



CANADA

House of Commons Debates

VOLUME 140 • NUMBER 127 • 1st SESSION • 38th PARLIAMENT

OFFICIAL REPORT (HANSARD)

Wednesday, September 28, 2005

Speaker: The Honourable Peter Milliken

The Speaker: The Chair has notice of a question of privilege from the hon. member for Delta--Richmond East and I propose to hear his question of privilege now.

* * *

Privilege

Order Paper Question No. 151

[Privilege]

Mr. John Cummins (Delta—Richmond East, CPC): Mr. Speaker, I rise today on a question of privilege in regard to a very grave matter relating to information that I requested through a written question in Parliament, placed on the Order Paper as Question No. 151.

On May 17, I used the Order Paper to ask what actions CMHC and the National Research Council had taken with regard to devastating building failures in British Columbia once they had learned of the problem. Part (a) simply asked: “Did Canada Mortgage and Housing Corporation management consider this wet wall syndrome in 1981, and if so, what action was taken?”

All 20 or so parts of the question go in a similar vein. This is hardly scary stuff.

This detailed question is about a B.C. problem of massive proportions involving tens of thousands of homeowners, one that the premier of British Columbia, now the member for Vancouver South, in 2001 described as a west coast disaster when he asked the Prime Minister for immediate assistance for affected homeowners.

On Monday the ministers for CMHC and the National Research Council replied that they were unable to respond to my question as the matters raised are before the courts of British Columbia.

I am aware that Speakers normally do not get involved in the quality of answers to written questions, however, on December 16, 1980, at page 5797 of *Hansard*, the Speaker ruled:

While it is correct to say that the government is not required by our rules to answer written or oral questions, it would be bold to suggest that no circumstances could ever exist for a prima facie question of privilege to be made where there was a deliberate attempt to deny answers to an hon. member.

This ruling would be in keeping with Erskine May's definition of contempt, described as:

--any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as contempt even though there is no precedent for the offence.

The privilege of Parliament is founded on the necessity for the due execution of its powers. Necessity is the basis for any claim that an event was part of a proceeding in Parliament. As you are aware, Mr. Speaker, procedural authorities support the claim that a proceeding in Parliament covers both the asking of a question and the written notice of a question through the Order Paper.

I have thousands of constituents who have invested their life savings in homes that now require major repairs.

My question to the government was based on documents that CMHC provided under the *Access to Information Act*. The documents were prepared in the early eighties when CMHC became aware of the looming disaster but were not prepared as part of any possible court action today.

My question to the CMHC and NRC ministers was based upon the government's own documents. These documents may explain why the government now wants to avoid answering and why it pretends it is unable to answer. The CMHC documents state:

A link, real or imagined, may be made between government programs to encourage energy conservation and moisture related problems.... This linking may focus critical attention on the Corporation and could lead to a perception of responsibility.

There is potential for a drain on the Mortgage Insurance Fund as homeowners find the cost of repairs to deteriorating houses approaching the value of their equity.

Being aware of the problem, CMHC could be delinquent in not bringing appropriate aspects of it to the attention of others. The Department of Energy, Mines & Resources are promoting...programs [that] could lead to the promotion of structural deterioration. Enforcement of the provisions of the National Energy Program...could promote a further spread of the problem....

My question to you today, Mr. Speaker, relates to my work as a member of Parliament for Delta--Richmond East. The government is withholding

information necessary to my parliamentary duties. The government is attempting to hide the failures of CMHC and NRC by claiming the issue is before the courts. The government is misleading the House when it claims that telling the truth about the actions of CMHC in 1981 would undermine its case in court.

That the Minister of Industry, the minister responsible for the NRC, claims that he is unable to answer the question is outrageous nonsense and is clearly an attempt to stonewall.

Members of Parliament deserve better. The House deserves the truth. It has been misled.

As members of Parliament, it is our duty to scrutinize the government and to hold it to account. It is our duty to ask questions. A written question on the Order Paper is one of those tools we as members use to seek information from the government. A written question on the Order Paper is part of our rules and is considered a proceeding of Parliament commanding respect from ministers and necessitating protection by the House.

Mr. Speaker, I ask that you allow me to move the appropriate motion to secure that protection and bring swift resolution to this matter.

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, you know and I hope all members know that the government takes written questions very seriously. We endeavour to provide fulsome and complete answers quickly.

Mr. Speaker, in terms of strict parliamentary responsibility, you are also aware of the government's obligation to respond to written or oral questions. You will want to think about that when you decide how to deal with this matter. If you are inclined to rule in a certain way, perhaps you could give us a day or two to get back to the House with a more formal response to the question of privilege raised by the hon. member.

I understand this matter refers to court proceedings, matters which may be before the courts at this time. For that reason, everyone will appreciate the

government's hesitancy to respond to matters that are in fact at this time before the courts.

The Speaker: Without in any way adjudicating on the matter at this point in time, I would urge the parliamentary secretary to review the comments of the hon. member for Delta—Richmond East, as I will. If there is some substantive material that he wants to bring to the attention of the Speaker before a decision is rendered, naturally I would be quite interested in hearing it.

The member for Delta—Richmond East has raised a serious question which I will take under advisement. I will await news from the parliamentary secretary as to whether he is going to have further submissions before I render a decision on the point, which I hope will happen reasonably soon.