

Privilege

Right Hon. J. G. Diefenbaker (Prince Albert): It is well to go back and read what happened on December 6 when this matter was brought before the house by my hon. friend from St. John's East. As reported at page 3587 the question was asked as follows:

Would the house leader advise us what is the position of the resolution which was passed by the committee dealing with the decision of the Canadian Transport Commission allowing the Canadian National to abandon rail passenger service in Newfoundland, which was not incorporated in the first report of the committee to which I referred in my original question?

The answer given by the President of the Privy Council is most revealing:

I have not studied this. I am advised the resolution was passed but that it was out of order.

Some hon. Members: Shame.

• (3:10 p.m.)

Mr. Diefenbaker: I can understand the overheated nature of the hon. gentleman's argument a moment ago, because after all conscience does have its effect, even on ministers. In other words, sir, there is the admission by the minister that a resolution was passed, and he is now endeavouring to raise a smokescreen concerning the unfortunate illness of the chairman of the committee. He himself took the responsibility, in his answer in the house, to admit that the resolution had been passed, but said he was advised it was illegal. Sir, if this be not a privilege of parliament then we might as well close down here.

Some hon. Members: Hear, hear.

Mr. Diefenbaker: The government goes from stand to stand as it tramples on the rights of the house. It says in effect, "Let us be efficient and have an expanded committee system". I am one of those who through the years have not supported that stand. I believe this committee system is the American congressional plan and will not work under our system of government.

We are to have committees now. This is the essence of the proposed change in the rules, but even before the matter has come before the house we have the situation of an alteration of a resolution clearly defined by the minister and which he said was out of order. What business has he to be an appellate court over a committee of the House of Commons?

Some hon. Members: Hear, hear.

Mr. Diefenbaker: Mr. Speaker, if this be not a question of privilege we might just as

well close down the committee, for each time the government finds itself with its points down or its members absent and loses a resolution it can say "It wasn't legal; it was unlawful." This is a repeat performance of what happened in February, 1967, when the government was defeated and said in effect, "Oh, we are not defeated. We will give you another chance to say that we are here properly." And they got that chance.

This is a denial of the rights of every member of the house, and I am surprised that no member of the government has stood up and agreed to the necessity of an investigation taking place. No doubt there will be red faces if it does take place, because the minister who has just spoken admitted in the house that the resolution had been passed. So there is no question about that; it was passed. Sir, we have to rely on Your Honour to protect our rights which are being trampled on day by day.

Some hon. Members: Hear, hear.

Mr. Macdonald (Rosedale): Mr. Speaker—

Mr. Speaker: The minister has already taken part in this debate.

An hon. Member: He wants to break another rule.

Mr. Speaker: The minister cannot speak a second time except with the consent of the house—

Some hon. Members: No.

Mr. Speaker:—or unless he rises on a point of order or on a question of privilege.

Mr. Macdonald (Rosedale): Well, Mr. Speaker, the regrettable thing is that the right hon. member for Prince Albert during—

Mr. Speaker: Order, please. The minister knows the rule. He can speak a second time only if he has the consent of the house or if he seeks the floor on a point of order or a question of privilege, and I have not heard that.

Mr. Macdonald (Rosedale): Mr. Speaker, the only point I would make, and I am raising it by way of privilege to speak a second time, is that my remarks have been misconstrued by the right hon. member.

Some hon. Members: Oh, oh.

Mr. Macdonald (Rosedale): I refer to the fact that as the right hon. member for Prince