

*Privilege—Mr. Lawrence*

It then became obvious to the hon. member who now raises this question of privilege that the information contained in the letter of December 1973 could be challenged because the facts contradicted the contents of that letter. I therefore believe that it is at that moment that the hon. member should have put the question of privilege, or at the latest the following day. The hon. member was indeed in the House that day and he had, along with other members, the opportunity to direct questions in that regard to the then solicitor general, the present member for Argenteuil-Deux-Montagnes (Mr. Fox).

Mr. Speaker, I would like to draw your attention to *Hansard* for November 9, 1977, page 742, where the hon. member for Northumberland-Durham (Mr. Lawrence) directed specific questions regarding the illegal opening of mail to the then solicitor general, who answered unequivocally leaving the hon. member no choice but to conclude that the information contained in the December 1973 letter was false.

Therefore, the hon. member did not have to wait for the recent testimony of Mr. Higgitt who, as it was termed this morning, allegedly told the McDonald commission: "It was not cast to the four winds but no secret". I am sure that the hon. member is sufficiently clear-headed and intelligent that he did not have to hear Mr. Higgitt's testimony yesterday or the day before before the McDonald commission to understand, on November 9, 1977, in the House, that there was indeed a discrepancy between the information that he got from the solicitor general in 1973 and the many answers given in the House on November 9 by the Solicitor General and the Postmaster General to the effect that, unfortunately, there had in fact been mail openings. That is when he should have raised his question of privilege.

But allowing him a little more delay to understand, he could have had until February 1, 1978, at the latest—several months ago now, Mr. Speaker—to raise a question of privilege which could be receivable, in order or valid.

This morning I referred to that commission of inquiry which held public hearings and heard Mr. Higgitt. The latter, in answer to questions put by lawyers, and I will not quote again what I mentioned this morning, did indeed refer particularly to that letter of December, 1973, sent to the hon. member by the then solicitor general, even quoting textually the last paragraph of that letter which was also read this morning by the hon. member on his question of privilege. Moreover, an attorney even asked the Solicitor General who wrote that letter in December, 1973, whether, in the months of November and December prior to that letter, whether—

● (1412)

[English]

Such practice of interception of private mail delivered in Canada has been discussed with Mr. Allmand.

[Translation]

That question had been put to Mr. Higgitt. Mr. Speaker, this was public knowledge and the hon. member who brought up the question of privilege must have been aware of it. He

[Mr. Pinard.]

therefore missed the boat twice. First, on November 9 in the House when the Solicitor General himself told him mail was opened, contrary to what the letter said which was sent to him in December, 1973. He also missed the boat when, on February 1, before the public inquiry commission mention was made of that same letter. His name was mentioned at the inquiry, the letter in question was also mentioned and tabled as documentary evidence; mention is even made of the Solicitor General who wrote it and who denies having discussed its contents with anyone.

Mr. Speaker, once again, if we accept the position of hon. members, excepting that of the Minister of Justice who spoke about the matter before me, one must of necessity conclude that the question of privilege, at least from the procedural point of view, comes at a late date.

In closing the discussion on this first point, I would be remiss if I did not quote ever so briefly for the record the principle generally recognized by Beauchesne, in his fourth edition, page 95, paragraph 104, and I quote:

(3) A matter of privilege which claims precedence over other public business should be a subject which has recently arisen and which calls for the immediate interposition of the House. The matter should be raised at the earliest opportunity.

A few lines further he adds, and I quote again:

(5) As a motion taken at the time for matters of privilege is thereby given precedence over the prearranged program of public business, the Speaker requires to be satisfied, both that there is a prima facie case that a breach of privilege has been committed, and also that the matter is being raised at the earliest opportunity. If he is not so satisfied he may allow the member to make a statement with a view to ascertaining whether or not a prima facie case can be made out.

Mr. Speaker, it seems obvious to me, even if it displeases some people, that the rules of this House should be followed at all times. It seems obvious to me that in this case the hon. member who raises today a question of privilege is several months late. In fact what is the object of his complaint this morning? He received false information from a minister and he has become aware of this fact only recently, following the testimony given by Mr. Higgitt before the McDonald commission. It is not true, Mr. Speaker. If he received false information, which might be possible, he should have known that this information was erroneous last November 9 in this House or at the latest on February 1 or the following days when his name, the letter and the whole matter were discussed publicly before an inquiry commission, the Keable commission. To conclude on this first point, it seems obvious to me that this question of privilege is not receivable because of this considerable delay.

The second point I wish to raise has been mentioned by all hon. members who spoke before me and concerns the role of the McDonald commission compared with the role of a House committee regarding a question of privilege on a matter studied by the commission. Here again the facts are quite simple. We know that the commission was established by an order in