

Privilege—Mr. Lawrence

when or where those misstatements had been made, hon. members would be aware of specific cases. Think of the position in which it would put all members of this House. They would have to act almost like computer machines, checking all previous correspondence and everything they had ever been told by a minister, and if they did not do that and immediately raised a question of privilege they would lose that right.

Surely the important question is, when in fact did a member learn specifically that a representation which had been made to him on a certain subject was misleading? I would suggest in this case it is very clear that it was made with Commissioner Higgitt's testimony before the McDonald commission and, therefore, there is reason for a proper reference to the appropriate standing committee of this House to consider this question of privilege.

Mr. Speaker: Order, please. I must say that the difficulty I have with that argument put forward by the hon. member for York-Simcoe (Mr. Stevens) is the fact, which he has just brought to the attention of the House, that on the day the solicitor general of that moment, November 9, revealed to the House that information in respect of mail openings was in fact incorrect information, one of those who questioned the solicitor general about this at the time was the hon. member for Northumberland-Durham (Mr. Lawrence). I would then have difficulty saying he was not on notice of that fact when in fact he participated in questions—not so much having to do with the Keable inquiry but in respect of proceedings in the House. I have to examine the record in that regard as it is a point to which I must direct myself. It is a very serious point, involving going back in time and determining that a member who put questions to the solicitor general on November 9, 1977, thereby eliciting information which is fundamental to this question of privilege, should or should not be deemed to have been on notice at that time. I cannot do that on the basis of a cursory examination. I will have to look at the actual language used at that time.

Mr. Elmer M. MacKay (Central Nova): Mr. Speaker, I will be very brief. I just want to point something out that is perhaps obvious, and something you touched upon a few moments ago. This is not a case in respect of which we have had any continuity in the office of solicitor general. The hon. member for Northumberland-Durham (Mr. Lawrence) has not had the opportunity for a long time to question the man from whom he got the letter. I think that is very important. One of the distinguished holders of that portfolio, the hon. Mr. McIlraith, held that post as solicitor general for many years. We have had a number of solicitors general in recent years, and it is very difficult for a member who feels he has been given an answer that is less than perfect to go back to it because of the rules that have developed.

As soon as that solicitor general who wrote the letter to the hon. member for Northumberland-Durham left his portfolio we were pretty well precluded under the rules of this House from questioning him, or double checking on the authenticity of what he did.

[Mr. Stevens.]

To make matters even more complicated, the present Solicitor General (Mr. Blais), and his predecessor, have said as a matter of policy, pretty well unequivocally in this House, as I understand it, that they are not prepared to answer, as a matter of government policy, anything that could be remotely connected to the McDonald commission. They have taken the attitude, sir, that anything they could possibly attribute as being within the mandate, in the widest possible interpretation, of the McDonald inquiry is something that we, as members of this House, really ought not to be talking about, ostensibly on the basis of national security and for other reasons as well, which defies logic, in my respectful submission.

On the occasion when another question of privilege arose involving another matter, that of the hon. member for Nickel Belt (Mr. Rodriguez), we were not allowed to pursue that either.

What I am saying to you, sir, is that if we are to get any useful mileage, as members of parliament, from the mechanisms that are in place, such as the Standing Committee on Privileges and Elections, we should not be as hesitant as we have been in the past to refer matters of substance which obviously affect our rights and privileges, in order that the committee can conduct appropriate investigations. Otherwise the committee is in existence but it certainly is not serving the purpose for which it was designed.

Those two reasons, namely, the practice which has developed, and I do not know since how long, of not allowing any meaningful probing of a minister when he leaves a portfolio, and the policy which has developed since the creation of the McDonald royal commission, which has certainly been to prevent us on this side of the House from pursuing matters which those on the other side can remotely claim are covered by the mandate of the McDonald commission, whether that is basically true in law or in fact, make it all the more important that you consider very carefully the appropriateness of allowing members of this House the opportunity to go into these things. We do have that mechanism available to us.

Mr. Pinard: Mr. Speaker, I rise on a technical point, and I think this would be useful to the House.

Mr. Speaker: Order, please. I am sure the hon. member for Northumberland-Durham (Mr. Lawrence) has a number of technical points he thinks would be useful to the House too.

Mr. Baker (Grenville-Carleton): I have a couple.

Mr. Speaker: I am sure that everyone who has participated so far would like to re-argue some of the points.

Hon. Marcel Lambert (Edmonton West): Briefly, Mr. Speaker, the question at issue here is whether the disclosure at the Keable commission last November and questioning in this House would bar the hon. member for Northumberland-Durham (Mr. Lawrence) from raising a question of privilege today, in that it has been alleged by the parliamentary secretary that at the time the hon. member was under notice, or