

Point of Order—Mr. Penner

projects, the Law Clerk of the House is the servant of the House of Commons. Our Standing Order 126 makes that clear: "It is the duty of the Joint Law Clerks of the House to assist Members of the House and deputy heads in drafting legislation."

The first question which comes to mind is this: Is there a law to correct or take such problem under consideration? When I asked this question in 1976, Mr. Speaker, the answer was: We do not know. Have all the statutes of Canada been checked to see if some of them refer to obligations concerning, for example, the application of the Official Languages Act to the House of Commons? The answer was: We do not know. This is when it was discovered that with a computer he had at home the Law Clerk could check all the statutes and pinpoint all existing anomalies in legislation concerning the application of the Official Languages Act. As you may recall, Mr. Speaker, in 1974, 1975 and 1976 your humble servant introduced Bills to correct these anomalies. The Government did accept a few. One of the anomalies which still remains, Mr. Speaker, is what the Law Clerk can or cannot do with respect to his professional advice. Contrary to my colleague, I maintain that the Law Clerk is the servant of Parliament, that parliamentarians are of course one of his constant preoccupations because it is his duty to examine and help us draft the Bills we introduce on a regular basis. And if the Chair—I must confess that I did not have time to research Beauchesne or none of the other well-known authors—but if the Chair wants to take the matter under advisement, namely what is the specific role of the Law Clerk and must he work only for the Chair or, as the Hon. Member has suggested, very closely and particularly in drafting certain parliamentary texts, I submit, Mr. Speaker, that this definition will have to be the subject of an in-depth study by the House of Commons in an appropriate committee, and that today we should not conclude, as did the Parliamentary Secretary, that the Law Clerk works only for the Chair, that he does not work for us Members of this House.

Mr. Charles Hamelin (Charlevoix): Mr. Speaker, I would also like to support the position taken by my colleague that we should certainly not be deprived of the services of the Chair which are also available to this House and therefore to its Members. Any attempt to reduce the role of our Law Clerks would deprive us of invaluable expertise, since they are knowledgeable in a very specialized area, namely this House and similar legislatures. Mr. Speaker, I would ask you to consider the points raised by my colleague, and perhaps we could expand on that. But I would strongly urge you, if not to rule now, not to take the position of the Parliamentary Secretary under consideration, but perhaps to expand and make even more readily accessible to us the exceptional services of the Law Clerks who work for you, therefore for us as well.

Mr. Speaker: I thank Hon. Members for their interventions, especially the Parliamentary Secretary, the Hon. Member for Ottawa—Vanier (Mr. Gauthier), and the Hon. Member for

Charlevoix (Mr. Hamelin). The question is important. I do not know whether the Parliamentary Counsel who recently issued guidelines which would specifically define the obligations and duties of a lawyer in such a situation . . . Anyway I will give the problem careful consideration and after some time, perhaps next week, it will probably be possible to make a comment, if not a ruling, concerning the situation. Again I thank all Hon. Members for their contribution.

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[English]

POINT OF ORDER

TABLING OF DOCUMENT BY MINISTER

Mr. Keith Penner (Cochrane—Superior): Mr. Speaker, my point of order relates to a response to a question which I received from the Minister of Indian Affairs and Northern Development (Mr. McKnight).

Mr. Speaker, my question to the Hon. Minister of Indian Affairs and Northern Development related to a document entitled, "The Report of the Commission of the Cree-Naskapi headed by Justice Rejean Paul". It is a public parliamentary document. I asked the Minister for his response to this document. In replying, the Minister said that Hon. Members in the House should refer to a response that he tabled along with the document. I am advised by my office, after it checked with Distribution and Internal Mail Services, that there was no such document tabled with the commission's report.

I do, Sir, have a statement by the Minister, but it is not a public document. It is a statement given by the Minister at the federal-provincial meeting of Ministers on aboriginal constitutional affairs and is dated March 13. This is not a public document. It came to me through the courtesy of participants of that conference who thought I should be aware of its contents.

• (1520)

The purpose of my point of order is to have the Chair or Parliamentary Secretary inquire whether the Minister inadvertently made an error, or, if there is such a document that was tabled as a companion piece or response to the commission's report, Hon. Members who are interested in this matter would like to know where it is.

Mr. Lewis: Mr. Speaker, we will contact the Minister and determine the exact state of affairs with respect to that point of order.

Would it be in order for me to make a point of order with respect to your ruling?

Mr. Speaker: Does the Hon. Member for Cochrane—Superior (Mr. Penner) have no further comments?