

parliament has been under surveillance. However, I think Your Honour should also consider a very recent exception which I think the Prime Minister himself would have to agree was considered sufficiently strong to allow Your Honour to put a motion with respect to the hon. member for Nickel Belt (Mr. Rodriguez). Allegations were made about the Minister of Consumer and Corporate Affairs (Mr. Allmand) regarding accidental or incidental surveillance. It was surveillance, nonetheless.

The point I want to make is that the House of Commons has a responsibility, in the interest of democracy within Canada, to ensure that people presenting themselves as candidates, particularly at this time when we are looking forward within the next year to an election—I gather—are protected. The fact of the matter is that we should be more cognizant now and make ourselves more aware of any limitation upon candidates, because a limitation upon candidacy for parliament is a limitation upon parliament.

In conclusion—and I am attempting to be brief—I am very unhappy to hear rhetoric about how members of parliament are trying to protect themselves against prosecution and about how we are above the law. There are many examples of sitting members of parliament in the Mother of Parliaments, and in this parliament, who, when found to have contravened official secrets acts, have been prosecuted and imprisoned or suffered whatever penalties there were in the existing law. I say that that is not at all relevant. The relevant thing for your Honour to consider is whether we in parliament are being limited in any way in the performance of our duties by this operation. A full examination is required, and I strongly support the position put forward by the hon. member for Halifax in his motion.

**Mr. Elmer M. MacKay (Central Nova):** Mr. Speaker, in saying a few words about this important matter I would like to identify myself with what was said by the hon. member for New Westminster (Mr. Leggatt), the hon. member for Halifax (Mr. Stanfield), and the hon. member for Saskatoon-Biggar (Mr. Hnatyshyn). As many hon. members have stated, this is the highest court in the land, and there have been many words of legal art or jurisprudence spoken here today, but one of the things hon. members to my knowledge have not mentioned this afternoon is the doctrine with which you, sir, being a distinguished counsel, are very familiar, and that is the doctrine of benefit of doubt.

It seems to me that the perception is growing among members of the public, and perhaps among members of the House of Commons, that this House is abandoning much of its jurisdiction, to stick with legal terminology, and leaving it to the McDonald commission. Surely we cannot permit ourselves as members of parliament to allow things as sensitive as the rights and privileges of ourselves to be considered exclusively by the McDonald commission. I see no reason why the McDonald commission might not have concurrent jurisdiction, but I see no merit at all in the contention that somehow it has exclusive jurisdiction.

*Privilege—Mr. Stanfield*

I was interested in the remarks of the parliamentary secretary, who stated that we should take the assurances of the Solicitor General (Mr. Blais) that everything was all right. Without meaning any disrespect to the Solicitor General—and this has already been pointed out this afternoon—the Solicitor General may not know. He may in good faith say that certain things are true, but he may not know because he may be misinformed. It was suggested by the predecessor of the Solicitor General at the time of the Hart affair that perhaps things were kept from him. I think this was attributed at one point to the present Minister of Consumer and Corporate Affairs (Mr. Allmand). I wish he were here to confirm that. When the present Solicitor General was postmaster general as Your Honour well recalls, he stood in his place in the House and said that mail was never opened, and your Honour will also recall the look of amazement on his face when the then solicitor general said that indeed it had been opened. That is fresh in the recollections of all of us.

So I say to you, sir, that there is no comfort in the fact that the Solicitor General may say that everything is all right. He may be perfectly entitled to do so on the basis of the information he has but, as in the past, it may very well be that he does not have enough information.

The parliamentary secretary also said something to the effect that perhaps the surveillance was not systematic. It may have been only general and occasional. Again, with respect, the best judge of that will be the evidence brought, hopefully, before the Standing Committee on Privileges and Elections. Surely as members of parliament we have the right to extract evidence which affects all of us. Surely it must be relevant to consider the performance of the McDonald commission on a matter which has been referred to it, and I will not belabour this because Your Honour has indicated that you do not want much said about it because it has already been argued.

However, to the best of my knowledge the McDonald commission has not taken any meaningful steps, apart from one trip to Washington to make arrangements to take Mr. Hart's testimony, in getting to the bottom of this very important matter. We have a situation where the government is voting down a very important question of privilege. One of the arguments is that the McDonald commission will be looking into it, but based on its track record and performance so far I have yet to see very much indication that the commission is seriously interested in pursuing this particular matter.

In conclusion, I strongly support the motion of the hon. member for Halifax. Without repeating them, I would like to identify myself with the arguments which have been made. I suggest to you, sir, coming back to the proposition that this is the highest court in the land, that surely there is a place for the benefit of the doubt, surely there is an argument to be made for the Standing Committee on Privileges and Elections to develop jurisprudence in sensitive matters, particularly now when we have the added dimension of television in the House, particularly when this committee is made up of members of parliament who have a particular and unique appreciation of what it means to be candidates and to be members of parlia-