

Privilege—Mr. Lawrence

In the same fourth edition of his Parliamentary Rules and Forms, on page 95, citation 104(2), Beauchesne says the following:

It has often been laid down that the Speaker's function in ruling on a claim of breach of privilege does not extend to deciding the question of substance whether a breach of privilege has in fact been committed—a question which can only be decided by the House itself.

That is exactly what is happening, Mr. Speaker. The House is settling the matter, despite the antics of the hon. member who has just left, the hon. member for Calgary North (Mr. Woolliams), and I regret having used the name of a member for whom I have a lot of respect, but despite his antics today to prosecute us *prima facie*, it still is not misleading, it is not difficult—*prima facie*, that means at first glance, by the looks of things, superficially—if it is not a slur on the Chair to say that it gave a *prima facie* decision, since when do we insult someone because he is bound, procedurally, to the way things appear, to the way they seem superficially, on the surface? What is less acceptable, however, Mr. Speaker, is that members of the opposition in a serious debate which is meant to decide the issue should make such superficial speeches as the ones we heard till now, with the exception, of course, of the statement made by the President of Privy Council (Mr. MacEachen). Mr. Speaker, Beauchesne, at page 102, citation 113, adds the following, and those are premises I want to read into the record in support of my argumentation. He says:

It should be dealt with by the a motion giving the House power to impose reparation or apply a remedy.

So, Mr. Speaker, the motion now before us, if it were ultimately decided upon by the House, should seek a remedy, should seek, as Beauchesne says, reparation. Keeping those principles in mind, let us take the motion as written. I am talking about the new motion, the one drafted by the parliamentary staff, the clerks who are at the table with the hon. member raising the question. There are two things in that motion. First, it proposes that the letter sent by the solicitor general of the day to the hon. member for Northumberland-Durham (Mr. Lawrence) on December 4, 1973, and second, the testimony of former commissioner Higgitt, be referred to the Standing Committee on Privileges and Elections for investigation and report.

The motion before us can be interpreted in two ways: either it is interpreted restrictively or it is interpreted in a general, liberal way. If it is interpreted restrictively—which is what the hon. member has in mind today—it is to refer to a committee of the House for investigation and report a letter and a testimony, the letter he received from the solicitor general in 1973 and the testimony of Mr. Higgitt before the McDonald commission. That is all he wants. If we were to limit ourselves to that, if we were to give the motion a restrictive interpretation—and I agree entirely with what the President of Privy Council mentioned—the hon. member who raised the motion of privilege is only quoting a paragraph from the letter he wants to have referred to committee and he only used a short

[Mr. Pinard.]

part of Mr. Higgitt's testimony before the McDonald commission.

Earlier I heard the new member of the New Democratic Party talk about natural justice, and before he goes behind the curtain, I would like to tell him that the principle of natural justice requires that our search for truth be as objective and as complete as possible. And to search for truth as objectively and as completely as possible, you do not take passages out of context from evidence or a document and interpret them subjectively. This cannot bring out justice or the truth. I understand that the hon. member did not suggest that he would do such a thing himself, but I maintain, Mr. Speaker—

Mr. Rae: Would the hon. member allow a question?

Mr. Deputy Speaker: The hon. member is asking the parliamentary secretary if he would allow a question.

Mr. Pinard: Mr. Speaker, I would be happy to accept a question from the hon. member when I am through.

To come back to what I was saying, and this is very serious, the hon. member was talking about natural justice. What the hon. member for Northumberland-Durham has done by moving such a limited and restrictive motion is to take out of context part of the evidence given by Mr. Higgitt by selecting a short paragraph of the letter written to him by the solicitor general in 1973. If we are interested in finding the truth, Mr. Speaker, we cannot ask a committee of the House to limit its examination, its inquiries and its report to such selective passages because the results would be unfair for all members of the House. This goes against the principle of natural justice. It would be unacceptable that the terms of reference of a committee be limited to only part of the evidence. As the President of Privy Council has said, all the evidence has not been given before the commission. Mr. Higgitt has not even been cross-examined, Mr. Speaker.

The inquiry where he stands as a witness is not even concluded and they expect that members who are elected to represent the people and show examples of justice, members who enact legislation, they expect members to go along and waste their time discussing excerpts from letters and shreds of evidence at the very moment when an inquiry is under way to shed light on those incidents, including the letter about which the member who presented this motion today has complained.

In the circumstances they interpret the motion liberally, generally, and consider that even if the motion has been revised and corrected, it still empowers the committee to inquire generally into everything related to that letter and the evidence given by Mr. Higgitt before the McDonald commission. Then, Mr. Speaker, what is related to the letter and what is related to Mr. Higgitt's statement? Obviously, the letter was sent to a Progressive Conservative member by a solicitor general in 1973, so there will be reference to that solicitor general in this committee and he is related to the terms of the