

*Privilege—Mr. Lawrence*

been passed and this Parliament has accepted it, we may change the rules again. But it is the government of the day which issues cabinet directives or directives of the Prime Minister saying that we will reduce the 50 years to 30 years, as I did, or increase it by ten on one particular point or reduce it by 20 on some other point. That is all I am saying.

• (1520)

If the Clark administration had wanted to reduce the period when these papers were held incommunicado, it had that privilege. They were the government. They could have said: "We declassify everything, except the papers relative to an administration before ours". That is a distinction I tried to make in this House. Royal commission papers are not papers of an administration. A royal commission reports to the Prime Minister of the day. It is a royal commission. Papers from a royal commission, as I understand it, are not subject to the convention of transfers of administration. That is why I repeat the point: I was not Prime Minister when the Taschereau papers were given to the then Prime Minister.

Nonetheless, as Prime Minister in 1978, under my authority, and I must say without my recollection of it—I cannot say that because I recollect that at one point we said, "Okay, another ten years, if that is the advice we are getting." But the point I am making is that an administration can take that decision, and we did. Our administration is now looking into the matter to see if we can reverse the decision.

I am saying that the Government of Canada decides the length during which papers will be held in the archives and held incommunicado. That is all. The challenge I put to the Right Hon. Leader of the Opposition is, why did he not release the papers? He could have had a cabinet meeting and said that henceforth they would reduce the incommunicado period from 30 years to 20 or to ten years. I imagine he would have then done what I did, namely, consult the previous surviving prime ministers. He could have checked to see what I would have said. The point is that he did not. My recollection is that he did not because the Right Hon. Leader of the Opposition was advised, not that he could not release them, but that it was not in the public interest to release them. He shakes his head as if to say no. I do not know, but maybe he did not ask.

**Some hon. Members:** Oh, oh!

**Mr. Trudeau:** Or maybe had he asked, he did not get an answer. I am stating in this House what the laws and the conventions are. I am stating that, just as in 1978, the government of the day prolonged the period of confidentiality for ten years in the same way this government or the preceding government could reduce that period.

I have said that we are having the matter reviewed. If we find this material can be released without contravening the public interest, we will do so. We will not need to look for any obscure law or get permission from anyone. We will just be changing the convention, reducing it from a further ten years to something less than ten years.

That is how the matter stands, Madam Speaker. I repeat, I fail to see how—

**Mr. Andre:** You sure whomp that straw man! What about the question raised?

**Mr. Trudeau:** Now I am asked by the hon. member for Calgary Centre (Mr. Andre)—

**Madam Speaker:** Order, please. The Right Hon. Prime Minister has the floor. He should be allowed to finish his intervention.

**Mr. Trudeau:** Madam Speaker, I think the suggestion is that I did not answer the question why we had prolonged the matter for ten years. I answered that during question period. It is also answered in *Hansard* in reply to a question asked by the member for Leeds-Grenville (Mr. Cossitt) as to why an extra ten years was given. The extra ten years was given because officials within the government looked at these papers. A study was made of them and a recommendation came forth. I said in the House that a recommendation was made that it was not only the security of the state but the privacy of individuals that would be infringed upon. That is why, as I understand it, the recommendation came to wait another ten years. That is the end of the matter as far as I know it, Madam Speaker.

**Some hon. Members:** Hear, hear!

**Madam Speaker:** I will recognize the Right Hon. Leader of the Opposition (Mr. Clark). However, just before I do I want to caution him. When the first speaker does not convince me there is a breach of privilege, I tend not to listen to many other interveners. In order to help the Chair, I would like the hon. member to address himself to the question of privilege. From Beauchesne I read that a question of privilege ought really to come up in the House and that a genuine question of privilege is a most serious matter and should be taken seriously by the House.

I do want to take questions of privilege seriously, but then, if they are to be serious, they must be addressed with the proper arguments and be treated as questions of privilege and not in any other manner. Therefore, I will recognize the Right Hon. Leader of the Opposition, having cautioned him about this.

**Right Hon. Joe Clark (Leader of the Opposition):** Madam Speaker, I will naturally accept that caution knowing full well that you were directing it more pointedly at my predecessor who did not address the question of privilege at all in his remarks.

**Some hon. Members:** Hear, hear!

**Mr. Clark:** The question of privilege is very clear. The Prime Minister of Canada (Mr. Trudeau) today in his place, in answer to questions in question period, accused the member of Parliament representing the riding of Durham-Northumberland (Mr. Lawrence) of having failed to exercise his responsibility as a minister and as a member of the House of Commons—