

Oral Questions

stand that they do not have to give an answer to a question if they do not want to; but if they plead privilege—

Mr. Speaker: Order, please. The hon. member may be able to argue that privilege has been pleaded which is fallacious or which has some loophole in it either in law or parliamentary procedure, but the fact is that the hon. member for Northumberland-Durham (Mr. Lawrence) has asked the Chair whether or not a prima facie question of privilege exists. My answer is that a prima facie question of privilege does not exist, because there can be no obligation upon a minister to answer.

The reason the minister gives for not answering may be weak and might be subject to political commentary, but this cannot found a question of privilege because, as I have already said, there is no obligation upon a minister to make any answer.

Mr. Baker (Grenville-Carleton): Mr. Speaker, I rise on a point of order that is related to matters which have been put before Your Honour on which you have made a statement respecting the refusal of ministers to answer, particularly with respect to the exchanges which have taken place in this House over the last little while in regard to ministerial intervention in the Quebec courts.

I understand what Your Honour has said, that if ministers feel it proper or necessary they can refuse to answer questions that are put to them during the question period. But what I very strongly object to is the usurpation by a minister of the Speaker's authority by attempting to invoke, improperly as it happens, rules of the House which would help the minister to avoid admitting that he does not want to answer.

● (1510)

When asked about direct interventions with the judiciary, the Minister of Consumer and Corporate Affairs (Mr. Ouellet) invoked the sub judice rule on the grounds that he is involved in a contempt of court proceeding. It is obvious that when a question is put in the House, it is up to Mr. Speaker to intervene if the rules are offended. I suggest that the minister examine Standing Order 12(1) which reads:

Mr. Speaker shall preserve order and decorum, and shall decide questions of order. In deciding a point of order or practice, he shall state the Standing Order or other authority applicable to the case.

I wish to point out respectfully to the House that at no time has the occupant of the Chair, including Your Honour, intervened to cite the sub judice rule. The minister decided to do so on his own. Aside from whether the minister should be judging the procedural acceptability of questions put to him, I wonder whether that rule helps him in this case because on February 11 Your Honour stated, as reported at page 10844 of *Hansard*, and I quote:

It is clear to me at this point, however, that in any event no restriction ought to exist on the right of any member to put questions respecting any matter before the courts particularly those relating to a civil matter, unless and until that matter is at least at trial.

Sir, you also indicated that you wanted a little more time to deal further with the matter. I hope that the time has come when you are ready to make a detailed statement on the subject of sub judice, with relation to both civil and criminal proceedings at all stages, so that we will be spared

[Mr. Lawrence.]

the kind of evasive nonsense being built up into a question-proof barrier around the ministers concerned with these events.

However, even if the doubts about when a question is or is not "before the courts" cannot be immediately cleared up, I want to join other members in saying that the sub judice rule is no defence at all anyway, because the subject matter of our questions does not concern the minister's loquacious clumsiness in getting into a contempt of court proceeding, but the nature of his extra-legal attempts to get out of it. That is the issue in the questions we have been putting before this House. It is in that light and in those circumstances that this rule ought to be examined. This rule ought not to be invoked by any minister of the Crown; if a minister of the Crown attempts to invoke it, he ought to be told plainly and clearly.

The line of questioning has dealt with the activities of the Minister of Public Works (Mr. Drury) and his conversations with the Minister of Consumer and Corporate Affairs which come very close to a prima facie case of infringement of a section of the Criminal Code. That only follows, incidentally, matters which are before the court as a result of the improper words, so found by a court of law, of the Minister of Consumer and Corporate Affairs. They do not have anything to do with any matter that is before the court and which could be sub judice and ought to be so found by you, Mr. Speaker.

The minister has implicitly invoked *Beauchesne*, citation 181, to avoid answering questions on this matter. If he went no further, he would at least be on firm ground procedurally. Whether he would be doing himself or the House any favour is another question. I hope he realizes the opposition has an obligation to pursue this, as he has an as yet unfulfilled obligation to tell the House whether he did or did not instigate an interference with the course of justice.

Mr. Speaker: Order, please. I think the hon. member for Grenville-Carleton (Mr. Baker) will agree that I have allowed him a great deal of leeway on what in fact amounts to substantive criticism of the minister for failing to answer questions. While the hon. member for Grenville-Carleton had the floor on a point of order, he raised the question of sub judice. At no time has the Chair ruled on any question that has been raised. There has never been an interference, either under the guise of privilege or the sub judice rule, with the right of hon. members to put questions. There has, however, been a refusal by ministers to answer questions, on whatever grounds. Those grounds are limitless.

It is in fact the right of the ministry at any time simply to fail to make an answer, or to make a response which gives some reason for failing to make an answer. The criticism of that response, such as it may be, is always a matter of political or public comment. The question is, does it offend the rules of this House?

I repeat, at no time has the Chair intervened to interfere with the right of any member to put questions under those rules in respect of this particular matter. Therefore it would seem there has never been any application by the Chair of the rule as has been described by the hon. member for Grenville-Carleton.