

*Privilege—Answers of Solicitor General*

solicitor general and the regime of the solicitor general before that, is before the McDonald commission; and that he will not answer questions on matters which are before the McDonald commission.

In other words, we have had a very strong assertion by the present Solicitor General that he will not answer questions which relate to anything dated prior to February 1, 1978. As I said in my remarks the other day, I would not quarrel with the right of the Solicitor General to take questions on their merit, to consider each one and decide whether it should be answered or not; but for him to make that sweeping statement, that he will answer no questions on matters dated prior to February 1, 1978, is an affront to parliament.

I am almost inclined to read some of the sentences contained in Beauchesne's fourth edition to the effect that anything which may be considered a contempt of court by a tribunal is a breach of privilege. There are other comments as well. That particular paragraph has a lot of bizarre things in it of which the minister is not guilty; but surely it is in contempt of parliament for a minister to refuse, in advance, and *carte blanche*, to answer any questions in an area as broad and as important as this one.

When considering matters of privilege, Your Honour and your predecessors have frequently made the point that in order for a matter to have the quality of privilege it must be something which interferes with the capacity of members of this House to do their job. Could anything fit that definition more clearly than what the Solicitor General has said? If we are to be able to do our job, we have to be in a position to ask questions, certainly the kinds of questions the Chair allows. For a minister of the Crown to say before such questions are put that he will not answer them at all, surely is interfering with our capacity to do our job as members of this House. It is on that basis I feel we have a genuine case of privilege.

On the other hand, as I said to Your Honour the other day, although you can stop us from asking certain questions and you can stop the ministers from giving certain replies or wandering from the question at issue, Your Honour is not in a position to force anyone either to ask or to answer a question. Therefore, we would be going a bit far if we were to ask Your Honour to make a ruling that the Solicitor General must answer the questions he refuses to answer. This brings to a head what is really at issue here. That is one of the reasons why I did not want to proceed with the matter on Friday. I wanted to wait until today in the hope that the Prime Minister (Mr. Trudeau) would be here, and he is.

What is involved is the entire question of ministerial responsibility and how that responsibility will be exercised. The Prime Minister must clarify this matter in a much better way than his deputy attempted to clarify it on Friday. He must tell us what we have the right to expect of ministers of the Crown, not only of the Solicitor General but of all the other ministers. We accept the proposition, the rule, the tradition that we cannot ask persons who are not now ministers of departments questions about the time when they were in charge; but it has been established clearly that the current minister of any depart-

[Mr. Knowles (Winnipeg North Centre).]

ment is responsible for dealing with that department throughout its history.

The reason I feel this is a question of privilege and that the matter should be referred to the appropriate committee is so that the Prime Minister can clarify the situation. I know he has been reported in the media as having said certain things in British Columbia which seem to endorse the position taken by the Solicitor General. I hope, on reflection, and out of his concern for the workings of parliament, that he will study the record and give the matter serious thought. Surely we are not to be left in the position where any new minister can say "I will answer questions concerning my department only after the date I became minister". That gives the government the opportunity, any time things get a bit hot, to appoint a new minister and close the book. If it is true that by referring the matter to a royal commission, questions cannot be asked, what a wonderful way to put a stop to the asking of questions!

I feel very strongly that it is a matter of privilege in the sense that the capacity of members to do their job is being limited by the position taken by the Solicitor General. Also, I feel very strongly that on the issue itself, namely, should the Solicitor General answer or should he not, it is not for Your Honour to rule, but we should receive a clear statement from the Prime Minister himself. Therefore, if Your Honour finds that we have a *prima facie* case of privilege, even if it means that you will have to choose between two motions, I offer a motion, the wording of which is slightly different from the one you already have, but it makes the point that I feel gives us a valid question of privilege. Therefore, if Your Honour finds in my favour that we have a valid *prima facie* case of privilege, I would move, seconded by the hon. member for New Westminster (Mr. Leggett):

That the matter of ministerial responsibility, particularly as it relates to the obligation of ministers to deal with questions concerning their departments prior to the date of their appointment, be referred to the Standing Committee on Privileges and Elections, so that the Prime Minister can appear before that committee and clarify the situation.

I conclude by saying that I have tried to word the motion in something other than a provocative way. I have tried to word it in a way that the government could accept. I am not saying that the Prime Minister must appear before the committee. I am simply saying that he should be given the opportunity to appear before that committee. I am not making any charges in the motion. I am simply raising the whole question of ministerial responsibility which many of us in the House feel needs to be clarified after what happened in the chamber last Friday.

**Some hon. Members:** Hear, hear!

**Hon. J.-J. Blais (Solicitor General):** Mr. Speaker, I knew some of the points I would be advancing would be contentious, but I did not intend to create such a contentious context so early after my appointment.

I should like to indicate that the interpretation placed on the words I advanced on Friday in reply to the question posed by the hon. member for New Westminster (Mr. Leggett) indeed