

*Privilege—Mr. Lawrence*

Again, this is precisely what was arranged in the original item, and the President of Privy Council also assured the House that that was not the intention. I did some further investigating into this matter, and it appears that the origin of that phrase had to do with the previous practice of listing grants and contributions under this vote of CIDA in foreign currency. Therefore, it was felt necessary to put in this language to protect against fluctuations when the grants were listed for the purposes of the estimates in the foreign currency. I think the hon. member can understand that some step like that might have had to be taken. That is no longer done. The breakdown of votes under this paragraph is now done in Canadian currency. It therefore seems to me that the language was not only inoperative but unnecessary.

● (1512)

I would, therefore, take up the hon. member's point by simply signalling that to those who are responsible for the preparation of future items, because I think the House would express surprise if that phrase were to recur unless there were some clear need for it, which does not seem to be apparent at the present time.

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**PRIVILEGE****MR. LAWRENCE—MINISTERIAL CORRESPONDENCE**

**Mr. Speaker:** The hon. member for Northumberland-Durham (Mr. Lawrence) some time ago raised, by way of a very interesting question of privilege, a matter to which there were extensive contributions from all sides of the House. After carefully considering all of the arguments I attempted to adjudicate on the matter in a preliminary way on November 9.

On that day I listed a number of ancillary concerns that I thought perhaps stood in the way of a final decision, and I dealt with most of them. I left until a later date, however, three of the concerns that I had. One related to the form of the motion. In that respect I can say to the House at this time that the hon. member, who is the sponsor of the motion, at my request has sought some advice and assistance from the Table. In co-operation with them, he has drafted a motion which I think is less likely to damage our series of precedents in respect to these kinds of motions.

I use that language carefully, because I think I indicated to the hon. member at that time that I was not even sure whether I would have to find the motion out of order. I think I should make it clear that we were therefore not attempting to extend to the hon. member some relief against a motion which might have been out of order. I think he could probably have convinced me that I would have to accept the motion on procedural grounds. I would just be a little more comfortable with the kind of motion he has consulted about, and that we will be considering in a few moments.

I also left with the House two areas of concern that I thought the House might want to take up if it in any way

[Mr. Speaker.]

differed with my preliminary opinion. Those were the doctrine of subjudice and the doctrine of ministerial responsibility. I indicated at that time that I had some concern about both matters but that I did not think they had procedural significance.

In respect of the doctrine of subjudice, I was prepared to set it aside in a preliminary way—I said subject to further argument—because the parallel inquiry that would be involved was not in any way a trial and there was no verdict which I felt could be prejudiced by a parallel inquiry. I, therefore did not think the doctrine has an application in that sense. I did say, and I repeat, that we nevertheless had to face the danger of parallel inquiries. Whether this is an appropriate time for that is something for the House to decide. What I said then, and repeat now, is that I am simply finding there is no procedural basis on which I could take that into account. If the House wishes to take it into account in debate or an amendment of the motion, or a vote, that is the business of the House. It is not of procedural significance, in my view, unless I were to be persuaded now by interventions to the contrary.

Similarly, on the relationship to our practices in the past in respect of ministerial responsibility, I think it is noteworthy that the letter which is the subject matter of this question of privilege is a letter from a minister to a member.

The complaint which is the subject matter of the question of privilege is not directly a complaint about the minister. Indeed, it is founded on the fact that it is one of the minister's officials who has calculated to contrive this deliberate deception of the House. In fact I have indicated some concern about the fact that this may perhaps be looked upon as a new departure in our practice—that we are going around the minister to get directly at the official by way of this question of privilege. Even if that is so, I have come to the conclusion that it is not a procedural basis upon which I can intervene. Once again, it is a matter to which the House can address itself in debate, and in amendment if necessary, or in a vote. These are not the matters that finally become my responsibility from a procedural point of view, however.

Failing any argument to the contrary, therefore, I would consider that I had dealt with the ancillary matters completely that I listed on November 9. That leaves us with the complaint of the hon. member for Northumberland-Durham respecting the testimony of former commissioner Higgitt—and I assume there is no further argument to be addressed to this matter at this time—to the circumstances in which the Solicitor General's letter dated September 4, 1973, was drafted. Does that lead us to the conclusion that, by virtue of an act or omission, the House, or a member, has directly or indirectly been impeded in the performance of its functions or his duty, or that there has been a tendency to produce such result? If I so find, then I really have no choice but to find, *prima facie*, that a contempt has been committed.

Having considered the whole question with extreme care, I come back to the simple testimony of former commissioner Higgitt when he said: