

The hon. member will also know that I have exercised my discretion against the exercise of that warrant. I think I ought to pause now to indicate to the House briefly why I have done so.

In so far as any involvement of the Solicitor General (Mr. Lawrence) is concerned, I should indicate that to my knowledge the Solicitor General has not in any way been involved in the direction of these efforts. They remain ordinary efforts on the part of the RCMP which, I think, are part of their ordinary obligation and mandate in the investigation of what they may feel may be an offence, not necessarily involving the hon. member but obviously an offence involving the release of the documents in the first place.

To my understanding, the reason for the presence of any discretion in the Speaker is because, in this situation, the rights of the police force, which may be legitimate, come into collision with the rights of the member which are obviously equally legitimate. In many circumstances the member may be asserting a right. I am not saying now that it is in any way the obligation of the Chair to make a determination of the validity of the right of the member. The fact is that the member may be asserting a right that the possession of a document of this sort is within his regular duties as an elected member.

In fact, to use a most interesting example, the document may very well be in relation to the operation of the very police force itself. It has been considered to be on many occasions, and obviously remains, part of the functions of an elected member of this House to inquire into our national police force and many other organizations for which an elected member takes some responsibility. It is part of the mandate of this Parliament.

It could therefore very well be that a member may be asserting a right which he considers to be a part of his responsibility as an elected member. Obviously, since a discretion exists in the Chair, it must always be in the face of a right which the police force is seeking to exercise and which is also a legitimate right.

What I have done, therefore, is to take the position that, where no charge has been laid against a member and there does not appear to be the investigation of an actual offence against him, but rather an investigation which may be part of another set of circumstances, initially I have exercised my discretion against the execution of the warrant in these premises in the office of a member.

On the other hand, I would think that in the more extreme cases, where there is an allegation of an offence by a member and it is in the enforcement or investigation of a specific and formal charge against a member, I might be facing a different situation. Obviously that would depend on the nature of the charge and the actual circumstances.

In this case, therefore, when I was first presented with the warrant to which the hon. member has referred, I gave it some consideration and turned it back, exercising discretion in the way I have described and explaining my action to the RCMP. I invited them to return to discuss the matter further if they

wished and, in fact, to bring the matter to the attention of the Solicitor General and have him involved in the discussion if they wished. They returned yesterday and brought with them a letter asking for further clarification of my discretion. I hope this exposé this morning will suffice to comply with that request.

In my opinion, that is where the matter now rests. I have now formally brought the matter to the attention of the Solicitor General. In addition, I have given some consideration to seeking, and I will now indicate to the House that I will seek, a further formal opinion from our parliamentary counsel so that we will have that on the record as well.

Any party that wishes to carry the matter any further is welcome to discuss whether this is a proper exercise of the Speaker's discretion in the way I have described it. This is the way I see the responsibility of the Speaker when there appears to be a conflict between the legitimate rights of an elected member in the pursuance of his duty as such, and the legitimate rights of any police force in pursuance of an investigation which is not an investigation of a formal charge against that member, namely, that my discretion ought to be exercised, in those circumstances, against the execution of any warrant to search the premises of a member.

**Mr. Nystrom:** Further on the question of privilege—

**Mr. McKinnon:** I should like to speak on that privilege—

**Mr. Speaker:** Order, please. I see the Minister of National Defence (Mr. McKinnon) is rising to participate in the question. As I said at the beginning and I will reiterate, because the hon. member raised the possibility of this matter occurring, I cannot find that he has a question of privilege. In fact, what he says gave rise to the question of privilege did not occur. Had the discretion been exercised the other way, I would think that he would want to raise it in the House and I would certainly give him ample opportunity to do so. So long as I have exercised my discretion against the execution of the warrant, however, I cannot accept within its very terms, as a question of privilege, the possibility that the execution of the warrant may take place, because up to now I have seen to it that it will not.

Were I ever to change that decision, however, I would of course give the hon. member ample opportunity to raise the matter as a question of privilege, facing the actuality of it. Other hon. members may want to participate at that time. But for the moment I cannot find that we have here an actual question of privilege. There is possibly a potential one but not an actual question of privilege. Unless and until that question of privilege arises, I would think I ought not to open it up for discussion.

As a final word, however, if hon. members feel, after examining what I have said this morning, that my actions might in any way raise privilege at all, they are free to examine those words and upon proper notice raise the matter by way of privilege in order that we can have a full and proper discussion of it in the House. Perhaps members would want to