

council on July 7, 1977. A brief passage of this order in council says about the authority of commissioners appointed pursuant to part 1 of the Inquiries Act, and I quote:

[*English*]

—to conduct such investigations as in the opinion of the commissioners are necessary to determine the extent and prevalence of investigative practices or other activities involving members of the RCMP which are not authorized or provided for and in this regard to inquire into the relevant policies and procedures that govern the RCMP in the discharge of its responsibility to protect the security of Canada.

[*Translation*]

Of course, the order in council is much more elaborate concerning the commissioners' terms of reference. But the last quote is specific, however, and indicates the essence of the work or terms of reference of the inquiry.

Moreover, Mr. Speaker, that commission was established under a federal statute called the Inquiries Act and has the power to hear any witnesses. Let me simply refer to that act, part 1, section 4, which provides, and I quote:

The commissioners have the power of summoning before them any witnesses, and of requiring them to give evidence on oath, or on solemn affirmation if they are persons entitled to affirm in civil matters, and orally or in writing, and to produce such documents and things as the commissioners deem requisite to the full investigation of the matters into which they are appointed to examine.

In view of the mandate given by an order in council under a federal act of parliament to a royal commission of inquiry investigating RCMP activities, it seems quite improper to me, because an hon. member alleged his privileges have been infringed upon, that the same subject matter be referred to a parliamentary committee to examine that same matter exactly. This would be creating duplication. The motion put by the hon. member must be placed in context. In my view, he is aiming at the solicitor general who wrote the letter—and I see clear evidence of that in the very words he used in his motion, those of “calculated attempt to mislead”. He is imputing motives to the solicitor general who wrote the letter in December of 1973. In his motion he asks that the Solicitor General be censured for deliberately misleading the hon. member, or if he is not attacking the Solicitor General, he has to blame someone else for the inconvenience resulting from the letter sent to him, and that someone else can only be the RCMP. So by complaining that he was misinformed in a letter signed by a minister, he wants to have the subject matter referred to a committee, not to determine whether that caused him inconveniences—it appears obvious to me that having been misinformed in 1973 could have prevented him from putting questions to the Prime Minister, as he mentioned, or the Solicitor General; those are inconveniences, I am not denying that—but what remedy is he seeking today, Mr. Speaker? Is it simply to have us say that he was unable to ask questions at that time or is he trying to blame the Solicitor General or the RCMP? In either case, that is exactly the terms of reference of the McDonald commission, to determine whether or not there were wrongdoings and whether people in the public eye are involved. That is going to be determined, and referring the

*Privilege—Mr. Lawrence*

subject matter now before us to a committee of this House could result in our arriving at different conclusions on the same matter. We could have a committee of the House blaming for one reason or another the Solicitor General for his integrity or knowledge or lack of knowledge of the facts in question and at the same time a judgment or a report by the McDonald commission exonerating the Solicitor General. And that is the nonsense situation in which we could find ourselves if we allow this kind of abuse, under the pretence that the privileges of a member of this House have been breached, of referring the subject matter that is already before a special commission, a royal commission, to a committee of public men, politicians, parliamentarians, particularly when there is, in my opinion, no remedy for the inconvenience which the hon. member is complaining about and which he could have complained about a lot earlier, Mr. Speaker.

In the circumstances, I think it is important to avoid, under the pretence that a privilege was breached, referring to two parliamentary bodies, a parliamentary committee and a commission set up by an act of parliament, the same inquiry into the same individuals. And that appears to me to be a nonsense that was certainly not on the minds of those who made the law and those who wrote the rules of this House.

One last point, Mr. Speaker, that seems fundamental to me is the intention of the Solicitor General who wrote the letter which was sent to the hon. member raising the question of privilege in December, 1973. At some point in his remarks this morning, the hon. member said:

● (1422)

[*English*]

“It does not matter if he knew or did not know about if he was wrong or not”.

[*Translation*]

I cannot accept such assertion, Mr. Speaker. There is a world of difference between guilty intention and good faith. And if the hon. member suggests that the fact that the Solicitor General acted in good faith has nothing to do with the discussion, I believe he is completely mistaken, not to use an anti-parliamentary expression.

In matters of parliamentary privilege, just as in any matter of criminal or of any otherwise penal charge in society, it is important to respect two principles: first, the presumption of good faith. Good faith is always presumed, and whoever makes the allegations of bad faith has to prove them. That principle is generally accepted. But the second principle is that we can never condemn anyone for an act which may have bad consequences, which may cause prejudice or damage, if the act was done in good faith and without bad intention. And it seems to me obvious in this instance, Mr. Speaker, that through his question of privilege the hon. member gives only one version of the facts, one side of the coin.