

Right Hon. P. E. Trudeau (Prime Minister): Mr. Speaker, as I am informed, what happened yesterday before the commission is that counsel for former commissioner Higgitt asked for the production of documents without any notice either to the government or to the commission itself. Naturally, both the commission and ourselves think that this is a procedure which should be corrected.

I repeat my assurance that we will co-operate by making all documents available to the commission. We will, further, co-operate in making public any documents which the commission wants to make public and which are any evidence of wrongdoing. But in order to co-operate, we have to know what is asked for and we must have notice of what documents are to be produced, so that we can consider their classification and consider their declassification if the commission so requires.

It was just a matter of the government and the commission having been caught by surprise with documents that they did not know were going to be asked for. I think that it proves once again the unfairness, in terms of due process of law, of proceeding in this way in public without complete co-operation on the procedures to be followed.

Mr. Clark: Mr. Speaker, I am sure that it was simply by inadvertence, but I think the Prime Minister declined or neglected to answer my question as to whether or not there will be an instruction to counsel to make available the particular documents in question. I would like him to clarify that, and elaborate on the significance of the phrase he used when he said that the government would want to consider the classification of the documents that would be made available to the McDonald royal commission.

● (1117)

Does that mean there are, in the possession of the government, government documents which have a classification that in the view of the government makes it improper or impossible for the government to make those documents available to the McDonald royal commission? In other words, are there some documents that this government will not make available to the McDonald royal commission?

Mr. Trudeau: Mr. Speaker, certainly not documents that it would be improper to show to them. As I said the other day, the government does not attempt to absolve itself of its responsibility for the protection of secret documents and Privy Council secrets. I have said that when the commission feels that such documents which are covered by the necessities of secrecy should be published, and that they show evidence of some wrongdoing, we will undertake to declassify them.

I cannot say in advance that we will declassify all documents in every circumstance and permit them to be made public. We will do so when they show evidence of wrongdoing, in the judgment of the commission, and when in the judgment of the commission it is important to make these documents public. The Leader of the Opposition will realize that probably even the McDonald commission will not want to make all docu-

ments public, any more than any other royal commission of inquiry into matters of secrecy and intelligence.

Mr. Clark: Mr. Speaker, there is perhaps confusion here between the question of the production of documents and the question of publication of documents. I want to come to the question of publication later. I want to be absolutely clear, here, on the question of production of documents.

Is it the position of the government that the government will make available to the McDonald royal commission every single document, regardless of classification, which might in any way be relevant to the inquiry of the McDonald commission? I am not speaking here of publication—that is another question—I am speaking of production. Is there going to be any limitation at all upon the documents that the Government of Canada will make available to this commission?

Mr. Trudeau: Mr. Speaker, I am informed that the commission has had access to all these documents. Therefore, it is not a question of not showing them to the commission. The commission has had access to the RCMP files, and presumably knows about these documents. The debate yesterday was about whether they should be produced at that particular stage.

Mr. Clark: A final supplementary question, Mr. Speaker. The Prime Minister and I have a slightly different views of what went on yesterday before the commission. For the record, and in very unequivocal terms, I should like to have from the Prime Minister a categorical assurance that every document that is relevant to the McDonald royal commission that is a government document, or is in possession of the government, will be made available to the McDonald royal commission and that no question of classification will stand as a bar to the production by the government of relevant material to that commission.

Mr. Trudeau: Mr. Speaker, I think that undertaking can be given in a general way. I cannot say in advance that all cabinet minutes can, or should, be put before the royal commission without the government asking itself if this has to be done. If the royal commission makes a case for access to cabinet committee minutes as is the case with the documents which were asked to be produced yesterday, my answer is yes. I saw the cabinet committee minute just five minutes before I came to the House. Certainly, the government would have no objection to producing that cabinet committee minute.

I do not think the discussion in cabinet of every and all subjects should be available to any outsiders of cabinet. I think this is a clear doctrine of cabinet secrecy, and it will be preserved.

INDEMNIFICATION OF COURT COSTS OF MEMBERS OF FORCE

Mr. Bill Jarvis (Perth-Wilmot): Mr. Speaker, I should like to pursue the uncertainty that seems to have been created. I think it is important, in addressing my question through you to the Solicitor General, to clear up something that happened last