

Privilege

the harvest committee as per agreement to recover landing slips—

The Speaker: The Chair is in a quandary. It would seem to me that what we have here is information which is deemed to be accurate by one side and deemed to be inaccurate by the other side. What we are into now I believe is a point of debate. I wonder if the hon. member could move to identify the specific point of privilege he is referring to.

Mr. Cummins: Mr. Speaker, in point of fact I asked the question: What effect did the late signing of the aboriginal fishing agreements in British Columbia have on the Department of Fisheries and Oceans' enforcement of the agreement and fisheries regulations in 1994?

The answer that was originally provided said that the impact was minimal. The documents which I received under access to information proved otherwise. The supplemental answer which I received this morning did not address the issue. Instead it addressed the issue of the management of the aboriginal fishing strategy. It did not address the question asked.

The breach of privilege as I suggested the other day for your consideration, Mr. Speaker, was the 1978 decision where the member for Northumberland—Durham raised a question of privilege in the House. The Solicitor General had written and provided information which later proved to be erroneous and inaccurate. The Speaker ruled as indicated in *Hansard* on page 1857: "I find therefore a prima facie case of contempt against the House of Commons".

I maintain that the same thing has happened again. If it was contempt against the House of Commons to provide a member with erroneous information, then surely to provide the House itself with erroneous information through a written reply to a question on the Order Paper would also be a prima facie case of privilege.

Should you rule—

The Speaker: Order. Colleagues, I think at least at this point from what I have heard we are in the process of debate.

The Minister of Fisheries and Oceans is here now as is the member for Kingston and the Islands. I am going to permit an intervention. After the interventions are over, I will hear what you have to say first and then I will decide where I am going to go from there. The hon. Minister of Fisheries and Oceans.

Hon. Brian Tobin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, this is not a question of privilege. It is not even a matter of being a good point of order. What we have here is the beginning of a debate.

The debate being proposed by the member opposite is a debate about the impact or the capacity of enforcement officers both departmental and aboriginal officers to conduct their responsibilities.

• (1525)

This is very technical that there is a late signing of an aboriginal fisheries agreement. The agreement in question this year has been the subject of a lot of discussion, questions in the House, a great deal of media. It is now the subject of a review by a former Speaker and a public panel. There has been some acknowledgement of some problems. The agreement in question primarily is on the lower Fraser. The group in question is the Sto:Lo. But this is one of 47 agreements. There are 47 agreements.

If the member chooses to focus on some areas of difficulty and draw from them the conclusion that the entire program, the planet as we know it, the fishery as it has been conducted, the Department of Fisheries and Oceans, and every last fish are all subject to a totally uncontrolled situation, that is his right as a member of this House. But to extrapolate from it that the answer given is misleading when there are 47 agreements and not just one is improper. It is wrong and is an abuse of the whole principle of a question of privilege.

What we have here is a debate. Mr. Speaker, if you would like to provide for a debate, you well know in the years we have shared together in this place that I am always tempted to engage in such.

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I just want to draw your attention to words used by the hon. member in expressing his question of privilege.

I will quote only two examples. For example, he said that the minister's answer implied something. Different people may draw different implications from words that are used, whether in the question or in the answer. I think it is entirely proper for a minister to provide an answer to a written inquiry which may be an answer that is not agreed to by the member receiving the answer.

Sometimes that may provoke the member to ask more specific questions. If the hon. member had asked what was the result of the non-signing of an agreement in area x he might have received a different answer to the question he asked on the Order Paper for which a much more general answer was provided.

I note that the minister, in answer to the hon. member's point the other day, tabled a supplementary response. This is unusual but it is perfectly proper for the minister to do that. He did it in order to satisfy the anxieties the hon. member raised the other day when he suggested that somehow the answer was misleading.

I want to suggest when the government prepares answers to questions in this House it prepares them as of the date the question is asked. Occasionally when the answer comes to me a month, two months or four months later—and sometimes they are late, we have had that experience recently—the answer is wrong because events have changed in a notorious way so that even I know they are wrong. Then I say I think we should update