

*Privilege—Mr. Lawrence*

ment made to him was false. He first knew that the statement was erroneous, to use the more gentle term, early this week, and this was the first opportunity he had to bring the matter to the attention of the House. It is not a question of when he knew that mail was being opened in a general way—I knew that years ago—but the question is when it came to the hon. member's knowledge, and it came to his knowledge only this week, not a year ago, not last November. One cannot impose the burden on all members of parliament of following all commissions of inquiry and reading line by line all the evidence adduced at these inquiries in order to retain the privilege of raising a question of privilege in the House if one might arise as a result of that testimony.

With respect to the role of the McDonald commission and the emphasis placed on that by the Minister of Justice (Mr. Lang) and by the Parliamentary Secretary to the President of Privy Council when they said "allow them to finish their task", permit me to be sceptical, sir. First, the matter affects the privileges of members of the House. That is not within the ambit of the mandate given to the McDonald commission. Second, as to my scepticism, having regard to the efforts that have been made by government counsel, as instructed by the Minister of Justice and God knows who else in PCO, I am not so sure that they will be able to see everything which would enable them to come to the proper conclusions. But putting that aside, the McDonald commission has no mandate to decide whether or not the privileges of a member or of members of the House have been breached.

The Parliamentary Secretary to the President of Privy Council spoke about privilege, and asked that it be left to the McDonald commission. I am really surprised, but then it explains itself to me in this fashion, that they have very little regard for the rights and privileges of this place and its members when they suggest, as he did, that this matter should be left to the McDonald commission to decide. I disagree most violently with that. I am sure the view is shared by the majority of members in this place, that we, and we only, have the right to decide whether or not the privileges of a member of this place are being abused.

● (1442)

He said many things imputing motives to the hon. member for Northumberland-Durham. I did not detect that in the member's remarks in raising this question. Indeed he, the Minister of Transport and Minister of Justice (Mr. Lang), and the opposition House leader were on all fours when they assured the House through you, sir, that there was no imputation of motives here, that they were zeroing in on the principle of ministerial responsibility. Surely that is the crux of the whole question of privilege. Has the minister, or any minister of the Crown, the right to mislead members of parliament with impunity? I suggest a letter written to a minister, under the circumstances described by the hon. member for Northumberland-Durham, is a notice to the minister that the question will be raised in the House. That connection was made by the hon. member for Grenville-Carleton (Mr. Baker), the hon. member

[Mr. Nielsen.]

for Northumberland-Durham, and the House leader for the New Democratic Party. In essence, an inquiry of the minister is a notice to the ministry that, unless a satisfactory answer is forthcoming, the matter will be raised. It was not raised because the hon. member for Northumberland-Durham was deceived by the answer.

I will confine my remarks to the emphasis on the question of ministerial responsibility and the question of the responsibility of the ministry. Whether it be in this parliament or the last, being the same government, or whether the last parliament is set aside, the fact is that when a minister signs his name to a letter, whether it is drafted by his executive assistant political, his executive assistant administrative, or any other of his officials, he is signing a letter which is tantamount to standing by all the statements put forth in that letter. If he did not do it in that sense, he cannot be heard to say, "Well, I signed the letter but I was misadvised".

I say to the Parliamentary Secretary to the President of Privy Council that when the then solicitor general saw that paragraph, he should have said to his adviser, "Is this true? Are we not opening mail, and if we are, I want to know?" In my submission that is what he should have said, and it is fundamental to the principle of ministerial responsibility. It is fundamental to the question of privilege raised by the hon. member for Northumberland-Durham. If the minister did not ask that question, it is the central question we should be allowed to determine before the standing committee to which this matter should be referred, as urged by the hon. member for Northumberland-Durham.

**Mr. Sinclair Stevens (York-Simcoe):** Mr. Speaker, in joining on the question of privilege by the hon. member for Northumberland-Durham (Mr. Lawrence), I should like to make specific comments concerning the points raised by the hon. Parliamentary Secretary to the President of Privy Council (Mr. Pinard). As I understood his representations, he indicated my colleague had sufficient advance warning of the possible misrepresentation that he should have raised his question of privilege at an earlier date.

I have had an opportunity to review the testimony before the Keable commission, to which the parliamentary secretary referred. He very kindly provided me with photostats of what he read from, and if the testimony by Mr. Higgitt before the Keable commission says anything, it would confirm that the letter my colleague received was accurate. There is no suggestion in Mr. Higgitt's testimony before the Keable commission which would cause my colleague to say that he was misled, if he knew of the evidence or not.

I should like to refer to the specific testimony which was referred to earlier, but in the context of what I am saying. I assume there was an unintentional misleading of the House in the manner the parliamentary secretary presented this testimony. Certainly on first blush it sounded to me that he meant Mr. Higgitt, as long ago as February 1, 1978, before the Keable commission, basically said the same thing as he said before the McDonald commission. That is not true. What Mr.