

*Privilege—Mr. Allmand***PRIVILEGE**

REPLY OF MR. CROSBIE DURING QUESTION PERIOD ALLEGED
FALSE

Mr. Speaker: I must advise the House that I am in receipt of a question of privilege in the name of the Hon. Member for Notre-Dame-de-Grâce-Lachine East (Mr. Allmand).

Hon. Warren Allmand (Notre-Dame-de-Grâce-Lachine East): Mr. Speaker, I wish to raise a question of privilege, of which I gave you notice on Friday.

On December 6 I asked the Minister of Justice (Mr. Crosbie) to tell the House who in the Government approved the Government's factum in the Duncan MacDonald case before the Supreme Court. Duncan MacDonald of Montreal is asking the Supreme Court to confirm that under Section 133 of the Constitution of Canada he has the right to have a court summons in Quebec in the English language.

An Hon. Member: What is the question of privilege?

Mr. Allmand: I will get to that in a minute—

Mr. Speaker: With great respect, the Hon. Member will start, please, with the question of privilege.

Mr. Allmand: Mr. Speaker, I need some explanation. The question of privilege, very briefly, is that the Minister in answering my question on December 6—and I have to put the question again to the House—said that I should have been aware that the factum had been presented to the Supreme Court denying MacDonald's contention because it was approved by the Government of which I was a member. I quote his answer, Mr. Speaker:

—the hon. gentleman should know about that. He was part of the government when it was approved.

Immediately after the Question Period I checked the factum. I found that the factum was dated November, 1984. I also discovered that the factum was only approved after the present Government took over in September. I checked further with the former Minister of Justice, the Hon. Member for Saint-Henri-Westmount (Mr. Johnston), who held that portfolio until September 17. He never approved of such a position.

My question of privilege, Mr. Speaker, is that this Minister of Justice rose in this House to give an answer to my question without any thought to the question whatever and made a completely false statement.

Mr. Speaker: I take it, with due respect to the Member, that we have a dispute with regard to facts arising out of an answer given to a question in Question Period. The Member fully knows the citations which indicate very clearly that no question of privilege can arise out of an answer given in Question Period.

Mr. Allmand: That is not my point.

Mr. Speaker: If that is not the Member's point, the Member has now had three minutes to introduce a question of privilege

and is saying that what I have just recited as his question of privilege is not his question of privilege. Does the Member have a new question of privilege?

Mr. Allmand: Mr. Speaker, if we had a bit of time to explain our question—

Mr. Speaker: May I say very carefully to the Member and to all Members that the question of privilege is the ultimate parliamentary question. That is precisely why long speeches in advance of presenting the case for a *prima facie* case of privilege are not allowed. Therefore one must begin with a clear statement of the question of privilege that it is being claimed has been breached. I invite the Member to do so.

Mr. Allmand: Mr. Speaker, my question of privilege, and I will put it as succinctly as possible, is that if this Question Period is to have any meaning, then the Ministers on the government side must give serious attention to the questions asked and make an attempt to answer a question seriously.

Mr. Speaker: May I remind the Member, please—

Mr. Prud'homme: I have a point of order, Mr. Speaker.

Mr. Speaker: It is difficult to recognize a Member on a point of order during a question of privilege. I think the Hon. Member knows that. Does the Member have some submission he wishes to make with regard to this question of privilege?

Mr. Crosbie: Mr. Speaker, may I—

Mr. Speaker: No, with due respect. Let me make this very simple. I will explain why. There is no question of privilege here.

Mr. Crosbie: I have the right to reply.

Mr. Speaker: Order, please. The question of privilege, I repeat to Hon. Members, is the basis of all of our privileges and should not be treated lightly. May I refer Members to Citation 19(2) of Beauchesne's Fifth Edition, which reads as follows:

The failure of a Minister of the Crown to answer a question may not be raised as a question of privilege.

The refusal of a Minister to answer a question on the grounds of public interest cannot be raised as a matter of privilege. I can go on with citation after citation. If a Member is dissatisfied with the answer to a question, the same principle applies. This is, in effect, the failure of a Minister to answer a question to the Member's satisfaction. If a Member believes that an answer contains an error of fact, this is not a matter of privilege. If the Minister agrees there has been an error of fact, it is open to him to correct it. If he disagrees, it becomes a matter of debate, not a matter of privilege.

Misunderstandings regularly occur—I will take a minute to explain this, if I may, for the benefit particularly of new Members; I presume others know this—with regard to the matters which constitute questions of privilege, and Members in the past have regularly tried to raise questions of privilege