

federalism and with respect to the Supreme Court is illegal. The court said his approach is wrong. That is the difference.

● (1610)

Yesterday questions were put to the Prime Minister in which he was invited to take a course of action other than engaging Parliament in voting or acting upon an illegality. He said no, he would not depart from his course, and we have no indication today that he will depart from that course. The only indication we have is that we are going to sit down and discuss how we might mutually agree to depart from that course. The position of the Prime Minister has not moved one inch, but the circumstances have changed in that as of Friday there was no decision. Today there is a decision which says that what this Parliament is being asked to deal with is illegal.

My position is that all Members of Parliament have a duty, but it is a breach of my personal privilege when I as a member of the bar have to participate in what appears to be the perpetration of an act by Parliament which flies in the face of a judgment which says that what the Prime Minister is attempting to do is illegal. That is simple. I am a lawyer in public office, and I am subject to certain disciplines. That is the position.

If I could get back to the argument I was making before I was interrupted by the hon. gentleman:

The lawyer who holds public office should, in the discharge of his official duties, adhere to standards of conduct as high as those which these Rules require of a lawyer in the practice of law.

It says that if he does not, that lawyer would be subject to disciplinary action.

My second point is that the whole code of conduct—which I am prepared to leave with Your Honour if you wish to consider the point, because it may apply to other members of the House—makes it clear that a lawyer in public office has a particular responsibility.

I took an oath as a Privy Councillor. I took that oath on June 4, 1979. Your Honour has taken the oath of a Privy Councillor. The Minister of Justice has taken the oath as a Privy Councillor. The Minister of Supply and Services has taken the oath as a Privy Councillor. A number of members have. The Prime Minister has taken the oath of a Privy Councillor. It is a very serious oath. I am sure Your Honour took a look at it, after it had been read to you by the Clerk of the Privy Council, and said, "My God, what have I taken?" Because what it said in your case, Madam Speaker, is that you could not even tell your husband, for instance, what was happening if your husband was not a Privy Councillor. That oath is a very serious oath. It is different from any other oath we have to take.

Mr. Nowlan: He took one too.

Mr. Baker (Nepean-Carleton): The difference in Your Honour's case, as I know, is that Your Honour's husband is a Privy Councillor as well. Nonetheless, the Privy Council oath is a very serious oath. It puts a burden on certain members of

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the House. It certainly does on me. That burden does not rest upon certain other members of the House.

I will read the oath in part. I will not read the words that terrified us when we read it the next day; I will read only the part which refers to the judgment.

An hon. Member: Read it all.

Mr. Baker (Nepean-Carleton): My friend wants me to read it all. He can read it for himself some day, if he is so fortunate. The oath reads, in part, as follows:

You . . . do solemnly promise and swear that you will serve Her Majesty truly and faithfully in the Place of Her Council in this Her Majesty's Dominion of Canada—

There are two small phrases. First:

You will in all things to be moved, treated and debated in any such Privy Council, faithfully, honestly and truly declare your mind and opinion to the honour and benefit of the Queen's Majesty, and the good of Her Subjects without partiality or exception of persons—

That oath has been taken by the Attorney General of Canada, as argued by the hon. member for York-Peel (Mr. Stevens) yesterday. It places the Minister of Justice in the particular position in which he is. He must advise and take a particular position with respect to all other ministers when he takes that oath, as he did.

Then the oath goes on:

In general you will be vigilant, diligent and circumspect in all your doings touching the Queen's Majesty's affairs; All which Matters and Things you will faithfully observe and keep, as a good Councillor ought to do to the utmost of your power, will and discretion.

What that means to me as a Privy Councillor is that when I see something which flies in the face of all reason, which holds the Supreme Court of Canada in contempt, which offers the Supreme Court of Canada a *fait accompli*, which asks Parliament to debate something which is now before the court and which has now been held illegal in another court—it is before the Supreme Court on the appeal from Manitoba, but it has now been held illegal by the court in Newfoundland—then as a Privy Councillor I think all of us have some duty to be vigilant.

I have a question of personal privilege which must be considered, and that question is whether I, as a Privy Councillor and as a member of the bar, having taken the oaths I am supposed to have taken, ought to be placed in the position—

Mr. Peterson: Madam Speaker, I rise on a point of order. The hon. member for Nepean-Carleton (Mr. Baker) is wearing so many cloaks of unctuous rectitude that I am wondering if, in the opinion of Your Honour, this is proper dress for a Member of Parliament.

Mr. Baker (Nepean-Carleton): The one coat I am not wearing is a coat of many colours, which my friend is wearing.

I was going to finish. My contention is that those of us who are members of the bar—and particularly myself because this is a question involving me as a member of the bar—those who have taken the oath as Privy Councillors, those who are bound, as I am, by the rules of the law society act of Ontario to which