

discussion is concerned, relates to the right of members to address questions orally to ministers of the crown.

I suppose we will have to consult language specialists, lawyers, and all the other experts as to what that means. Certainly this rule does not refer to some ministers of the crown. It does not say a few ministers of the crown. It does not say those ministers of the crown that the Prime Minister permits to be here. It says that before the orders of the day are proceeded with, and this is under the routine proceedings for every day of the week, members may address questions orally to ministers of the crown.

As I have already said, Mr. Speaker, this is not an old rule. For 95 years or more in this parliament's history we did not have any rule that provided for questions before orders of the day. The practice or tradition of asking questions at this time had become so imbedded in our parliamentary way of life that we regularized it by this temporary rule which was introduced three or four years ago. When we drafted it we certainly had no thought that we were drafting a rule covering certain ministers only on certain days. During the few years the rule has been in effect we have had the right to ask questions every day of any minister of the crown.

I submit that for the government to decree that on certain days certain ministers are not going to be here is to deny to members of the house a right that is theirs by practice, a right that is theirs by direction of this standing order. I must admit that the standing order does not say "any and all" ministers of the crown. I suppose that is the sort of argument that will be used. However, the rule does not say, either, that we can ask questions only of those ministers who happen to be here, only of those ministers the Prime Minister permits to be here, or only of certain ministers on certain days. The standing order says that on every day we have a right to address questions to ministers of the crown. I submit that if the government is cutting down on that right, taking away from that right to any extent at all, it is interfering with the privileges of the house.

As Your Honour knows, this whole question of defining privileges is as difficult a one as you have to deal with in the chair. However, there are some interesting words in citation 108(1) of Beauchesne's fourth edition, which reads:

Anything which may be considered a contempt of court by a tribunal, is a breach of privilege if
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perpetrated against parliament, such as wilful disobedience to, or open disrespect of, the valid rules, orders or process—

I submit that this action of the government in saying that some of its ministers will not be here on certain days of the week, whether or not we want them, is open disrespect of the valid rules, orders or process of this house. The citation continues:

—or the dignity and authority of the house—

There is no doubt that the dignity of the house has suffered as a result of this action.

I continue reading:

—whether by disorderly, contemptuous, or insolent language, or behaviour, or other disturbing conduct, or by a mere failure to obey this order.

I submit, Mr. Speaker, that the clear meaning of standing order 39(5) is that this whole house has decreed that members have a right to ask questions of ministers of the crown, and that means all the ministers. I submit that if this right is being curtailed or interfered with by fiat by the Prime Minister, then it is a matter of privilege; that something is being perpetrated against this house that we ought not to have to take.

It seems to me that in this discussion, comments about the merits of the proposal are irrelevant. Having said that, however, I do want to echo the sentiment that has been expressed a good many times, namely that it seems strange for this to be done unilaterally the day after the house agreed to setting up the procedure committee. I think a good deal of the trouble we have had has come from the way this action has been taken.

What Your Honour is faced with right now is the problem, have the privileges of the house been interfered with? The rule under which we operate is a modern rule, not something 100 years old. It is a rule which was established only three or four years ago. Those clearly defined rights are being interfered with, and in that sense action has been taken which is against the privileges of this house.

Hon. G. J. McIlraith (Solicitor General): The sole question before the house at the moment, Mr. Speaker, is whether there is a prima facie case of privilege. I respectfully submit that the matter which has been discussed since the opening of the sitting today is not a matter of privilege but rather a matter of the opposition indicating it does not like a practice that has been started in the house. If their view is correct, then it is arguable by them as a matter of confidence