

Rights and Freedoms and its application to the people affected by our action.

What the Member from British Columbia is asking is that a person be brought before this Chamber for an inquisition by Members of this House of Commons when the Charter of Rights and Freedoms protects that person from such inquisition and says that they must have the protection of law.

Mr. Milliken: They can have counsel with them.

Mr. Crosby: This Parliament passed a law—if you do not want to pay any attention, listen to this: This Parliament passed a law which was interpreted in the case of the Province of Ontario as prohibiting the saying of prayers in public schools in Ontario. Yet we stand every day in our Chamber and say prayers. We deprived the schoolchildren of Ontario of that right but we maintain it for ourselves.

We are not paying enough attention in this Parliament to what we did in 1982. We dramatically changed the laws of Canada by enacting the Canadian Charter of Rights and Freedoms. We cannot pick up our Standing Orders and say they govern in all cases. What governs in Canada is the Constitution, the rule of law. We cannot make these laws up day by day and change them as we go along.

Mr. Gray (Windsor West): Mr. Speaker, the issue that you are being asked to rule on is not whether the procedure of calling someone to the Bar of the House is still available, but rather whether the motion of the Leader of the Opposition, and I presume a similar motion by the House Leader or another Member of the NDP, should be under Private Members' motions, or Motions as such.

I submit to you that this matter is of such importance, dealing as it does with the workings of the House and its role generally, that this motion should not be placed under Private Members' motions, but rather under Motions.

I do not intend to give a lengthy review of precedents in this regard. There is a Standing Order which I think you can rely on to have this matter placed under Motions. It seems to me that if the Government is concerned about clearing the air on this issue of cover-

Point of Order—Mr. Riis

ups of Budget leaks and the like, it would be delighted to have this motion placed under the regular heading of Motions and dealt with as quickly as possible.

With respect to the representations made to you by the Conservative Member who has just spoken, it does not in any way follow that if this House made a motion to summon individuals to the Bar of the House, this is in any way contrary to the Charter of Rights and Freedoms. It does not mean—

Mr. Crosby: They would not be able to have counsel.

Mr. Gray (Windsor West): It does not mean that a person would not be able to have counsel and would not have available to him what the Charter of Rights says with respect to individuals and their freedoms. In fact, an individual summoned to the Bar of the House would have a protection not available in any other type of judicial or inquiry proceeding. That is, before any question could be put to such individual, a motion would have to be made specifically to put that question. That motion would be debatable and voted upon by all the Members of the House. That, Mr. Speaker, is a privilege not available to any witness before an ordinary judicial inquiry or any court proceedings.

Therefore, I say to my hon. friend that it is good to hear his concern about individual rights. It is good to hear what he has to say about the application of the Charter of Rights and Freedoms. But if he is serious about that, let him bring those views to the attention of the Prime Minister and the Minister of Justice and let them as a result rethink what is being done or attempted to be done to Mr. Doug Small. I put him to the test on that matter. Therefore to conclude, Mr. Speaker—

Mr. Speaker: The Hon. Member for Halifax West.

Mr. Crosby: Mr. Speaker, I do not want to prolong this discussion but I just want to record what nonsense that last remark made. In this country, the administration of the criminal law lies with the provinces of Canada. Each province is responsible for the administration of the criminal laws in that province. If the Minister does not know that, he had better go back to law school. The Prime Minister has absolutely nothing to do with the enforcement of criminal law in Canada. The case to which the Member refers involves enforcement of criminal law in the Province of Ontario. It is in the purview of the Attorney General of the Province of Ontario and has