

that if this is the ruling you are going to make, we have gone full circle to the point where Members of Parliament can be forced to do anything, that only this so-called Prime Minister across the way is above the law. That is the effect of what he is trying to get the hon. members here to do on this motion. It boggles the mind. I have often said that I made a mistake in taking a course in logic at university, because in my respectful submission there is no logic, if that is what the privileges of members amount to, if Your Honour rises and says that you do not want to rule on the legality of the matter because the rules indicate that you should not.

● (1750)

I believe you said earlier to the hon. member for Durham-Northumberland that we are all equal and lawyers should not have special privileges. Every member in the House who has gone to high school, university or law school knows that there is a concept in the country known as the rule of law. In my respectful submission, the Minister of Justice and Minister of State for Social Development does not have the faintest understanding of the concept, the Prime Minister does not have the faintest understanding of the concept, but every boy and girl outside this room knows the rule of law.

Hon. members opposite laugh; I see the hon. member from Fort William is smiling. He thinks it is a big joke. The consciences of those people are so small that they will vote for this, they will push through closure and force us to vote on a matter which, I submit, is illegal as of yesterday.

If those of us in this chamber who are lawyers were asked for advice by clients concerning the situation as it was yesterday and as it is today—and the matter will be going to the Supreme Court in approximately a month—we would be disbarred if we advised them to go ahead and do what hon. members opposite want us to do; certainly we would be sued for professional negligence.

Mr. Irwin: That is absolute nonsense.

Mr. Kilgour: I hear a member opposite saying that it is absolute nonsense. Apparently the hon. member for Sault Ste. Marie (Mr. Irwin) is a lawyer, although I have seen no sign of it. If he were to so advise a client, in light of what happened yesterday in the Newfoundland court, he would not have any clients; I suggest he would be guilty of professional negligence. It is that simple. Members opposite do not understand because the whip has told them to vote for it.

I should like to give an extreme example in the hope of making my point clear. If members opposite were asked to vote in favour of a resolution asking that the ceiling on this side of the House be lowered to ground level—

Some hon. Members: Yes!

Mr. Kilgour: I hear them saying, "Yes"; they would vote for it. What I am trying to say is that Your Honour's ruling ignored the point of party discipline which is emasculating the House.

Mr. Chrétien: Sit down, you are mixed up.

Privilege—Mr. Kilgour

Madam Speaker: Order, please. The hon. member is repeating arguments which have been brought forward by other hon. members. I ask him to summarize his point so that I can determine whether or not he has a question of privilege.

Mr. Kilgour: This afternoon we were invited by the Prime Minister to pass this resolution, to send it off in final form so that the court might consider it.

In all three provinces where the matter is presently being heard, there are constitutional questions acts which allow their lieutenant governors in council to refer the matter directly to their courts of appeal. This has been done.

I should like to refer to Section 54 of the Supreme Court Act which reads in part as follows:

(1) The Supreme Court shall have, hold and exercise exclusive ultimate appellate civil and criminal jurisdiction within and for Canada—

Two of the appeal courts have made their decisions; one has been appealed to the Supreme Court of Canada. The matter referred to those courts will be heard at the end of this month, but today the Prime Minister told us that we should pass a different package so that it can go in final form to the court to be heard.

It all comes back to basic legal concepts. How can any honest lawyer not say that it is perfectly clear, if we have any respect for the rule of law, that we should wait until the Supreme Court of Canada decides whether or not this question is legal? Either we respect the rule of law or we respect the rule of the Prime Minister. If the rule of law has any weight in the country, if what Sir Edward Coke decided 400 years ago has any weight—

Mr. Kristiansen: How long ago?

Mr. Kilgour: —we can wait one month to see whether what is going on here is legal.

No one is asking Your Honour to decide whether or not the question is legal. Why do you interpret our allegation that the package offends the privileges of members, particularly those who have legal training as requiring you to decide on whether or not it is legal? It offends the hon. member for Okanagan-Similkameen (Mr. King) who does not have legal training.

[*Translation*]

Mr. Tousignant: On a point of order, Madam Speaker.

Madam Speaker: The hon. member for Témiscamingue (Mr. Tousignant) on a point of order.

Mr. Tousignant: Madam Speaker, I appreciate that the hon. member opposite entertains high expectations. He wants to get closer to the front benches in the not too distant future. He takes this opportunity to do some practice but he is the third speaker on that side of the House who has delivered the same speech and debated the same issue. They are now holding a unilateral constitutional debate and we on this side of the House have no opportunity to take the floor. We are debating the constitutional question, solely and strictly. Therefore the