

[English]

THE CANADIAN CONSTITUTION

PROPRIETY OF SIGNATURE OF LIEUTENANT GOVERNOR ON QUEBEC BILL 101

Mr. Walter Baker (Grenville-Carleton): Mr. Speaker, I should like to direct a question to the Deputy Prime Minister supplementary to that put by the right hon. member for Prince Albert. Is the Minister of Justice or the Department of Justice considering the question of the propriety of the signature, on the second language copy of Bill 101, of the Quebec legislature, its having been affixed after the proclamation of the original bill, and whether the signature at that late date has any effect whatsoever with respect to the position of the propriety of Bill 101?

Hon. Allan J. MacEachen (Deputy Prime Minister and President of Privy Council): Mr. Speaker, I am sure the Department of Justice will consider the question put by the hon. member. To my knowledge, it has not been discussed by the government. But these facts will probably be considered by the Department of Justice and it is probable they will conclude by forming some opinion.

Mr. Baker (Grenville-Carleton): A supplementary question, Mr. Speaker. Given the position that the government has taken previously with respect to litigants under Bill 101, that it is proper to intervene and assist any Canadian involved with the bill, could the minister take up with the Department of Justice the question of what effect this late signing of the second language copy of the bill will have on litigants who are before the courts on a case decided prior to the rather tardy signing of the second language copy of the bill? This is a very important question as to the issue of Bill 101 and all that flows therefrom.

Mr. MacEachen: Mr. Speaker, I think the hon. member is raising valid questions as to the effect this development may have on litigants. My own mind is teeming with ideas on the subject, but as a non-lawyer I would hesitate to express them.

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PRIVILEGE

MR. LAWRENCE—ANSWERS GIVEN BY SOLICITOR GENERAL

Mr. Allan Lawrence (Northumberland-Durham): Mr. Speaker, my question of privilege relates to the astounding and unprecedented statement made a few moments ago in the question period by the Solicitor General (Mr. Blais). This certainly reflects on my right to seek information in the House, and reflects on the right of every hon. member of this House to seek information which we not only have the right but also the responsibility to seek. My proposition to you, Sir, is that this reduces the proceedings of this House to an unfunny travesty, and indeed relegates us all to a position of impotence with respect to the truth of important matters which come before the House.

Privilege—Mr. Lawrence

I shall be brief, Mr. Speaker, but this is an important matter.

I draw your Honour's attention to a ruling you made in this House many months ago which, even though some of us did not agree with it, nevertheless under the rules of this House we have to and do abide by it. That ruling was to the effect that we cannot ask direct questions of a previous minister of the Crown relating to the affairs of a department or ministry when that particular person was the responsible minister in this House. Presumably the logic behind Your Honour's ruling was that there always has to be a minister or acting minister of the Crown dealing with the affairs of a department, and therefore, if questions are to be asked, they should be asked of the present, not the previous minister.

I draw your attention today, Sir, to the very serious implications of what we have heard from the brand new Solicitor General. First, he does not not intend to answer in this House any questions relating to the affairs of his ministry prior to his appointment on February 2, 1978. Second, he does not intend to discuss or give any information to this House about matters which are the subject matter of two separate judicial inquiries outside this House which relate to very important matters, and about which some of us feel the correct and true information cannot be drawn out in the way both of those inquiries may be conducted at the moment.

Third, on the advice and counsel of this government, no political party is permitted to obtain representation before the one judicial inquiry over which the government has control. Not only is this an effective gag on political parties and reduces the whole political input into this very important political question to an absolute zero, but, more important, we have a minister in this House who says he is not responsible for what happened before February 2, and is not going to discuss it with us.

Where are we headed, Sir? I will be brief and I will be glad to make a written submission or perhaps a more extended submission, as I am sure many other hon. members will want to at a later date, if Your Honour wishes to reserve judgment on this matter. Surely, Sir, your original ruling is wrong or the minister is wrong. It is as simple as that. There can be no other choice. If we cannot ask this minister about matters prior to his appointment—and that is the very substance, basis, and essence of Your Honour's ruling—then where do we go? There is a void. It reduces the proceedings of this House to a travesty. It further reduces the whole proceedings of this House to a state of impotence on an important political matter regarding which we deserve and have every responsibility to seek information.

I suggest to you, Sir, that if this minister is starting off on that track he had better resign, or else the rules must be changed immediately so that we can bring this House of Commons back to the proper type of forum we have every right to expect it to be.

Mr. Stuart Leggatt (New Westminster): Mr. Speaker, I should like to second the remarks of the hon. member for