

Privilege—Mr. Broadbent

the rule of law which goes to the heart of any democratic system whether parliamentary or not. Flagrant abuse of this principle undermines in a fundamental way our central reason for being elected to the House of Commons, namely, to pass laws which are to be obeyed by everyone.

First I shall deal with the question of ministerial responsibility and specifically as it pertains to a question of privilege. As most members of the House know, a minister is expected to be responsible to this House for the ongoing operations of his department. In case of flagrant wrongdoing in the past—whether here, in Great Britain or any other parliamentary system—where he is directly involved, his resignation has been expected and has been brought forward. In other cases, a minister must simply take prompt, corrective and, where required, punitive action.

I want to quote one of the most distinguished authorities outside the Government of Canada or outside the practices of the parliamentary system as seen in this country. I refer to Sir Ivor Jennings' book "Cabinet Government", pages 498-99, where, speaking of cabinet responsibility, he said:

The cabinet must leave to each minister a substantial discretion as to what matters he will bring before it. If he makes a mistake, then he must accept the personal responsibility. On the other hand, a minister cannot hide behind the error of a subordinate. Within a department there must be substantial delegation of power, but the most essential characteristic of the civil service is the responsibility of the minister for every act done in his department. In practice, the minister can hardly avoid saying that the mistake was that of a subordinate, but parliament censures the minister and not the subordinate.

That is at pages 498-99, the third edition of Jennings on "Cabinet Government."

Mr. Fox: What year? What edition?

Mr. Broadbent: Mr. Speaker, I am impressed by this new interest in scholarly writing by the minister. It is the third edition. The minister seems concerned that Sir Ivor Jennings or others might have revised the argument in the way he has revised the practice. I want to switch immediately to a Canadian source. Following the minister's appropriate, if rather scholarly, concern, this is Dawson in "The Government of Canada" fourth edition. On the same issue, that of ministerial responsibility, he says, at page 190:

The members of cabinet are above everything else responsible to the House of Commons, not as individuals alone, but collectively as well. This responsibility has been the key to the control of the executive power in Canada as in Britain; the powers of the Crown have remained for the most part intact or have even been increased, but the exercise of those powers has come under the cabinet and this body in turn under the general scrutiny of parliament. This is the central fact of parliamentary democracy; for it is this practice which keeps the system both efficient and constantly amenable to popular control. The minister at the head of every department is responsible for everything that is done within that department—

On the same page there is a quotation from a former prime minister of Canada, Sir Robert Borden, with respect to ministerial responsibility. He said:

A minister of the Crown is responsible, under the system in Great Britain, for the minutest details of the administration in his department; he is politically responsible, but he does not know anything at all about them. When anything goes wrong in his department, he is responsible therefor to parliament; and if he comes to parliament and points out that he entrusted the duty to an official in

[Mr. Broadbent.]

the ordinary course and in good faith, that he had been selected for his capacity, and ability, and integrity, and the moment that man has gone wrong the minister had investigated the matter to the full and punished that man either by degradation or dismissal, he has done his duty to the public.

The point I want to underline is that when a minister discovers wrongdoing by anyone in his department, he has a responsibility to take immediate and corrective action. I could find a number of other sources in other works, but I will not belabour that point. The point I want to make now is to apply this concept to the recent behaviour of the Solicitor General. In so doing, I want to argue that he has clearly violated his most basic responsibility as a minister of the Crown, the result of which has been the continuance and appropriate preoccupation by members of parliament with criminal wrongdoing and allegations of wrongdoing by a variety of security services at the total expense, in terms of our time, of our capacity and responsibility to deal with other matters of pressing concern to the people of Canada.

I refer specifically, Mr. Speaker, to the statements made by the Solicitor General in this House last Wednesday and Thursday. On both days the minister discussed two categories of almost certain criminal wrongdoing by the RCMP about which he learned only last week. Both of these points are germane or central to the argument I want to make. Of "Operation Cathedral", that is, the illegal opening of mail, the minister said on November 10 in this House, in discussing the possibility of its being criminal, that it is "perhaps a more clear case than some of the others". That is, a more clear case of criminal wrongdoing. Being a lawyer, the minister knows—I am not, and I have a few other virtues as well—that he cannot come any closer to saying it was criminal wrongdoing than that. There has been no conviction. He went as far as he could in making that assertion.

In reference to "Operation 300" which had been specifically described in the news reports as by definition a kind of illegal activity, he said, "the allegations of course are substantially correct." That is to be found at page 784 of *Hansard*. We have, in the minister's own words, the judgment that these two kinds of activity by the RCMP are quite likely illegal in nature. That is very important. We also know, from what he said in the House on November 10 as well as earlier, that the Solicitor General had requested the RCMP to bring to the attention of Canadians that there have been possible illegalities. That is also to be found at page 784 of *Hansard*.

Mr. Speaker, the question of privilege on this matter is as follows: on June 17, in the House, the minister assured us that he was telling the House of all the illegal and prospective illegal acts of the RCMP. It turns out that last week—at least it turns out in terms of admitting to us last week—that he was clearly wrong on June 17. He had, therefore, misinformed the House of Commons—a very serious act on his part.

● (1532)

What did he do to correct the situation? What did he do to exercise his responsibility as a minister? According to all parliamentary practice of which I am aware, he should have taken corrective and punitive action immediately as far as the