

HOUSE OF COMMONS

Thursday, March 9, 1972

The House met at 2 p.m.

BUSINESS OF THE HOUSE

PROCEDURE SUGGESTED BY MR. SPEAKER FOR DEALING WITH NOTICES OF MOTIONS OF PRIVILEGE

Mr. Speaker: Order, please. I think hon. members might be interested to know that during the last few hours I have received five separate notices under Standing Order 17 on the part of hon. members who propose to move a motion of privilege under the terms of this Standing Order. Essentially, these five motions relate to the same matter. Because this is so unusual I am not sure how the matter should be handled. My thought is that hon. members who have given notice of these motions might be allowed one after the other to indicate what their arguments and what their motions would be, someone would then reply on behalf of the government, and the matter might be taken under advisement. These hon. members, as is required by the Standing Order, have had the courtesy to file notices, but to this point there is no information on the part of the House concerning what the motions would be and what arguments would be advanced in support of such motions.

With the consent of the House, I will take these motions in chronological order as they were received, and the one who has been most diligent in this respect is the hon. member for Peace River.

* * *

PRIVILEGE

MR. BALDWIN—DELAY IN TABLING AUDITOR GENERAL'S REPORT

Mr. G. W. Baldwin (Peace River): Mr. Speaker, I hope that all your other decisions from now on are as good as that one. I did serve notice pursuant to Standing Order 17 with regard to this matter because I feel that what is involved is in fact a question of privilege. I would go on to say that in addition to a question of privilege being involved with regard to the question contained within the four corners of the notice I sent to Your Honour, namely, the extent to which the Auditor General of Canada, an officer of parliament and servant of this House, is being inhibited in the opportunities which he should have to carry out his duties, there is the question of the inherent right of this House, as indeed of the other place, to call before it as a witness any person it sees fit to subject to examination and discussion. I shall deal with both these questions as I proceed. I have, of course, had to give notice to Your Honour pursuant to Standing Order 17 in order to obtain the opportunity to make this motion, and I will be making a motion on the question of privilege, but I

want to make it abundantly clear that there is in addition to the question of privilege, and related to it, the very important issue of the right of this House and of parliament as the highest court in this land to call before it any witness, not necessarily a person who may have offended against the privileges of the House but any witness, and conduct an examination according to the traditions and practices of the House, and to the extent to which these may be changed by order or by the modern practice we have now developed.

• (1410)

Certainly, on the question of privilege, it seems to me that any interference with any of the officers of this House in such a way—

Mr. MacEachen: Mr. Speaker, I rise on a point of order. The hon. member for Peace River has now been speaking for some minutes, yet as far as I am aware he has not stated the matter of privilege he is raising. I am asking him to state the matter of privilege because he has risen on a question of privilege. He has now had the floor for a sufficiently long period to have stated on what the question of privilege is that he is raising. I am asking him to state the question because I should like to argue the point whether the matter he wishes to raise, which is still unknown to the House, has been raised at the earliest possible moment.

Mr. Baldwin: I understand the position of the President of the Privy Council. I was coming to that. But I always feel that in dealing with hon. gentlemen on the other side we should take longer in explaining matters than if we were dealing with ordinary people.

On the question of privilege, I now come to the first branch of my argument. Any officer of this House—I would include the Clerk, the Sergeant-at-Arms, and the Auditor General whom I place squarely in that category—must be allowed to carry out his duties in such a way as not to limit in any manner the opportunity for hon. members of this chamber to fulfil their responsibilities. I simply indicate, by way of illustration, that if in the course of taking a vote the Clerk was interfered with so that the count could not be made, I would consider this to be a breach of privilege such as interfered with the opportunity of hon. members to carry out their duties. I submit, therefore, that if I can show Your Honour that there has been this kind of interference, that an officer of this House has been denied the opportunity so to fulfil his duties as to prevent hon. members on both sides of the House fulfilling the responsibilities they must exercise on behalf of their constituents and the people of Canada generally, then that is a breach of privilege.

I am dealing with the question of the Auditor General and the comments which were made yesterday, the state-