

*Ministerial Responsibility*

hon. members the exact wording of Standing Order 39(5) which is as follows:

Before the orders of the day are proceeded with, questions on matters of urgency may be addressed orally to ministers of the Crown—

I stress the word “ministers”; it is plural.

—provided however that—

The rule goes on to cite other aspects which are not relative to this particular argument. The fact that the plural is used in that Standing Order has always been interpreted in such a way as to permit questions to be put to the ministry in general. The question is whether the Chair can direct or require that those questions be put to an individual minister and in turn require that minister and no other to make an answer.

Our practice is based on the authority of the Chair to regulate the question period largely through disallowance of questions or answers which are out of order. Thus, questions which do not relate to the administrative responsibility of the government in general are disallowed, as are those which do not relate to a minister's administrative responsibility but, rather, relate to the minister's personal views or political or geographic responsibility.

Just as the Chair has the authority to prohibit questions, it equally has the authority to disallow attempts to answer which would equally constitute offences against those well-established practices. However, no authority exists in the Chair or in the House, for that matter, to compel an answer or to pass judgment on the quality of an answer if one is given. There are obvious sanctions in the political sphere, but none in our procedures for the obvious reason that it would be impossible to determine when any such requirement had been properly complied with. It is clear therefore, that when a question is put to an acting minister, no disorder or privilege can be found if that specific acting minister does not answer the question. Therefore, I must set aside the point of order and question of privilege on those grounds.

Can I find disorder or privilege in the fact that answers were given by another minister? Our practice in the absence of ministers has included a variety of responses, sometimes by the Prime Minister or his deputy, sometimes by acting ministers or by parliamentary secretaries, and on other occasions by other ministers who share responsibility for the particular jurisdiction or perhaps share a special responsibility for the particular subject matter of the question. In the case at hand, the subject concerned the Keable inquiry and, more specifically, an application to the courts to which the Minister of Justice was or is a party. There is no authority which I can discover which would have enabled me to prevent the minister from answering that question, provided his answers were in other ways in conformity with the procedures I set out earlier. They were in conformity with such procedural requirements and this is so regardless of which of those several capacities the minister is drawing upon to present an answer.

In various circumstances, hon. members who have put questions in the absence of ministers have expressed a preference that the question be answered in one of the ways I have set

[Mr. Speaker.]

out, that is, by an acting minister, the parliamentary secretary, the Prime Minister, his deputy, or by another minister. In other circumstances, when an attempt has been made to answer the questions in that way, members have objected. Sometimes even in the presence of the minister to whom the question is directed, that minister will refer all or part of the response to another minister with whom he may share responsibility or who may, in the particular circumstances, be more knowledgeable about the particular subject matter.

However, I think in the final analysis it reduces itself to this. If any of these practices of sharing or referring questions in any way raises complaint, there is no action the Chair can take because, reduced to the final criterion, if no answer is offered by any minister in any capacity, none can be compelled by the Chair. Accordingly, I am unable to find, in the given circumstances, any matter of disorder or privilege.

**Mr. Walter Baker (Grenville-Carleton):** Mr. Speaker, I notice, but it may have been an omission, that in the course of your reasons for judgment today, you ignored any reference to the order in council that had been filed with the appropriate office of the *Journals* branch by the government of the day indicating to us the acting minister in each capacity as well as the second acting minister. Your Honour ignored that for the purposes of your reasons. You may want to comment on it. I presume the government did not file that order in council with the *Journals* branch of this House of Commons for nothing. They must have meant this to apply somewhere. This is something Your Honour may wish to comment on after I resume my seat. One begins to wonder what orders in council can be believed when the government openly files one to direct us to something and we suddenly find that in the course of answering questions in the House the government ignores its own order in council or the reasons behind it. There is that question as well.

That is not a question for the Chair. Quite frankly, it is a question of credibility. In any event, Your Honour did not deal with it from the point of view of the order in council, and that was part of my question of privilege. If Your Honour does not wish to deal with it today, that is all right with me, but I should like to have a ruling on the question of the order in council because I feel it is an important one.

● (1512)

**Mr. Speaker:** I think that upon reflection the hon. member will find that the pronouncement I just made does have application to the matter. It comes down to the point the hon. gentleman has made. It may touch on matters of credibility or of courtesy, but in the final analysis even if I accept that the Acting Solicitor General on the day the complaint was made was, in fact, the Minister of Consumer and Corporate Affairs—which may or may not have been the case—it seems to me impossible for the Chair to question the capacity in which a minister enters a discussion and attempts to make an answer, as long as the procedure is otherwise correct. If he were out of order, I would, of course, have to stop him whether or not an acting minister had been designated and was seated