

*Privilege—Mr. Robinson*

distasteful as well as totally inconsistent with his conduct yesterday.

I think it is important that you should know, Mr. Speaker, in connection with the allegation of the Hon. Member relating to intimidation—I believe that is the word he used or implied, and this was made clear I think by the Hon. Member for York South—Weston yesterday—that we obtained no direct evidence on this matter at all. It is, in law, hearsay evidence at best. I have some hesitation in even talking about the nature of it in light of what I view as my commitment to those people not to disclose what took place. We had no evidence on the point raised and upon which the Hon. Member bases his second claim for privilege. No one else was at the alleged meeting to which he refers. No one at the meeting was in a position to provide direct evidence in support of the hearsay evidence of the other witness.

My own sense of this whole matter is that you, Sir, and we as a committee have no evidence of anything more than what I would term the appropriate direction being given to public servants unfamiliar with parliamentary procedure, public servants outside Ottawa who had not appeared before parliamentary committees before. In fact, one of them indicated he had gone to his superiors for advice as to what the parameters were for him to appear before our committee.

It seems to me the kind of direction they got was to set out the customary parameters surrounding the giving of testimony before parliamentary committees by public servants. We know the tradition surrounding that, namely, that public servants do not discuss matters of policy. Matters of policy are to be dealt with by Ministers.

I understand other members of the committee, particularly the vice-chairman, may want to add their own observations on the matter and I hope you will give them an opportunity to be heard because this is an important point and deserves a full airing. I have given you my sense of it as an individual and as chairman of the committee.

May I say as chairman of the committee that I think I am cognizant of my responsibilities, particularly under parliamentary reform, to conduct our hearings and meetings in an impartial and in an even-handed manner. I think I have done that. I want our committee to continue what has been a tradition of acting in a relatively non-partisan manner to try to get at the root of some fundamental problems in the justice system today. We are doing some hard-slugging work of law reform. There are no easy answers to the problems that we are looking at. I hope members of the Opposition will not be deterred by the tough, hard work ahead of us and will try to set aside short-term political gamesmanship to carry on with the work of the committee. I can assure the House and you, Mr. Speaker, that I will continue to remain vigilant to ensure that the image of impartiality is maintained.

May I conclude by saying that I see no case, Mr. Speaker, for you finding a case of privilege arising out of the second incident referred to. We have no direct evidence on it. Let me

repeat what I said at the outset. We want to get as complete, full, frank and uninhibited testimony as we can from witnesses as we go across the country. I am not convinced, based on the alleged incident in Kingston, that that basic objective was deterred. Obviously when you are dealing with human nature and human beings there will always be different responses, different levels, at which people will interpret their responsibilities. As far as I am concerned, we were able to do good work in Kingston and we look forward to continuing to do good work as we go across the country.

**Mr. Rob Nicholson (Niagara Falls):** Mr. Speaker, this is the first opportunity I have had to address this matter in as much as being a member of the committee I had a responsibility to hear those individuals and groups that we as a committee agreed to hear. Those hearings did not conclude until 5.30 p.m. yesterday so this is my first opportunity to make comments.

I have to agree with the comments of the chairman of the committee. I think he set out very well the circumstances surrounding the case.

Let me say a few words about the first question raised by the Hon. Member for Burnaby (Mr. Robinson). It concerns the circumstances surrounding the transfer of a Mr. John Avery from the Millhaven Institution to Kingston Penitentiary. You have heard very clearly the circumstances surrounding that. I think those circumstances as set out yesterday by the Hon. Member for York South—Weston (Mr. Nunziata) and by the chairman would lead you I believe, Mr. Speaker, to conclude that nothing sinister or untoward has been done. This was strictly a security question. It seemed reasonable under the circumstances.

Coupled with that, I think you should take into consideration that every effort was made to let us communicate with the individual and we did communicate with him by telephone. It is my understanding that one or more members of the committee had met with the individual. Nothing was done in my opinion to stop anyone on this committee from getting an opportunity to discuss anything with this individual.

There was an allegation that there was somehow something sinister, something covered up, something done improperly with respect to the documents. I suggest to the individual in question that if documents were missing or lost he should have reported that to the proper authorities. There is a significant point that I hope you will take into consideration as well. When we spoke with Mr. Avery by phone he indicated that these were copies of his documents, that the originals were with his lawyer and that he would make arrangements for us to have them from his lawyer. Nothing was being kept from the committee and everything that was done was done reasonably.

• (1530)

May I say, as well on the second point raised by the Hon. Member for Burnaby (Mr. Robinson) on the confidential, *in camera* meeting on Monday, November 23, that the Hon.