

**Madam Speaker:** The hon. member should conclude in about two minutes.

**Mr. Speyer:** A few days ago the Prime Minister attempted to make a distinction between Bill C-60 and the current proposals with respect to the matter of a reference. He said that Bill C-60 dealt specifically with Section 91 of the British North America Act and, therefore, it should have been referred to the court. On the other hand, he distinguished this matter because it did not refer to any matters involving the British North America Act. That is a totally nonsensical type of distinction; certainly it is a distinction not worthy of him. I bring it to Your Honour's attention because it seems to me that in these particular circumstances a decision must be rendered by the Supreme Court on constitutional matters which are pending right now.

I return to the initial matter which I brought to Your Honour's attention, that is, that it is unfair for any member to be participating in a debate in circumstances where we are dealing with an illegal matter with respect to a certain province of this land.

I know Madam Speaker has ruled on the question of sub judice. I respect that ruling, but may I say that the whole foundation of the notion of sub judice is that there should be no intimidation of the courts. At a time when the courts are seized with such an important matter, public debate on this matter should cease. The matter is now within the scope of the courts.

**Madam Speaker:** Order, please. I have ruled on that matter, and the ruling is quite clear. The matter cannot be considered sub judice for the various reason I gave in my ruling. I ask the hon. member not to discuss that.

**Mr. Speyer:** Madam Speaker, I certainly respect that comment, but the federal government must be in a position to refer the matter to the Supreme Court. It is no longer responding to a case which has been initiated by the provinces. It is now petitioning the court for relief. It is in a situation where it will be asking the Supreme Court for relief by overturning the verdict rendered the other day in Newfoundland.

In these circumstances, it is unfair and improper to ask us to continue debate on this important matter. This concludes my remarks.

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

**Madam Speaker:** The arguments of the hon. member have boiled down to asking the Chair to determine that there is something clearly illegal in what is going on between members of Parliament and the proposal before Parliament. The hon. member referred to one court which brought down a judgment. It is quite obvious that another court has brought down a different judgment and he would want me to be the judge of which of those two courts is right.

The hon. member referred to checks and balances. One of the checks and balances of our system is that there are several courts. If one court has determined or found a matter one way

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and another court has found it in another way, there is other recourse. It is not for the Chair to determine what should or should not go to the Supreme Court; it is not for the Chair to determine legal or constitutional matters. Therefore, on the basis of the argument submitted by the hon. member, I cannot find that he has a question of privilege.

**Mr. Lambert:** Madam Speaker, I rise on a point of order. I do not know where I am on Your Honour's list, but I have a very serious problem involving my inability to control the departure time of a most important Air Canada flight. I was wondering, with the consent of my colleagues, if I could be heard at this time.

**Some hon. Members:** No.

**Madam Speaker:** Usually I take questions of privilege in the order in which they reach me. I would not want to be unfair to other members. Not all hon. members who have questions of privilege are in the House, so I cannot ask them whether they want to defer in your favour. I will do my best to recognize the hon. member as soon as I can.

**Mr. Nowlan:** Madam Speaker, I appreciate this has been a difficult time for all of us, but I apologize to the House. Things were somewhat mixed up. I was on the telephone and I was advised that Your Honour had called on me. I have no hesitation in taking my chances at the end of the line or, if it is permissible, in standing down so that my hon. friend can present his question of privilege.

**Madam Speaker:** I took it that there was no consent because not all members who have questions of privilege are present in the House. Therefore, I will try to accommodate the hon. member for Edmonton West (Mr. Lambert) as soon as I can. I recognize the hon. member for Annapolis Valley-Hants (Mr. Nowlan) on his question of privilege.

#### MR. NOWLAN—ALLEGED ILLEGALITY OF CONSTITUTIONAL RESOLUTION

**Mr. Pat Nowlan (Annapolis Valley-Hants):** Madam Speaker, obviously—

**An hon. Member:** Just keep it short.

**Mr. Nowlan:** In view of the ruling of the Chair, obviously one will have to keep it very short. As I said, I apologize for being on the telephone when Your Honour called my name. I understand that you have exercised your discretion in an attempt to keep questions of privilege to five minutes because of the multitude of them.

I was in the House when the Chair indicated that we were engaging in a very unusual procedure and that it was an extraordinary situation. I quite agree with those words, but as was said yesterday and on other days, that is really not the fault of hon. members or the Chair; I suppose it is the fault of the entire process.