

I should like to refer to what was said by Professor Finer, a British scholar and a student of parliament and its institutions, in an article which was published in "Public Administration" in the winter of 1956. It reads:

Ministers are expected to explain and defend the exercise of their powers and duties in parliament.

Later in the same article, it continues:

Each minister has a positive duty to answer to the House for the matters with which he, specifically, is charged.

In his opening remarks to that article, Professor Finer paid tribute to another great scholar, Sir Ivor Jennings. He quoted from the Jennings classic in the area of "Law and the Constitution" as follows:

Each minister is responsible to parliament for the conduct of his department. The act of every civil servant is by convention regarded as the act of his minister.

Not only observers and analysts of the political scene hold this view, but practitioners have voiced it also. In 1954 Herbert Morrison said in the British House of Commons:

There can be no question whatever that ministers are responsible for everything that their officers do.

He went on by indicating the following:

The minister is responsible for every stamp stuck on an envelope.

Not only did he say that in the British House of Commons, but it was repeated in his book entitled "Government and Parliament" which was published in April, 1954. It reads as follows:

If a mistake is made in a government department the minister is responsible even if he knew nothing about it until, for example, a letter of complaint is received from an MP or there is criticism in the press, or a question is put down for answer in the House; even if he has no real personal responsibility whatever, the minister is still held responsible.

This is fundamental. Herbert Morrison went on to say the following:

Somebody must be held responsible to parliament and the public. It has to be the minister, for it is he, and neither parliament nor the public, who has official control over his civil servants. One of the fundamentals of our system of government is that some minister of the Crown is responsible to parliament, and through parliament to the public, for every act of the executive. This is a cornerstone of our system of parliamentary government.

One might say that the foregoing refers to the British House of Commons, but it is worth recalling that the institutions developed there over the centuries were transferred to this House. We have benefited from them. We have adapted and adopted them. I suggest, Mr. Speaker, that aside from the establishment of responsible government in the colony of Nova Scotia in 1848, we find these institutions were transplanted to Canada as well.

● (1602)

Mr. Speaker: Order, please. I hesitate to interrupt the hon. member but he is making arguments that are well known and well documented in parliament. I hope perhaps he can be persuaded to summarize his argument in the belief that I have no difference of opinion with him in respect of theories on ministerial responsibility. I hope to set his fears aside, perhaps very soon, so perhaps he could summarize.

Privilege—Answers of Solicitor General

Mr. Munro (Esquimalt-Saanich): I am glad you have no differences, Mr. Speaker, but the government does. This government does not understand what ministerial responsibility is all about, and if I have to be professorial about it I think it is time somebody read these precedents into the record so this government knows the dangerous course into which it is leading this parliament and the country.

I suggest, Mr. Speaker, that the introduction to the British North America Act which was agreed upon by Canadians before the text was written in this country, passed by the British parliament, reads as follows in part:

—the provinces of Canada, Nova Scotia and New Brunswick have expressed their desire to be federally united into one Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a constitution similar in principle to that of the United Kingdom.

I think it is worth underlining those words, "with a constitution similar in principle to that of the United Kingdom". This means that the constitutional monarchy, the cabinet exercising authority in the name of the Crown, but responsible for its performance to parliament, properly elected, is part of our tradition. That is, the government exercising authority in the name of the Crown is responsible for its performance to parliament properly elected. To me this means, along with sections 12 and 129 of the BNA Act, that not only the forms of governing but also the means of governing were transplanted to Canada at the request of the recipients. Along with all the other things came responsible parliamentary government.

By my reading of these transfers of authorities, we in Canada have inherited and can legally exercise here in this parliament, of which we in the House of Commons are but a part, not only the powers acquired by the British parliament, including those legislated in its own interest by that parliament, but also those still remaining in the royal prerogative. Along with these powers, I suggest, we decided we were prepared to be governed by those British statutes that we do not as a matter of deliberate policy reject.

It is very important, therefore, that the responsibility aspect of the British tradition, developed in the British parliament and transferred to this parliament, should in no way be eroded. I have cited one instance this afternoon, of the manner in which it was being eroded, in the words of the right hon. Prime Minister (Mr. Trudeau). We heard on Friday another statement which rejected completely the notion that a minister of the Crown would be answerable to this House. Therefore, Mr. Speaker, I feel that on the strength of this explanation of what ministerial responsibility is, your decision is vitally important.

The future of parliament, to my way of thinking, Mr. Speaker, is very much at issue here. This is one of the most important discussions I have had the opportunity to listen to since coming to the House first in 1972. It is critical and it is vital. We either go on having parliamentary institutions in this country or we do not, and ministerial responsibility is a part of that. If you remove that cornerstone or pillar, the rest collapses.

Mr. Speaker: Order, please. Earlier in the day I indicated I would hear this argument before the question period began,