is presented before that commission. It is only this House that can decide on questions of privilege as between members, and that is why the matter is raised here now.

Let me say, with respect, that I think if the House were to turn the matter aside on that ground, then the House would not be doing itself justice in respect of its own privileges which are important to the carrying out of its duties. Surely the McDonald commission cannot deal with questions of privilege. Merely because it deals with the case from which a question of privilege might arise is no reason to forestall the House from dealing with the matter. I think that point is extremely important.

I am not going to repeat the quotations referred to by the hon. member for Northumberland-Durham, but I commend them to you, sir, in respect of what is not an extension of privilege to a communication. It is not an extension of privilege at all. It has been established in parliamentary practice to be part of privilege that a member can expect the truth from a minister. I share the position taken by the hon. member for Northumberland-Durham in respect of the minister's role in this, which has been reiterated by the Minister of Transport and Minister of Justice. The precedents are, and the practice is, that it is within the matter of privilege and not an extension of it.

It is part of the law of privilege that a member of this House in the performance of his duty can expect the truth from a minister of the Crown, even if that truth should be that the minister cannot or will not answer the question raised. Those are the facts, and the member can expect the truth.

The first point dealt with, or alluded to by the Minister of Transport and Minister of Justice, really is that this was not an act of the minister in the sense it was brought up in his mind, worked over, following which there was a deliberate misleading of the hon. member. The hon. member for Northumberland-Durham has indicated that this too is his position, and I share it.

The fact remains that the letter referred to is a letter from a minister of the Crown which we should be able to rely on as the truth. It was not a letter signed by the RCMP or anyone else. If I assume that it is the rule of the Government of

Canada, as it is the rule of any other responsible government, that a letter signed by a minister is accepted as that minister's letter, and if that letter, even through no fault of the minister's misleads a member of parliament, then the member of parliament has a grievance with which only parliament can deal. Those are the simple parameters of this case.

A case seems to have been made out here in the prima facie way it has to be made out in respect of the matter of privilege. Sir, I put that to you respectfully. The precedents which have been quoted, and which you will no doubt want to review, indicate that this kind of case, and this case specifically, fall within what has been established for some period of time as a matter of privilege, and not an extension of the law of privilege. There is no extension involved.

Imagine the sorry state we, as members of parliament, all of us, would be in if we could not count on or know that ministers are responsible for what they write. It would clearly be a very difficult thing for any member of this House to operate in those circumstances. Ministers write letters and say, "I hope this will assure your constituent", or they will add at the end of their letters, "I trust this information will permit you to explain this matter to your constituent." Members of parliament rely on these statements when making explanations, and part of our job certainly is representative.

In conclusion, if a matter can be brought up in the House of Commons by way of question and an answer is given which is inadvertently misleading, then surely the hon. member would have a question of privilege. If the same appropriate matter is brought up by way of a letter and a misleading answer is given, I submit to you, sir, the same thing applies and there is a privilege.

If, as the hon. member for Northumberland-Durham said happened in his case, the member tempers his questions or does not ask any further questions of the solicitor general because of the misleading reply, there is no doubt that the member's rights and ability to perform his duty are affected. We accept the word of all hon. members of this House. Therefore, sir, I submit respectfully that a prima facie case has been made, and I commend it to you.

Mr. Speaker: Order, please. I see two other hon. members seeking to participate, and I am anxious to hear them. I would like to hear some discussion on one point raised by the Minister of Transport and Minister of Justice (Mr. Lang) in respect of which I have not heard any other comment. I refer to the fact that because of the procedural requirement that questions of privilege be raised at the first available opportunity, the first available opportunity in this case was in fact the day the House was notified some several months ago, almost a year ago, by the solicitor general at that time that in fact what had been previous information, that mail had not been intercepted, was erroneous information, and on that day he had learned of this and was, therefore, advising the House that there had in fact been opening of the mail. At that time and certainly in subsequent answers in the House there had to be the indication that answers made in the House by previous solicitors general on the basis of that information were wrong