

*Privilege—Mr. Robinson (Burnaby)*

decision has been joined by the practice of the government getting in touch, for whatever reason, with editorial writers—

**Mr. Collette:** You are debating. Obey the rules.

**Mr. Clark:**—or perhaps with the publishers to try to gauge the response to these advertisements, the purpose of that policy and the extent of that policy may very well be germane to your considerations, Madam Speaker. I simply wanted to know what the minister meant he alluded to these contacts which have been made to determine the effect of the advertising undertaken by the Government of Canada.

**Mr. Fleming:** Madam Speaker, several of my staff went to the parliamentary library and checked out the editorial pages of those ten major dailies over a four-week period.

MR. NIELSEN—STATEMENT MADE BY MINISTER OF NATIONAL HEALTH AND WELFARE

**Hon. Erik Nielsen (Yukon):** Madam Speaker, I am rising on a question of personal privilege. It involves the reference by the Minister of National Health and Welfare (Miss Bégin) to me when she accused me of misleading the House. Since it is a personal question of privilege it must be raised at the first possible moment, and I inform you of it now, Madam Speaker. I do not think that it would be appropriate for me to pursue it now since the minister is not in the House. I will do so tomorrow.

MR. ROBINSON (BURNABY)—STATEMENTS MADE BY PARLIAMENTARY SECRETARY DURING ADJOURNMENT DEBATE

**Hon. Bob Kaplan (Solicitor General):** Madam Speaker, my point of order arises out of an exchange yesterday with the hon. member for Burnaby (Mr. Robinson) concerning a statement given last May 8 on my behalf by the then parliamentary secretary to the minister of state for mines, the hon. member for Cape Breton-The Sydneys (Mr. MacLellan). I wish to make clear to the House that in his statement the parliamentary secretary based his remarks on what was my understanding at that time of the McDonald commission's general attitude toward the provision of confidential information to the attorney general with a view to possible proceedings prior to the completion of the commission's hearings and the submission of the commission's report. That understanding which I had was reinforced by an exchange during commission hearings on April 17, 1980, between Mr. Justice McDonald and Mr. Alan Borovoy, general counsel for the Canadian Civil Liberties Association.

I referred to that transcript yesterday, but I could not quote it accurately because I did not have it with me. I have it now. At that time the chairman of the Commission of Inquiry responded to Borovoy's submission that the commission ought to, "encourage the normal law enforcement processes to go forward" by noting that such action, "would have required a report by us" based on "representations by counsel as to

whether there was conduct not authorized or provided for by law".

As you can see, Madam Speaker, it would be those words which I felt justified the statement which I asked my colleague, the parliamentary secretary, to make. Subsequent to that statement being made by the parliamentary secretary, the chairman of the commission wrote to the parliamentary secretary on May 14 and stated that his response to Mr. Borovoy—which I have just quoted—was to be read solely in the context of the procedures required by law for the commission to make findings recommending further action. The commissioner's later interpretation was not obvious to me from reading the exchange in the transcript to which I have referred.

Mr. Justice McDonald went on to define the commission's position regarding action by the attorneys general prior to the submission of his report by making clear that he and his colleagues, and I quote from the letter, "express no preference one way or another" with respect to such action. It is for the attorneys general of the provinces to decide whether to proceed now or to wait for the commission's report.

For the government's part, my colleague, the Attorney General of Canada (Mr. Chrétien), has decided that he will not take action within his jurisdiction until the relevant report or reports are received, which, speaking as the minister responsible for the RCMP and including those members whose conduct has been under investigation during this very lengthy period of inquiry, now in excess of three years, I hope that report will be forthcoming in the very near future.

Today in the Ottawa *Citizen* the hon. member for Burnaby is quoted as making reference also to the letter of Mr. Justice McDonald:

Robinson said McDonald goes on in his letter to ask the government to correct this "inaccuracy"—

I want to correct that reference because I have the letter here before me. Nowhere in that letter does Mr. Justice McDonald ask the government to correct this inaccuracy. I would also like to add that I was not certain yesterday, but I have checked and I did see the letter, and I also acknowledged it to Mr. Justice McDonald.

**Mr. Svend J. Robinson (Burnaby):** Madam Speaker, I must respond to the statement made by the Solicitor General (Mr. Kaplan) on the question of privilege which was originally raised on this matter. I regret that the Solicitor General appears to have misled the House in his final remarks with respect to the request by Mr. Justice McDonald. The statement was made that Mr. Justice McDonald had requested that the government, through its representatives, who had originally misled the House, correct the false statement which had been given.

The Solicitor General has stated to the House today that no such request was made by Mr. Justice McDonald. I would refer to the letter which the Solicitor General has now admitted having in his possession after having denied yesterday that he possessed it, which was written on May 14 by Mr. Justice McDonald to the then parliamentary secretary to the minister