

Immigration

Hon. J. W. Pickersgill (Minister of Citizenship and Immigration): I feel there can be no question whatsoever, Mr. Speaker, that I have a question of privilege. The hon. member has suggested that the answer I gave yesterday to his question was not accurate and I should like to explain to the house precisely what did happen in this case.

At the time the reasons for judgment were given in the Brent case I consulted the legal adviser of the department and, after consultation with him, came to the conclusion that there would be no point whatsoever in proceeding with the appeal to the Supreme Court in the Spalding case. I asked at that time, "What should be done next?" because the decision of the court of appeal of British Columbia quashed an order for deportation but left this woman in the country without any status of any kind either as a visitor or as an immigrant. That situation could not be allowed to continue indefinitely.

As hon. members know, unlike the hon. member who asked the question, I am not a member of the learned profession of which he is a member and I have to get legal advice. After some consideration of possible courses, I suggested to the legal adviser that we give consideration to the possibility of the minister acting under section 7 of the Immigration Act. If the hon. gentleman will look at section 7 he will see that it would be impossible for anyone to act under that section except the minister himself so there would be no possibility of anyone else in the department doing anything unless the minister acted.

In order to make a complete disclosure I have to say this, and I am sorry to have to do so, but it appears that the legal adviser, being very busy, asked one of the junior officers in his office to advise the agent of the crown in Vancouver. Somehow or other a misunderstanding arose about this matter and this junior officer wrote a letter saying that the minister had directed that action should be taken, when all the minister had done was to direct that consideration be given to the possibility of action under this section. And that, sir, is the whole and complete story.

Mr. Speaker: In order to complete the point I was trying to make a moment ago, I would also refer hon. members to citations 191 and 192 of Beauchesne's third edition, and especially to citation 192, which says in the third paragraph:

A dispute arising between two honourable members as to allegations of facts hardly fulfils the conditions of a privilege question—

Mr. Fulton: Mr. Speaker, on the point of order which you yourself have raised—not to [Mr. Speaker.]

pursue the question of privilege to which the hon. minister has now replied, but surely on the point of order—I raised it as a question of privilege, not because I was complaining that I had not received an answer, which I know is not a question of privilege under the rules, or because the answer was not complete, which is similarly not a question of privilege, but because the answer conveyed to the house information which according to the letter I now have in my hand is completely at variance with the facts which are within the knowledge of the minister. The minister has now explained that the letter from his departmental legal adviser does not correctly convey the decision which he had reached, so I think my question of privilege has been met.

But because the point of order is important, I submit that to raise a question of privilege as to the complete inaccuracy and misleading effect of an answer is valid. It is a question of privilege as distinct from raising a complaint that an answer had not been given or was not complete and I would hope that you would appreciate that distinction. I raise the point of order now only because it seems to me important not to let the matter pass by.

Mr. Speaker: I was seized of the point raised by the hon. member in which he complained, not of having an incomplete answer but of having what he considered to be a wrong answer. Is not that the point?

Mr. Fulton: The answer was directly at variance with the facts—

Mr. Speaker: I perceive that the—

Mr. Fulton:—on a subject peculiarly within the knowledge of the minister. We are told that the house has to rely upon ministerial statements and therefore it seems to me that it is a matter of privilege affecting the rights of hon. members of the house when such an answer is given under the circumstances which appear here.

Mr. Speaker: That is exactly the point. The hon. member contends that the reply given by the minister is at variance with the facts as he knows them and he immediately rose on a question of privilege and asked for an explanation. But that is not the type of question of privilege which is allowed at this moment at the beginning of the session immediately after prayers. I referred the hon. member to citations 191 and 192. The third paragraph of citation 192 reads:

A dispute arising between two honourable members as to allegations of facts hardly fulfils the conditions of a privilege question—

I think that hits the point raised by the hon. member right on the head.