

# HOUSE OF COMMONS

Thursday, December 2, 1971

The House met at 2 p.m.

## PRIVILEGE

MR. BALDWIN—CONDUCT OF MEMBERS DURING PUTTING OF QUESTION IN COMMITTEE OF THE WHOLE

**Mr. G. W. Baldwin (Peace River):** Mr. Speaker, I rise on a question of privilege of which I gave oral notice yesterday afternoon and which I have supplemented by a written notice today. My question of privilege deals with the conduct of hon. members yesterday in committee of the whole, contrary to the provisions of Standing Order 12(2) which was read at the time, which I am sure Your Honour knows by heart and which I suggest some hon. members should learn by heart. Standing Order 12(2) provides:

When Mr. Speaker is putting a question, no member shall enter, walk out of or across the House, or make any noise or disturbance.

By Standing Order 55(1) that provision, of course, is made applicable to the conduct of hon. members in Committee of the Whole House.

There have been some varying interpretations of that rule, but I have been here—some would say too long—almost 14 years and as I have seen that rule interpreted it has been one of the rules most scrupulously respected both by the Chair and by hon. members. In other words, there can be no movement into or out of the House or the committee from the time Mr. Speaker or the Chairman puts the question. If that were not the case there would only be anarchy, particularly when you have a situation with a majority on one side of the House and groups constituting a minority on the other side. If there were not a fixed time at which the votes can be taken on all those important issues that effect this country, chaos would descend upon this House.

I shall not attempt to argue the rule, Mr. Speaker; it is there and, as I say, has been applied without any qualification. It was breached yesterday and breached to a substantial degree. I have been informed that there were some eight or nine hon. members—eight Liberal members specifically—on the other side of the House who entered the committee contrary to the provisions of the Standing Order.

It has also been said that there may have been a member enter on this side.

**Some hon. Members:** Oh, oh!

**Mr. Baldwin:** It has been said that there may have been a breach of the rules in other respects on this side of the House. But I submit, Mr. Speaker, that when there has been an injustice, an inequity, suffered it is logical for members to protest. It may well be that in the heat of the debate, and in light of the circumstances that existed yesterday, their protest was not as tempered as might have been desirable. In the grey light of day following the

events of yesterday, it is easy to say that we wish we had not done what we did, but the extreme provocation offered hon. members on this side of the House would, in my humble opinion, have justified an even greater degree of protest than what took place yesterday.

We have been discussing a difficult and lengthy bill and have not had the benefit of the presence of the minister in the committee to answer questions. Yesterday we had a situation where the government saw fit to impose closure. That is their right, of course, and since we will be debating this later I shall not refer to it now. Following upon that the hon. member for Calgary North (Mr. Woolliams) called the attention of the government House leader to what he felt was a fairly firm undertaking regarding the establishment and continuation of committee meetings while the tax bill was being considered in Committee of the whole. A little later when, pursuant to our right, we called for a vote in the committee there was an unruly and disorderly situation because a number of government members entered the committee and were present for and took part in the vote. I know of at least one on the other side who, having entered, did not vote—there may have been others who acted likewise—and I give him credit for that.

In any event, no matter what may have taken place on this side of the House the situation cannot be condoned that we witnessed in this chamber yesterday afternoon as a result of government members entering the committee and trying to participate in the vote. A government that has 150 members and is caught short with only 30 members in the House right after having imposed closure has no right under those conditions—indeed, it has no right under any conditions—to take an action that is nothing short of scandalous.

**Some hon. Members:** Hear, hear!

**Mr. Baldwin:** I am not going to move a motion, Mr. Speaker, but I would have been derelict in my duty, with the limited responsibilities that I bear, if I had not brought this matter to the attention of the Chair and of the House.

**Mr. Speaker:** Order, please. Would the hon. member kindly resume his seat. The hon. member for Peace River did give the Chair notice of the question of privilege that he intended to bring to the attention of the House at this time and, as he might suspect, I have given the whole matter very serious consideration in the meantime. This is a situation that has worried me a great deal. Obviously—I should not say “obviously” because the word may be too strong—apparently there were irregularities in the voting yesterday. I would want, with charity to hope that none of these irregularities were committed without malice aforethought.

**Some hon. Members:** Oh, oh!

**Mr. Lambert (Edmonton West):** Deliberately.