

HOUSE OF COMMONS

Thursday, December 30, 1971

The House met at 2 p.m.

PRIVILEGE

MR. McGRATH—STATEMENT BY MINISTER OUTSIDE
HOUSE CONCERNING MEASURES TO PREVENT
HIJACKING

Mr. McGrath: Mr. Speaker, I rise on a question of privilege. On Tuesday and Wednesday of this week during question period, I directed a question to the Minister of Transport (Mr. Jamieson) concerning his administration of that section of the Department of Transport which is responsible for protecting the safety of the travelling public, more particularly of those Canadians who travel by air. My questions were put because of information I had received which confirmed my suspicion that anti-hijack detection devices had not been installed at Canadian airports. The information directly contravened a statement made by the Minister of Transport in this House on November 18. When I asked the Minister of Transport in this House on Tuesday and Wednesday to specify the action he had taken to protect the Canadian public in this regard, he replied on both occasions that the matter could not be dealt with in public.

Now, in a story printed in a Montreal newspaper this morning, the *Montreal Gazette*, the minister is quoted as telling reporters outside the House yesterday that "an additional 20 or 25 devices have arrived or are on the way". This is another example of the increasing tendency of ministers to refuse to answer legitimate questions in this House, but to make statements outside this House on the same day giving the information that was requested in the House.

If Your Honour confirms this breach of privilege I will move, seconded by the hon. member for Peace River (Mr. Baldwin):

That the matter of this question of privilege in relation to the proper interpretation and to the continuing force and effect of Standing Order 5 be referred to the Standing Committee on Privileges and Elections.

My reason for this motion is that under the roster system I am denied the right to examine the minister, who is not in the House today, on information he gave outside the House yesterday which was denied in the House and then made public.

Mr. Speaker: The hon. member for St. John's East (Mr. McGrath) has given the Chair due notice of his intention to raise his stated question of privilege and, in the time available to me, very careful consideration has been given to that matter.

It does seem that the hon. gentleman's question may be broken into two parts. In the first instance, the hon. member refers to statements or utterances made outside the chamber. As the Chair stated on December 23 last, a

prima facie question of privilege cannot be founded on a statement outside this chamber. I can find nothing in any authority or practice to support the proposition made in this regard by the hon. member.

Second, the hon. member suggests that when a reply to a question is refused in the House for security reasons it becomes a question of privilege when the same information is given the same day outside the House. That is a very interesting proposition, but I do not think it is founded on any precedent or practice of this House. May I refer the hon. gentleman to sections (3) and (4) of citation 181 of Beauchesne's Fourth Edition which read as follows:

(3) A minister may decline to answer a question without stating the reason for his refusal, and insistence on an answer in out of order, no debate being allowed. A refusal to answer cannot be raised as a question of privilege, nor is it regular to comment upon such refusal. A member can put a question, but has no right to insist upon an answer.

(4) An answer to a question cannot be insisted upon, if the answer be refused by the minister on the ground of the public interest; nor can the question be replaced on the notice paper. The refusal of a minister to answer on this ground cannot be raised as a matter of privilege.

The hon. gentleman may have a legitimate grievance, but that is not a matter for the consideration of the Chair. It seems to me that such a grievance can be raised in a number of proceedings or by a number of avenues available to hon. members. In particular, it can be raised during supply proceedings, where the House itself will be in a position to deal with the grievance.

I do not think that privilege proceedings should be used to supplant other recognized and more relevant procedures for the resolving of grievances.

MR. KORCHINSKI—GOVERNMENT ACTION ON NORTHERN
DEVELOPMENT PRIOR TO PARLIAMENTARY APPROVAL

Mr. S. J. Korchinski (Mackenzie): Mr. Speaker, I too rise on a question of privilege. The question of privilege which I raise is one of the greatest importance to all members of this House. It involves the contempt of Parliament displayed by the government in respect of the government's action as revealed in the documents published in the *Globe and Mail* of today's date and which show that the government has taken and proposes to take action with respect to northern development and the native peoples of the north without securing legislative authorization.

I will therefore move, seconded by the hon. member for Edmonton Centre (Mr. Paproski):

That the subject matter of this question of privilege be referred to the Standing Committee on Indian Affairs and Northern Development.

• (2:10 p.m.)

Mr. Speaker: The hon. member for Mackenzie has also given the Chair the notice required under the provisions