

### *Ministerial Responsibility*

various requests that some action be taken by the Minister of Consumer and Corporate Affairs to submit to questioning in the House, to make a statement, to appear before a committee, to rise on a question of privilege, or to take a number of alternative steps which were suggested during the various arguments which were put forward. All of them related to the central point which has been referred to, that is, the responsibility of ministers to answer questions, or the limit to which ministers are required to answer questions in the House, depending on what point of view is taken.

In any event, the subject related to the ability of members of the House to put questions to ministers concerning responsibilities not connected with portfolios presently occupied. We have referred to this matter several times in the past, but perhaps I could refer briefly to my ruling in June of this year, which can be found on page 6851 of *Hansard*:

That situation, it seems to me, is a long way from covering the one at the present time, which is similar to ones which have arisen many times in the past, namely: Can members ask a question of a minister in that minister's former capacity? The clear answer given time and time again, without any doubt about our practices and precedents, has been no. It is tied very directly to the theory of ministerial responsibility, that the present incumbent of a ministerial office has responsibility which goes back for all time. It does not stop at the time that that incumbent took office. Therefore there cannot be two people responsible to the House in the parliamentary sense for that continuing responsibility.

If one minister who now occupies that position is responsible through all time for answering questions in this House, that responsibility cannot be shared by another minister who is a former occupant. If it is the wish of the House to change its practices to say that the House ought to be able to ask questions of a previous incumbent, then the House must also be prepared to accept the argument that the responsibility of the present incumbent of that office stops retroactively back at the time that he took office.

I think that is as clear and explicit as language can be made. With respect to the suggestions put forward, that unanimous consent might be sought in order to get around the difficulty and deal with the matter in some way, I would remind hon. members that on previous occasions upon which unanimous consent was sought I went to great pains during the course of the exploration of that situation to guard time and time again respect and reverence for the basic rule I have just cited. In that regard, I would refer hon. members to my statements recorded in *Hansard* on June 21 of this year at page 6903 and again at page 6923.

Furthermore, I think hon. members will realize that in any circumstances in which it is the will of the House to attempt to get at a problem whose solution seems in some way to be impeded by the rules or practices of the House, unanimous consent, if forthcoming from the House by way of consensus, and presented to the Chair, is one process in which the Chair has always been willing to co-operate and to make every effort to facilitate the wishes of members of the House. But I think all hon. members would agree that it would be most improper of the Chair to take any initiative or to make any suggestions in that regard.

Therefore, before I could be asked to take any position with respect to any situation which might arise from unanimous consent, it would seem to me I would have to be presented with unanimous consent as a *fait accompli* with which I might then attempt to deal, but not as something in which I should in any

way be involved from the point of view of initiative or in the search for that consent.

A further point was raised by the hon. member for Grenville-Carleton and by the hon. member for St. John's East, that members ought to be able to put a question to a minister asking him simply, not for an answer in respect to a previous capacity but whether or not the minister would be prepared to make a statement, or to appear before a committee or to do anything of that sort.

Obviously, the conclusion is that such questions addressed to a minister are quite proper if they relate to his present ministerial capacity. So it is quite in order to ask a minister if he intends to make a statement or if he intends to appear before a committee, provided the purpose of that appearance or statement relates to his present ministerial capacity. It is equally clear that the question is improper, by reason of our precedents and practices, if it relates to a minister's previous capacity.

Some confusion has evidently been raised by my failure to intervene when the Secretary of State for External Affairs was answering a question raised by the hon. member for Oshawa-Whitby a couple of days ago. I simply want to say to the House that I have checked the record and there does not seem to be specific language about negotiations. However, I thought I had heard a preamble which related to the minister being involved in meetings and reflecting on problems raised in the past about fluorspar in Newfoundland. It seemed to me there were implications about imports and prevention of imports, the raising and lowering of duties, and some possibility that there might have been negotiations or some capacity in which the Secretary of State for External Affairs might have been involved in the prevention of foreign imports, or activity to help the survival of that industry, and therefore I let the question go.

But if it is the view of hon. members that what took place offends our precedents in any way, I would ask them to realize the difficulty I was faced with in those circumstances and not accept it as any indication of my willingness to permit ministers to answer questions in some capacity other than their administrative responsibility, and, in that particular case, certainly not a former responsibility but, rather, one of a geographic as opposed to an administrative nature.

The rule is clear: ministers cannot be asked questions about their political responsibility in this House unless the subject relates to their administrative capacity in that portfolio. The House seemed to me today to react to that principle, to make an effort to avoid questions which I think they rather expected would be ruled out of order, and then to turn to the Solicitor General who is the present incumbent of this office to press the issue as to what exactly was said and, if there was truth in what was said outside the House, to take action within his department, in accordance with his ministerial responsibility, to determine the truth and accordingly to dismiss officials or, upon determination of the falsehood, to take steps with respect to the position of the minister.