

HOUSE OF COMMONS

Wednesday, September 29, 1971

The House met at 2 p.m.

HOUSE OF COMMONS

PRESENCE IN SPEAKER'S GALLERY OF PRIME MINISTER OF THE BAHAMAS, HON. LYNDEN OSCAR PINDLING

Mr. Speaker: Order. May I be permitted to bring to the attention of hon. members the presence in the Speaker's gallery of an eminent visitor in the person of the Hon. Lynden Oscar Pindling, Prime Minister of the Bahamas.

Some hon. Members: Hear, hear!

Mr. Speaker: On behalf of all hon. members I extend to you, Mr. Prime Minister, a most cordial welcome to Canada and to the House of Commons.

Some hon. Members: Hear, hear!

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PRIVILEGE

MR. HOWARD (SKEENA)—ALLEGED FALSE ANSWER TO WRITTEN QUESTION

Mr. Frank Howard (Skeena): Mr. Speaker, I rise on a question of privilege regarding an answer given by the government to question No. 602, shown in *Hansard* at pages 2228 and 2229 for January 12, 1970. It came to my attention only this morning that it is a false answer and that, again, misleading information has been given to the House of Commons. Part of the question which was posed was:

Have all reclassified employees been retroactively paid the salary, allowances, pension and other benefits to which they were entitled as of the 1967 date—

And so on.

The answer given was "Yes". The fact of the matter, with regard to the one employee who at that time was involved in this situation, is that in fact he had only been paid retroactive salary and wages to December 1, 1968, and not to 1967, as had been asked and answered in the affirmative, and that he had been employed by the government in this capacity back on October 1, 1966.

There is another erroneous part of the answer which I shall not go into at this stage, but it deals with more than this one employee. The result of this false information is that the employee involved, a person of Indian descent, has been denied the further retroactive wages he should have received and that there may be involved another \$2,000 or \$3,000 in back wages. The erroneous answer to the other part of the question would involve at least 100 other caretakers of Indian day-schools, because likewise they have been denied their full benefit under the Public

Service Staff Relations Act and the wages which have accrued to them.

Based on this, Mr. Speaker, I should like to move, seconded by the hon. member for Timiskaming (Mr. Peters), if you find there is a prima facie case of privilege:

That the Committee on Privileges and Elections be authorized to inquire into the information given by the government in response to question No. 602 as shown at pages 2228 and 2229 of *Hansard* for January 2, 1970, as well as into the matter of all persons employed by the Department of Indian Affairs and Northern Development as Indian day-school caretakers.

• (2:10 p.m.)

Mr. Speaker: The hon. member for Skeena proposes that the House consider, by way of breach of parliamentary privilege, what he calls false information given in a return to a written question. I suggest to the hon. member that there are at least two procedural obstacles that he does not appear to have overcome in the presentation he has just made to the Chair and to the House. The first is that the Chair is not at liberty to rule that there is a prima facie case of privilege when the matter complained of is a dispute as to fact. There are many well known precedents which could be quoted in this respect.

The other difficulty relates to the requirement that the matter should be raised at the earliest opportunity. In this respect I refer hon. members to May's Seventeenth Edition, page 378, as follows:

The matter must be raised at the earliest opportunity. A matter of privilege which claims precedence over other public business should be a subject which has recently arisen.

As an example, the learned author makes the following statement:

A matter which occurred during the recess was refused precedence as a matter of privilege because it was not raised at the commencement of the session.

Similarly, a matter concerning an article in a newspaper published on 6 May was refused precedence because it was not raised till the 14th and a speech reported on a Saturday because it was not raised until the following Tuesday.

In the case brought before us we do not have a situation where the hon. member failed to raise the matter the day after the subject of privilege arose; it is, indeed, more than a year since this particular matter was reported in the Official Report of the proceedings of the House of Commons. I do not think it is sufficient for the hon. member to say that he has just become aware of the alleged inaccuracy of the return. It would be extremely difficult to find that the matter has, in fact, been raised at the first opportunity.

For these reasons I cannot agree with the hon. member that there is a prima facie case of privilege which ought to be considered by the House at this time.