

Designation of Ministers

[Translation]

Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development): Madam Speaker, I believe that we are making a major effort in this area, and I am pleased to be able to say to the hon. member that, in the last 22 months, we have appointed more women judges than during any other period and under any other government since Confederation. We always consider women for appointment to the bench and we are always very happy to appoint them. However, as I have stated several times in committee, the problem is that most women lawyers were called to the Bar not so long ago. I believe that there has been a substantial increase in the number of women judges in the last few years. As I have pointed out, we have appointed more women judges in the last 20 months than during the mandate of any other Minister of Justice. We always try to find qualified candidates for the bench, and we are even more pleased when a woman is appointed.

[English]

Miss MacDonald: Four per cent. Four per cent.

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[Translation]

PETITION

MISS MACDONALD—POLAND—IMPOSITION OF MARTIAL LAW

Madam Speaker: I have the honour to inform the House that the Clerk of the House has laid on the Table the one hundred and seventy-fourth report of the Clerk of Petitions stating that he has examined the petition presented by the hon. member for Kingston and the Islands (Miss MacDonald), on Friday, February 5, 1982, and finds that it meets the requirements of the Standing Orders as to form.

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[English]

THE ADMINISTRATION

DESIGNATION OF MINISTERIAL PORTFOLIOS

Hon. Erik Nielsen (Yukon): On a point of order, Madam Speaker, you will recall that on Friday I flagged the possibility of responding to the remarks of the government House leader in connection with past practices and procedure involved in making statements or announcements with respect to changes in the ministry.

While I can accept Madam Speaker, that it is up to ministers to make statements if they wish, there are certain circumstances, in my submission, where by custom and by precedent, which I have to cite, that out of respect to the House a statement on motions is clearly required.

The practice of making cabinet shuffles of importance without a statement was raised last Friday. In fact, there is a Beausnesne's fourth edition citation which clarifies precedent

here. I would like to refer the Chair to page 83 of that fourth edition of Beausnesne's, where it becomes apparent in Subparagraph (2) of Paragraph 89 that this practice has extended all the way back to 1889, when Parliament first dealt with the matter.

I quote Subparagraph (3) of the fourth edition:

When changes of portfolio between ministers do not involve any question of principle, it does not seem that the Prime Minister is bound to explain them in the House.

It goes on to quote Todd:

Todd, in the chapter dealing with the ministers' responsibility to Parliament, in the 2nd volume of his work, "Parliamentary Government in England", page 487, says: "But the House has no right to ask for more than a general exposition of the main principles on which a government is formed."

There is no doubt, in my submission, Madam Speaker, that in this instance a major reorganization did take place. External affairs is now subject to a whole new philosophy and has three ministers instead of one. There is a new approach to the departments of industry and regional expansion. Indeed, there were 21 order in council changes to implement the shuffle. Clearly, in my submission, Madam Speaker, the well established practice and precedent should have been followed, where there was a statement or an explanation given on motions.

I would like to cite briefly four separate extracts from *Hansard* where this practice has been acknowledged, carrying on from my Beausnesne's citation, and bring it up to date. In *Hansard* for May 5, 1969, at page 8292, it will be seen under the heading "The Ministry, Announcement of Changes", the Right Hon. P. E. Trudeau (Prime Minister), said:

I should like to inform the House of certain changes in the ministry which shall take effect as of today.

It has been my pleasure to recommend to His Excellency the Governor General the appointment of the hon. member for Burin-Burgeo (Mr. Jamieson) as Minister of Transport.

He continued:

May I carry on, Mr. Speaker? The portfolio of Minister of Supply and Services has been assumed by the hon. member for Winnipeg South (Mr. Richardson).

Then there are other and further changes as will appear from that precedent.

I might say, Madam Speaker, that that precedent dealt with changes that were effective that day, as compared with the changes in subparagraph (2) of Paragraph 89 of Beausnesne's fourth edition, which dealt with changes which were made during recess. Then, on the first available occasion when the House returned, the Prime Minister of the day rose to make an announcement of those changes. That is the nature of the second precedent that I cite for consideration.

At page 8929 of *Hansard* for May 22, 1969, again under the heading "The Ministry, Readjustment of Ministerial Functions", the Prime Minister, having dealt with the matter of the return to the House, after a prolonged illness, of the then Minister of Energy, Mines and Resources, went on to say that that minister would bear full executive responsibility for the broad subject area of mines and geosciences, which included