

that he felt there was no evidence to substantiate the allegations.

Now it seems with this report, and I have copies as well, that there is more evidence than there appeared to be in the first place. Once again, as pointed out by the hon. member for Central Nova (Mr. MacKay), this does not surprise me, because I learned through bitter experience as Solicitor General that you just cannot rely, unfortunately, on much of the information that is given to you about some of the tragic events which take place within our criminal justice system.

I have tried to caution the minister against accepting such flat statements of non-guilt on the part of staff, and have suggested to him that perhaps there should be a more independent and more exhaustive inquiry into this matter. I pointed out that under the Liberal party and with Liberal governments over the past five years faced with similar incidents, we did have independent inquiries.

After the death of Mary Steinhauser at B.C. Penitentiary, we appointed Chief Justice Farris to investigate that matter. Following the terrible riot at Kingston penitentiary, my predecessor, Mr. Goyer, had appointed Attorney Swackhamer from Toronto to conduct an independent inquiry into that incident. During my term of office we had also appointed Judge Ducros of the Quebec Superior Court to investigate irregularities at the Laval Institution, and when there were irregularities at the Millhaven Institution we appointed a board of inquiry made up of four members of the House, the former Mr. Speaker when he was chairman of the justice committee, Mr. Jerome, the hon. member for Kingston and the Islands (Miss MacDonald), Mr. Stuart Leggatt from British Columbia, former NDP member, and one other member, to investigate Millhaven penitentiary, because the *prima facie* evidence, while not fully substantiated in advance, indicated that there was more serious trouble there than the staff wanted to admit.

My intention this afternoon is not to demand retribution from the minister, because I think he probably spoke in good faith in reporting to the justice committee and in reporting to the House, but I caution him not to rely entirely on what he is told, and what comes up to him through the line, with respect to certain serious incidents of this kind. I hope that he will shortly announce to this House or to the justice committee the type of action he intends to take on the findings in this report, to discipline those who perhaps have misled him. If he feels that a more complete inquiry is necessary, I repeat again that there are many precedents for complete inquiries, some of which I mentioned in the last few minutes. When he spoke before the Standing Committee on Justice and Legal Affairs, he said he would not rule out a more extensive inquiry if more evidence was brought forward to support the allegations. It seems to me that more evidence has now been brought forward, but he may wish to take definitive action instead of having another inquiry, and that would be acceptable to me as well.

Privilege—Mr. S. J. Robinson

• (1600)

Mr. Kaplan: Madam Speaker, I appreciate the sympathy for me in my job which has been expressed by hon. members. I want to make just a few points in reply to specific comments which have been made by hon. members.

There is very good reason for not making reports of this nature public. Now that one has been made public because of what I want to assert is its misinterpretation, the House once again is given the opportunity to look at a report and contemplate the wisdom of that rule. Names of inmates in that institution have now been made public. In some cases their former offences are described. This may endanger some of them. It certainly could endanger the order of the institution. Similarly, guards may be named. The types of jobs they hold and perform in the institution are described. Certain operational procedures are commented upon. I am not certain as to whether some physical details of the institution are described in this particular report.

Mr. Speyer: We have to rely on you.

Mr. Kaplan: However, for all these reasons and because of the risks involved in those kinds of disclosures, it has always been the practice to keep reports confidential. When the first report was in the course of preparation I indicated, as my friend, the hon. member for Durham-Northumberland (Mr. Lawrence), has pointed out, that I would be prepared to make a statement later. I said I would be prepared to or, if the House wanted one, I would. I do not feel I made a definitive commitment to do so, but I used words of that sort. The reason I was saying that at this time was because wild allegations were being made which in their way are as damaging to the good order of an institution as the other disclosure to which I referred arising from the report as it was tabled.

I thought that if wild allegations were going to be made and believed by the public, it would be better to make a full statement of facts at that time. Subsequently the coroner of New Brunswick indicated that he would be holding a public inquest into the matter, and it seemed to me—and still does—that it was desirable that the facts be brought out through evidence at that hearing. That is exactly what happened. The evidence was given before the coroner. Conclusions were reached by the coroner. I could say that substantially all of the facts which were available and which are consistent with the facts in the internal report were given by witnesses who appeared before the coroner at that public hearing, and they are available.

Mr. Lawrence: Why not release the report?

Mr. Kaplan: Since the findings of fact were substantially the same, I did not feel at that point that there would be much to be gained, if anything, by making the report public, against the risks of the problems of disclosure to which I referred in connection with this special report.

Mr. MacKay: What problems?

Mr. Kaplan: The last time I appeared before the Standing Committee on Justice and Legal Affairs I was aware that a