

Point of Order—Mr. Clark

tomorrow, but the issue is not that raised by the hon. member for Winnipeg North Centre (Mr. Knowles). The important issue in this matter is whether or not it is now appropriate—

Mr. Knowles: You are trying hard.

Mr. Baker (Nepean-Carleton): —for this matter—

An hon. Member: You have another 1.5 hours to go.

Mr. Baker (Nepean-Carleton): Madam Speaker, I am having trouble talking over the little red rump down at the other end of the chamber.

Some hon. Members: Hear, hear!

Mr. Baker (Nepean-Carleton): Now the new issue is whether or not—

An hon. Member: Now it is a new issue!

Mr. Baker (Nepean-Carleton): —the Right Hon. Leader of the Opposition can raise another point of order. That is why he stood.

Mr. McGrath: That is correct.

Mr. Baker (Nepean-Carleton): That is why he stood and began to argue. He is entitled to raise a point of order. Madam Speaker must make a judgment on the point of order, but there is no time like the present to raise a point of order, particularly when it may have related to something which occurred in the question period earlier today.

Some hon. Members: Hear, hear!

Mr. Clark: Madam Speaker, if I may, I would like to proceed with the new point of order.

Some hon. Members: No, no.

Madam Speaker: I think I will have to study it for a while. I will consult with the Clerk. The reason the point of order of the Right Hon. Leader of the Opposition could be taken was that it flowed from the deliberations in question period. I said I would rule on that; I could rule on it narrowly with the arguments presented by the Right Hon. Leader of the Opposition regarding whatever he alleged happened during question period, or I could choose to rule rather broadly on the entire question of sub judice.

However, I might be excluded from doing that if, as the hon. member for Winnipeg North Centre said, it is not appropriate at this time to discuss that question because that proposition is not before the House and debate or points of order on that particular aspect of the resolution which will come before the House might be properly discussed at that time. I will have to consult with the Clerk on this. This is why I am not prepared just now, until I consult with the Clerk, to hear the new point of order.

Mr. Clark: Madam Speaker, I would imagine that you would want to take into account the fact that the argument

which I would like the opportunity to place before the House of Commons may affect the ability of Members of Parliament to pose any questions at all in relation to the constitutional resolution. It may be that it is now in a state of being sub judice, which will prevent it from being referred to in any proceeding in the House of Commons.

If I understood correctly the argument put forward by the hon. member for Winnipeg North Centre (Mr. Knowles), he said the matter could be raised only in relation to the actual introduction of that particular measure in the House of Commons. That matter has been the subject of frequent debate, questioning, and other activity in the House of Commons for some time. In other words, it is absolutely current. It is as current as any other matter raised in the question period today or might be raised later on. If it is sub judice, if it is not proper for this Parliament to be discussing this question at this time, then we all have to know it, and we have to know it now. That is the reason I want to raise my argument at this time.

Madam Speaker: Well, I think I can now answer the right hon. gentleman. I accepted his first point of order because it flowed from the deliberations during question period.

The right hon. member now raises a new point of order about something which is supposedly before the House. At the present time, there is nothing before the House. We are still in the course of routine proceedings. We have nothing before the House. Therefore, I fail to see how the hon. member could raise a point of order on nothing; there is nothing before the House at the present time.

Some hon. Members: Hear, hear!

Madam Speaker: I do not think I can allow that. I think the right hon. gentleman will have to wait until such time as we have something before the House.

Mr. Clark: Madam Speaker, what we have before the House, with my customary respect, is a matter raised in question period today in relation to its sub judice character. It was on that basis that I introduced and Your Honour heard one point of order. We disagreed as to when that was finished, but you made a ruling and I must accept it. You have established that standard in relation to one point of order concerning the question of sub judice.

I think it would be entirely consistent, both with your previous ruling and with your practice, to accept the same standard or to accept the same reason for allowing another argument of a different kind arising out of question period on the matter of sub judice.

I confess to being rather astounded that the government House leader took 40 minutes of the time of the House to prevent me from pursuing a case which his own Prime Minister invited me to pursue earlier in the question period today. I raised one element of that case earlier this afternoon. I seek the opportunity, flowing from the exchange in the question period today, to pursue another element of that case which has not been explored in this House before and which Your