

whether I should be looking for some procedural device with which to defeat the point of the hon. member for Northumberland-Durham (Mr. Lawrence), saying he should have raised this at the time it became known, turning back to the Keable inquiry and saying that if what the ex-commissioner said before the McDonald inquiry was in fact said before the Keable inquiry, that information is deemed to have been transmitted to the hon. member. It would seem that that kind of approach would be a little too technical. What troubles me is a little more substantial than that.

● (1432)

I have not looked at the remarks, but the day on which the former solicitor general stood in the House—I think it has been described in the argument as being on November 9, about a year ago—he said that he had then learned, and was informing the House, that the RCMP had in fact been opening mail. That was a revelation which was, of course, entirely contradictory to the information which had been given to him and to previous solicitors general. Upon hearing that, a number of letters were sent to the then solicitor general and questions asked in the House to which answers had been given.

Again I have not checked it in the record but I am sure there were numerous occasions in this parliament when members asked the solicitor general of the day in the House whether the RCMP was opening mail, to which the solicitor general of the day said no, that according to his information the police were not doing so. On the day almost a year ago when the then solicitor general said that his information was incorrect, every one of those questions and answers in parliament became a potential question of privilege. The then solicitor general said “We were misinformed, and I am telling the House we were misinformed”, and therefore answers which he gave to questions in the House were incorrect on the basis of misinformation. Basically, as I recall, that is what the then solicitor general said about a year ago.

My point about timing is this: why then should we now at this stage concern ourselves, not with answers in the House—which are obviously a proceeding in the House and fundamentally related to the whole question of privilege—but go beyond them to a letter which might or might not be a proceeding in the House within the definition of privilege, and not only that but a letter which is not of this parliament but of the previous parliament? So the timing of the question of privilege that it be raised on the first occasion, is more than simply a procedural gimmick to put in the path of the question of privilege; it relates substantially to whether or not we can deal with a question of privilege on a different problem, on a new point, but I think it demonstrates the fact that it is more than simply a procedural matter. It is a substantial question, that if all these questions and answers put to the solicitors general become questions of privilege within this parliament, why do we now, some time later, go back to the letter which predated this parliament and try to stretch those two points? That is the point that concerns me.

Privilege—Mr. Lawrence

Mr. Nielsen: Your remarks, sir, certainly indicate that you are taking the matter as a very serious question of privilege, which is only proper. With respect to the previous parliament, that is very novel. I had not thought of it before. But it is the same government and the solicitors general have been playing musical chairs with such frequency that this does not disturb the principle of ministerial responsibility, I think. May I point out with respect, sir, that if there had been a change of government, then the point might merit more investigation, but here we are confronted with a situation where we have the same government, notwithstanding the fact that we are in another parliament. So the validity of the first opportunity for raising a point of privilege, in my submission, still prevails.

With respect to the November 9 circumstances and the first time when this parliament was informed that there had in fact been the opening of mail—a fact about which I could say more, if we were not constrained by the Official Secrets Act, and about which those members who sat on the Standing Committee on Justice and Legal Affairs in camera know full well—I would draw the attention of the Chair to the fact that the then solicitor general, the present Minister of Consumer and Corporate Affairs (Mr. Allmand), had resigned, and the statement on November 9 was made by the new solicitor general, the hon. member for Argenteuil-Deux-Montagnes (Mr. Fox). That has a bearing on the situation as well because the core of the question of privilege lies in the conduct of the then solicitor general, the present Minister of Consumer and Corporate Affairs.

I wish also to draw the attention of the Chair to the matters raised by the Parliamentary Secretary to the President of Privy Council. I followed the Keable inquiry quite closely, as I am following this one, and I have two points to make. I have already made one point, that it is not unreasonable to conclude that the hon. member for Northumberland-Durham did not know of the testimony given by ex-commissioner Higgitt before that inquiry. I see the Parliamentary Secretary to the President of Privy Council shaking his head as though in disbelief, but that is the information I have from the hon. member for Northumberland-Durham and I take him at his word. However, there is a more important point to make with respect to that testimony.

As is apparent from the testimony before the present commission, ex-commissioner Higgitt believed, at the time he was testifying before the Keable inquiry, that what he was saying with respect to the letter under discussion was true. He has found out since that it was not as he stated it to be before the Keable inquiry because he had been informed since that inquiry that the letter was indeed drafted by the force. I abjure you, sir, to consider that very carefully. The ex-commissioner believed at the time that what he was stating was true, and not only did he believe it to be true, on the basis of the information he had at the time it was true. But he found out subsequently, and so testified before the McDonald commission, that his information was inaccurate.

Let us get back to the question of whether the hon. member for Northumberland-Durham knew at the time that the state-