

Prime Minister (Mr. Mulroney). Questions with respect to compliance or otherwise with conflict of interest guidelines or the code of conduct are not a matter of ministerial responsibility. I am sorry to disappoint the Hon. Member opposite, but that is the fact. Yesterday and the day before he complained because the Acting Prime Minister was answering questions. He was trying to constrain the Acting Prime Minister from answering on behalf of the Government. Today he says the rules have all changed, and now they want Ministers to answer with respect to issues which do not fall under their departmental responsibility or the mandate of the position they hold.

With the greatest of deference, Sir, the precedent which has been put forward by the Hon. Member for Windsor West is totally irrelevant and has no bearing on this particular situation. On a number of occasions you have set out the rules with regard to Question Period. The Acting Prime Minister is responding with respect to policy and conflict of interest. There is no complaint whatsoever. The Minister of Regional Industrial Expansion (Mr. Stevens) has answered every question put to him with respect to departmental responsibility. He makes himself available in the course of Estimates before committees of the House. The proposition put forward is without foundation or precedent.

**Mr. Penner:** I rise on the point of order, Mr. Speaker.

**Mr. Speaker:** On the same point of order? I think the Chair has heard the arguments. I will hear the Hon. Member for Cochrane—Superior (Mr. Penner) very briefly.

**Mr. Keith Penner (Cochrane—Superior):** Mr. Speaker, I have been looking carefully for some direction in Beauchesne's in the form of a ruling which would support the contention that a Minister may not be asked about his compliance or otherwise with a Code of Conduct to which he has individually agreed to adhere. I fail to find anywhere in Beauchesne's Fifth Edition that such questions are inadmissible. Citation 359 on page 132 says:

A question must be within the administrative competence of the Government.

It then deals specifically with the Minister within the Government and says:

The Minister to whom the question is directed is responsible to the House for his present Ministry—

Sir, we link competency and responsibility for that Ministry. I find it inconceivable to imagine how you can have competency when you have failed to live up to the responsibilities which are outlined in a Code of Conduct. Competency and adherence to the code of conduct are directly linked.

The Hon. House Leader has argued as well that we cannot put questions to Ministers which are outside of their direct responsibility. Again, Beauchesne's is very clear on what kind of areas lie outside. Nowhere does it mention that the Code of Ethics is excluded. Citation 361 on page 133 reads:

A question may not be asked of a Minister in another capacity, such as being responsible for a province, or part of a province, or as spokesman for a racial or religious group.

*Point of Order—Mr. Gray (Windsor West)*

It does not say "his or her responsibility for the Code of Conduct".

Without citing particular instances, but rather speaking in generalities, it is clear in my memory that whenever a Minister of the Crown was, at some point in his career, in personal difficulty with respect to ethics, it was never suggested by the Chair that that Minister could not be cross-examined. There are all sorts of examples in the *Journals*—

**Mr. Speaker:** Order, please!

**Mr. Penner:**—where a Minister was cross-examined by members of the Opposition.

**Mr. Speaker:** Order, order! Order, please. This is now veering into comment on the Chair, with respect. I accept and welcome the arguments which have been made on the procedural question. I will be glad to hear the Hon. Member for Gander—Twillingate (Mr. Baker) very briefly in one second. As I heard them, to my hearing, the questions which were put by the Right Hon. Leader of the Opposition (Mr. Turner), were put to the Minister about his personal affairs. That is why I ruled them out of order. I would be glad to check that with the "blues".

**Mr. Penner:** Mr. Speaker, I want to make it very clear to your Honour that in my latter remarks I was not, in any way, reflecting upon the Chair. I was saying that Speakers had allowed those questions. It was no reflection on you, Sir. I was simply saying that there are many, many precedents in the House where a Minister was cross-examined regarding his or her personal conduct. The questions were not necessarily directly related to his or her portfolio. I was not, therefore, in saying that, reflecting upon you. I was simply quoting historical precedents in the House of Commons.

**Mr. Speaker:** I thank the Hon. Member. I will recognize the Hon. Member for Gander—Twillingate.

**Mr. George Baker (Gander—Twillingate):** Mr. Speaker, in bringing down your decision on this point of order I believe that probably the most important thing to be kept in mind is that we all recognize that the House of Commons has, over the years, for one reason or another, lost its control over what we define as law-making. The major duty of the House of Commons today is a surveillance function of the Government of Canada, that is, holding the Government accountable. I fear that unless there is a division in the ruling that you give, and not a decision based on a general principle which, granted, appears to have become accepted, your primary concern should be that the House of Commons still be able to fulfil perhaps the only role that it has left, and that is, its proper surveillance of the Government of Canada on behalf of the people of Canada.

**Mr. Speaker:** Perhaps I could share with the House a brief note from the Clerk which reads: "I assume you will reserve". Yes, I intend to. I do want to reiterate to the Hon. Member for