

Privilege

House would indicate that the law is not being upheld as far as the miners are concerned. I believe that I have a question of privilege as the member representing these people. Further, Mr. Speaker,—

Some hon. Members: Order!

An hon. Member: Sit down!

Mr. MacInnis (Cape Breton-East Richmond): Mr. Speaker, I would just indicate before resuming my seat, which I do not intend to do just because somebody over there wishes it—

Mr. Stanfield: I hope not.

Some hon. Members: Hear, hear!

Mr. MacInnis (Cape Breton-East Richmond):—that not only is the law not being upheld with respect to the welfare of miners but the law is being broken.

Mr. Speaker: Order, please. Again, I have to suggest to the hon. member that while it seems to me he may have a grievance I doubt very much that the statement he is making now can qualify under the heading of privilege. I would hope that he would reach the end of his statement as quickly as possible so that the Chair can make a ruling whether there is a question of privilege which ought to be pursued further.

Mr. MacInnis (Cape Breton-East Richmond): Mr. Speaker, if anybody in this House ever had a question of privilege I think I have one. For five years I have been trying to get the government to uphold legislation passed by this House. I want to make sure that a Crown corporation set up by this parliament will stop breaking the law. Evidence that it is breaking the law is contained in the report of the Standing Committee on Justice and Legal Affairs. A document was placed before that committee which required—

Mr. Speaker: Order, please. The hon. member has had the floor now for some time on a question of privilege but until now he has not indicated that there is a question of privilege. The hon. member says that he has a question of privilege. That is a ruling that the Chair has to make. Again I suggest to him that he may have a grievance and I hope he will give the Chair the opportunity to make a ruling as soon as possible.

Mr. MacInnis (Cape Breton-East Richmond): Mr. Speaker, I want to go along with your ruling, but representing the people that I do I think I have been detrimentally affected by the actions of a Crown corporation despite legislation passed by this House. Where do I turn? How do I get proper guidance when I ask for opinions from ministers in the House and opinions from departments? They will not even answer mail.

Therefore, Mr. Speaker, I submit that I have a question of privilege in that I cannot find out for people I represent what justice means in this country and whether legislation passed by this parliament is to be implemented. The report of the Standing Committee on Justice and Legal Affairs indicates that the Crown corporation, Devco, for eight months acted illegally and that this action detrimen-

[Mr. MacInnis (Cape Breton-East Richmond).]

tally affected between 1,700 and 1,800 miners. The legislation required the approval of the Treasury Board under section 18(3) of the act and this requirement was not fulfilled until eight months or more after the act was put into effect.

Mr. Speaker: Order, please. The hon. member for Halton-Wentworth.

MR. KEMPLING—ANSWER TO QUESTION BY MINISTER OF THE ENVIRONMENT

Mr. Bill Kempling (Halton-Wentworth): Mr. Speaker, I rise on a question of privilege concerning the responsibility of the Minister of the Environment (Mr. Davis) to the members of this House.

Hansard for February 22, 1973, records the following question and answer between myself and the minister at page 1544. I said:

Mr. Speaker, I wish to direct a supplementary question to the Minister of the Environment. Can the minister advise whether the Centre for Inland Waters at Burlington, Ontario, more specifically the \$60 million hydraulic facility at this location, is studying the erosion effects of high water in Lake Ontario and, if not, will he direct that such a study be undertaken immediately?

The minister replied:

Mr. Speaker, I understand that a study along those lines has been under way for some time. It is being done in co-operation with the government of Ontario, and I expect that a preliminary report will be published some time in March.

I have since established that, in fact, no such study was under way, that, after my question, the minister contacted his officials at Burlington and received a reply. For the minister's purposes, that after the fact inquiry apparently justifies his misleading myself and other members of the House. If Your Honour finds that I have a legitimate question of privilege I would move, seconded by the hon. member for Hamilton West (Mr. Alexander):

That the subject matter be referred to the Standing Committee on Privileges and Elections.

Mr. Speaker: I have no hesitation in telling the hon. member that this is not a question of privilege. It has been ruled often that disputes as to facts cannot be the basis of a question of privilege. I refer the hon. member to citation 113 of *Beauchesne's Fourth Edition*. The hon. member may have a grievance or a point of debate with the minister, but that cannot possibly be considered as founding a legitimate question of privilege. Therefore I am sure the hon. member will agree with me that there would not be much point in having this dispute as to whether there was an inquiry or not looked into by the Standing Committee on Privileges and Elections. I am sure the hon. member will find other ways to ascertain the facts or to confirm his interpretation of the facts.

Mr. Mather: Mr. Speaker, I rise on a question of privilege. Can nothing be done to protect Your Honour, the House and the taxpayers from ersatz questions of privilege?

Some hon. Members: Oh, oh!

Mr. Baldwin: How about motions for papers?