

Privilege—Mr. Lawrence

answers and that the matter occurred not only once but several times.

● (1252)

It had to be brought to the attention of the House on several occasions in clear terms that answers which previously indicated that there had not been mail openings were wrong answers based on misleading information from officials responsible to the solicitor general of the day. That being the case, there would have been several occasions on which members either were or ought to have been alerted to the fact that the answers they had received prior to that time about mail openings, such as the answer received—which after all is the core of this question of privilege—were wrong answers. Despite the fact that it occurred almost a year ago, I still have to deal not only with the question of whether this is of such a nature as to be included in privilege, but also with a couple of procedural matters of that sort.

At least I am relieved of the obligation of having to decide whether the paragraph or sentence in the letter was misleading. The Minister of Justice has brushed this point aside for me. Even if I were to find all the necessary ingredients for privilege, how do I get around the fact that this was first brought to the attention of the House almost a year ago in such a way as to give rise to this question of privilege? Therefore, we are not only slightly but a great deal too late to deal with it on that basis at this time.

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, in my view the request for this matter to be referred to the Standing Committee on Privileges and Elections is one that ought to be granted. It is clear from what has been said on both sides that a misleading statement was made by letter, by a minister, to the hon. member for Northumberland-Durham (Mr. Lawrence). The Minister of Justice (Mr. Lang) used the term "erroneous", but at least there is no denying the statement that the hon. member for Northumberland-Durham was misled.

It is also part of the record now that the hon. member for Northumberland-Durham has in a sense charged that he has received a letter which was misleading. That is something which ought to be cleared up by the House.

During the course of his remarks the Minister of Justice made the suggestion that is made almost every time any matter in this area is discussed, namely, that we should leave it to the McDonald commission. On that point, I agree with the remarks made by the hon. member for Grenville-Carleton (Mr. Baker), that the issue of the privileges of members of this House is not before the McDonald commission. Whether the commission ever completes its proceedings or not, we have a situation here where a member of this House has had his privileges affected. I think that it is this House that ought to settle this matter.

The point which you made after listening to the Minister of Justice is one that is almost as interesting and difficult as the question we have in another debate involving a letter written

[Mr. Speaker.]

by the Commissioner of Human Rights to the Minister of Finance (Mr. Chrétien). There are various angles to be considered. To put it hypothetically, if the hon. member for Northumberland-Durham had risen on November 10, 1977, on the basis of the statement made by the then solicitor general on November 9 to the effect that there had been mail openings, and had alleged that the letter he received three or four years earlier was therefore a violation of privilege, there would have been some difficulty about it. The member would have been asked, "How do you know that what was said three or four years ago was a misrepresentation?"

It seems to me that we have to put into the picture the fact that only a few days ago former commissioner Higgitt identified this particular letter and brought it out in the open—and now not only does the hon. member for Northumberland-Durham know about it, but the whole country—and that that particular letter was identified by the former commissioner as a misleading letter, or to use the word of the Minister of Justice, an erroneous letter.

I appreciate, sir, that you have to consider this very fine point, but what would you have done in my hypothetical situation had the hon. member for Northumberland-Durham raised this matter immediately after November 9, 1977? He would have been told that he did not yet have the evidence that that particular letter was included in the framework of misleading letters. Because this situation is really separate from the inquiry of the McDonald commission, and because a member of this House has had his capacity to do his job interfered with by a letter from a minister which, it turns out, did not tell what was true, I think that it ought to be considered as a *prima facie* case of privilege. The result, if the question of privilege is allowed and the motion is put and passed, is that what has happened between a minister and a member of this House would go to a committee of this House to determine how it all came about. It is totally different from what is going on in the McDonald commission hearings, and I believe that the question of privilege should be granted.

Mr. Speaker: The hon. member for Winnipeg North Centre (Mr. Knowles) raises a point about the letter which I think comes to the aid of the hon. member for Northumberland-Durham. I confess that, while he made reference to it, I did not quite catch the significance of the fact that the testimony before the McDonald inquiry made specific reference to this letter. I was operating on the impression that the testimony, while it related to arguments, did not make specific reference to this piece of correspondence.

Mr. Knowles (Winnipeg North Centre): It did.

Mr. Speaker: Thankfully, that lays that point aside, because if I do find that the other ingredients of privilege are present, I would not be very comfortable setting aside a matter of this importance on the basis of a technicality. I would only do it in the event that I was faced absolutely and categorically with a procedural requirement which I simply could not get around. I do not like to set aside important questions of this nature on a catch, but with the specific reference by the ex-commissioner