

Privilege—Answers of Solicitor General

Mr. Baldwin: That is a model apparently followed by this Prime Minister.

In passing, I too support the very serious proposition put before the House and Your Honour who, of course, has the primary responsibility.

This House probably has three very important functions. The first is the handling of money, and it is common knowledge that has been taken away from us. Maybe some of the wounds have been self-inflicted, but there is no question, if one reads what the Auditor General has said, and not just the present Auditor General, this House has lost the capacity to hold the government responsible for the expenditure of money.

Secondly, the House has a function with regard to federal-provincial issues which has been taken over by federal-provincial conferences.

Finally, however, this House has the right to hold the government accountable. We have heard a lot of talk about ministerial responsibility. This government has a very flexible attitude toward ministerial responsibility. It used these words in a green paper in respect of legislation on public access to government documents issued by the Secretary of State (Mr. Roberts) in June of last year. It used the defects of ministerial responsibility to indicate it did not intend to be very forthcoming with regard to piercing the screen around government information. The government said this in that green paper:

It is the consciousness of the public interest which has led to the parliamentary traditions of ministerial responsibility—

Later it stated:

The corollary to this privacy of decision has been the insistence on ministerial responsibility. If advisers are to remain anonymous and protected, those who take decisions must bear the brunt of public scrutiny and public responsibility.

How does that jibe with what the present Solicitor General (Mr. Blais) is trying to do and the extent to which he is trying to escape responsibility on behalf of the government in having to answer for what has happened in his department?

Again at page 4 of that same green paper the following is stated:

Ministerial responsibility implies, very simply, the answerability of ministers to parliament for the actions taken by them or by public servants responsible to them.

Surely the word "minister" there as used must have some measure of extension. If it is possible for the government or the Prime Minister to take one minister out of his office and put him someplace in the back benches, does that not mean, as far as this House is concerned, we are denied the opportunity to conduct the kind of cross-examination and questioning which is essential if there is to be some remnant of public accountability in this parliament?

● (1452)

I think that is the issue, and on that issue I would urge you, Mr. Speaker, very strongly indeed, not to take the sole responsibility. I know that you must find a *prima facie* case. I suggest that on an issue of this kind which so deeply affects this parliament, this House of Commons, you should be diligent to

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find a way by which you could let this matter go before a committee so that in coming to a final decision you will have the benefit of suggestions of the members of the House who are most intimately affected by what would be the result if this motion were denied.

Dealing with ministerial responsibility for a moment before I subside to allow the Prime Minister or somebody on the other side to answer, if they have an answer, let me say that just last year the Hon. Frank Walker, attorney general for New South Wales, a distinguished parliamentarian who holds ministerial office, and who held it at the time he made the statement, had this to say about it:

According to the theory of individual ministerial responsibility for example, the minister is responsible for every act done in his department. On this basis, administrative accountability would seem to lie in parliamentary scrutiny of the executive—

The fact is, of course, that parliamentary disapproval of a minister's conduct, whether in his personal or vicarious capacity, will bring him to account only if he has lost the confidence of his party. In other words, in terms of the use of the sanctions of accountability it is to his party colleagues, holding a majority in the House, that he is "responsible".

We all know that to be the case. Under the rules which prevail in the House, and with our limited capacity to ask questions in the House and in committees, if the minister does not want to answer, he does not need to answer. In addition to that, a minister would now have the benefit of not having to answer for anything that took place in his department or for actions which were committed by his officials prior to the time he took office, and that would be a very sorry and very serious situation. I suggest on this issue, Mr. Speaker, you should be very diligent to seek ways by which the House can advise you. Under those circumstances the motions put forward by the Leader of the Opposition and by the hon. member for Winnipeg North Centre should be allowed to proceed to committee.

It is not just on this particular issue that we wonder what may happen in the future. Will we be denied what is the one, main opportunity which this House has to question ministers and to hold the government accountable if the proposition put forward on behalf of the government by the Solicitor General is given effect.

I noticed just today that the former aide to Mr. Nixon, Mr. H. R. Haldeman, has put out his book in which, on the question of concealing information, he makes the disclosure that the 18½-minute erasure on one of the White House tape recordings was done by Mr. Nixon and not by his secretary, Rosemary Woods. What we are seeing here is the application of the same principle. By moving ministers under that system of flexibility of ministerial responsibility which this government seems to have accepted, the ministers will be put in the position of denying us the opportunity to hold the government accountable on this issue as well as on other issues.

In the case of the Berger royal commission the House was not deprived of the opportunity to question government ministers with regard to the voluminous issues which were involved. Now the government, for reasons best known to itself, is very sensitive on this particular matter and is taking a position,