

Privilege—Answers of Solicitor General

As reported at page 2518 of *Hansard* dated February 3, 1978, the Solicitor General said the following:

The McDonald inquiry is studying certain issues and matters within very wide terms of reference. It is for that commission to deal with those issues.

I emphasize that comment, Mr. Speaker. He continued by saying in effect that parliament has no right to have its members dealing with those issues as they affect the ministry. The Solicitor General also said:

Until such time as a report is received from the commission, Mr. Speaker, I will not comment, nor will I offer any judgment relating to the value of the evidence or indeed the completeness of it.

Surely it is within his responsibility as the minister to see that all possible evidence is placed before that commission in order for it to fulfil its terms of reference. These are some of the matters he did not refer to which appear in *Hansard* for last Friday.

The Solicitor General referred to page 2518 of *Hansard* by reading the first part of the paragraph which appears in the right hand column. I will conclude that for him. It reads as follows:

The decision which I have made that I will not reply to questions relating to matters presently before the royal commission which has been set up by this government—at the request of the opposition, Mr. Speaker—

Nothing could be plainer than that. What would be the result, irrespective of whether or not there is a prima facie case before the Chair? What would be the result in terms of the rights of hon. members and the rights of this House? These are questions which the minister could refuse to answer and which we have every right to ask. For instance, we could ask when the Solicitor General was informed of the La Minerve communiqué calling for violent action which was fraudulently and perhaps illegally prepared by the security service—but we would be prohibited from that. We could ask whether there was knowledge on the part of the solicitor general of the day concerning the use of agents provocateurs against left wing groups—but we would be precluded from doing that.

We could ask whether one of the previous solicitors general, the present Minister of Supply and Services (Mr. Goyer), was fully briefed on all aspects of the operations involving phone taps which he authorized—but we would be prevented from doing that. We could ask whether the then solicitor general authorized any telephone surveillance of the APLQ and, if so, why did he not bother to fully inform himself about the complete scope of security service operations—but we would be precluded from doing that, if the philosophy of the government is adopted.

We could ask the Solicitor General about his statement indicating that he was not misinformed about operation Cathedral by his director of security, in light of the fact that the director of security knew of Cathedral in mid-October, 1977, and the Solicitor General specifically stated that the mail was not being diverted. He indicated that in his previous portfolio. We could ask him why he misled the House—but that kind of question would be precluded.

[Mr. Nielsen.]

I could continue giving examples of questions we would be prevented from asking if the government's idea of ministerial responsibility were accepted.

The government is attempting to muzzle the opposition further than the restrictive rules now preclude the opposition from performing its function. We have every right to preserve what remains of those rights by adopting the motion which has been put forward by the hon. Leader of the Opposition (Mr. Clark).

Mr. Donald W. Munro (Esquimalt-Saanich): Mr. Speaker, I rise to intervene in this discussion this afternoon because I am deeply worried about where parliament is heading. The philosophy which was expounded by the newly appointed Solicitor General (Mr. Blais) on Friday matches dangerously the philosophy which was expounded by the Prime Minister (Mr. Trudeau) on December 9, 1977. At that time, in a press conference, the Prime Minister said the following:

It is a matter of stating, as a principle, that the particular minister of the day should not have a right to know what the police are doing constantly in their investigative practices, in what they are looking at and what they are looking for, and in the way in which they are doing it.

It is frightening. They are expected not even to have the right to know, so how could they reply to questions from this side? This is a philosophy which undermines the whole principle on which this parliament stands. I am deeply concerned and worried.

It is important for hon. members to understand exactly what is meant by ministerial responsibility. Before dealing with that, I should like to make a comment with respect to questions raised by the opposition on matters before commissions. The notion that the opposition may not ask questions on matters before commissions apparently has no effect on the government.

Mr. Paproski: Or the Prime Minister.

Mr. Munro (Esquimalt-Saanich): We have learned that the government is planning to introduce legislation relating to the interception of mail, amendments to the Post Office Act, when this matter is before a commission. The government can intervene. Are we to be muzzled and unable to comment on that legislation when it comes before the House? Is that what this ruling will mean?

Returning to the meaning of ministerial responsibility, I wonder if all members understand clearly the basis on which it rests and the importance it is to parliament. To all students of parliamentary government, and until now to most practitioners, the principle of ministerial responsibility is considered to be absolutely basic to the form of parliamentary democracy which we have come to know in Canada and by which Canadians have agreed to be governed. I thought this principle was so deeply imbedded in our traditions that it was indisputably integrated into our parliamentary system and it would never be questioned. I appear to have been wrong. It has been questioned by the Prime Minister, as well as by the Solicitor General.