

Privilege—Mr. Cossitt

as yet no indication has been given the Canadian government that they want to negotiate.

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● (1500)

[English]

PRIVILEGE

MR. COSSITT—INFORMATION PROVIDED IN WRITTEN ANSWER ALLEGED FALSE—RULING BY MADAM SPEAKER

Madam Speaker: The hon. member for Leeds-Grenville (Mr. Cossitt) rising on a question of privilege on Wednesday, November 4 last, brought to the attention of the House a matter concerning questions he had asked of the minister, the response he received and the subsequent report of the McDonald commission bearing on the question and answer.

In his question No. 2,332 asked of the government in 1975, there were allegations by Igor Gouzenko that he received no government pension from the time of his defection in 1946 until such pension was instituted by the government of Mr. Diefenbaker in 1962, and the government was asked why it was not provided. The reply by the then solicitor general, the hon. member for Notre-Dame-de-Grâce-Lachine East (Mr. Allmand), was in part that "from 1946 to 1962 Mr. Gouzenko was looked after entirely by the Canadian government."

The relevant part of the report of the McDonald commission quotes from this reply given by the government and, after indicating that it reviewed the history of the matter carefully as it was disclosed by the RCMP files, says "it is not true that from 1946 to 1962 Mr. Gouzenko was looked after entirely by the Canadian government." Under these circumstances, the hon. member for Leeds-Grenville alleges that a contempt of the House occurred because, in the reply in 1965, the House was given false information by the government and the hon. member was therefore obstructed in his parliamentary work.

First of all, the hon. member correctly sets out that a contempt committed against one Parliament may be raised and punished in another. With respect to the alleged contempt, it is correct to say that it is a breach of privilege or a contempt of the House to present or cause to be presented to either House, or to a committee of either House, falsified or fabricated documents with intent to deceive such House or committee. That is to say, where the government as represented by one of its ministers, or by an officer of a department or of a government agency, admits that the information given to the House was deliberately false, the House may treat that as a contempt of the House. Such was the case in this House in 1978 in the matter referred to by the hon. member.

The distinction between the situation put forward by the hon. member here, however, is that while the McDonald commission is an emanation of the government, it is not an instrument of the government or government policy. Thus, an admission in the 1978 precedent by a former Commissioner of the RCMP that "very often ministers' letters were not exactly

drafted on precise statements of fact" was an admission for purposes of privilege in that case.

In the present case, however, a statement by the royal commission in its report that the government's response to question No. 2,332 in 1975 was not true is not an admission for purposes of privilege. Moreover, the report itself states at pages 341 and 342:

Our examination of the files has not disclosed that there was any sinister design that may reasonably be attached to the answer given in the House of Commons.

In other words, under the doctrine of ministerial responsibility a minister may be expected to answer to the House for acts of those of his officials; but the government is not responsible for the acts or statements of a royal commission, although the government may take some action following upon the report it receives from the royal commission. Accordingly, I cannot find a prima facie case of privilege in this presentation.

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POINT OF ORDER

MR. COSSITT—REQUEST FOR REINSTATEMENT OF ORDER PAPER QUESTION—RULING BY MADAM SPEAKER

Madam Speaker: Further, on Wednesday, November 4, 1981, the hon. member for Leeds-Grenville (Mr. Cossitt) raised a point of order, this time concerning the answer to written question No. 3,236 which is recorded in *Hansard* on November 3, 1981, at page 12450.

The hon. member is aware of Citation 363 of Beauchesne's fifth edition which stipulates that a member may put a question but has no right to insist upon an answer.

Furthermore, the quality of the answer as given is not generally within the responsibility of the Speaker, who should not be asked to pass judgment on the substance of an answer to a question, be it oral or written. In this connection, I would like to quote a sentence of a ruling given by my predecessor, reference to which was made by the hon. member for Leeds-Grenville and the hon. member for Yukon (Mr. Nielsen), and which can be found in *Hansard* of June 19, 1978, at page 6528:

—since the Chair has not procedural grounds upon which to compel an answer, it is impossible for the Chair to say that an answer given on procedural grounds is not, in fact, an answer.

Therefore, I regret I cannot find that the hon. member has a point of order.

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PRIVILEGE

MR. COSSITT—ALLEGED BREACH BY MINISTER OF BUDGET SECRECY

Mr. Tom Cossitt (Leeds-Grenville): Madam Speaker, I filed notice, which I trust reached you, an hour or so before the House met of my intention to raise a question of privilege, if