

Privilege—Mr. Lawrence

more difficult position than he is by virtue of the oaths I have taken to uphold the law of this province and this country. My question of privilege bears no relationship at all to the penalties, supposed or otherwise, to which I may be subjected in dealing with this matter here. I am now talking about my integrity, my reputation and my responsibility as a citizen of this country, as a Member of Parliament and as a professional man.

Some hon. Members: Hear, hear!

Mr. Lawrence: I am not dealing at all with the penalties which may or may not flow from what I consider to be an ill-advised and now illegal action of the Government of Canada. That is the second burden which I intend to prove to you this afternoon, Madam Speaker.

The third burden upon me is that there is a conflict with my personal rights and privileges in that I am being forced to debate and decide upon this question in this House.

Those are the three burdens that are upon me. If you will be patient and tolerant with me—and I have not taken up very much time in the last little while—I will attempt to go through those three burdens, if I may.

First, may I point out to you that apart from what anyone may claim about hypothetical questions of law, the Supreme Court of Canada, which is the ultimate appellate jurisdiction in this country, is now seized with the question of the validity or invalidity of the constitutional package which is before this House and which forms the basis of the argument which I am now presenting to you. It matters not whether it is hypothetical—

Madam Speaker: Order, please. I ruled on that point when I ruled on the point of order of the Right Hon. Leader of the Opposition (Mr. Clark). The fact that the matter is before the Supreme Court must be ruled out of this particular discussion. I have already ruled on that.

Mr. Lawrence: I am merely pointing out that it is a question of legal validity which is before the supreme appellate court of this country. That is my first point.

● (1650)

Second, there is also the very clear and unequivocal unanimous decision released yesterday—this matter has not been brought before you—by the Supreme Court of Newfoundland. It is not only a unanimous decision, it is a decision—

Madam Speaker: Order, please. Yes, I have ruled on that, too. The hon. member for St John's West (Mr. Crosbie) and the hon. member for St. John's East (Mr. McGrath) raised a question of privilege on that particular point, and I have ruled on than too.

Mr. Lawrence: You have not ruled on the comment made this afternoon by the Prime Minister (Mr. Trudeau) of this country in this Chamber just an hour or so ago—I know you have not, because I have been here since then and the matter

has not been placed before you—that the moment, the Government of Canada is not appealing the decision of the Supreme Court of Newfoundland; ergo, the unanimous ruling and the unanimous decision of that supreme court is binding beyond the boundaries of the province of Newfoundland. There can be no question whatsoever but that that decision, because it is not being appealed at the moment, is therefore the rule of law. It is the law of this country.

Madam Speaker: The hon. member has to prove to me that that particular decision is binding on this Parliament to the point where it would not allow the Parliament to proceed with a resolution which some feel is illegal vis-à-vis that particular decision. We have decided that this Parliament is supreme—and that has come in my rulings—and that it can entertain matters of this importance. I did say that matters of national importance ought not to be prevented from being discussed in this House because something pertaining to or relating to that happens to be before the courts. I have ruled on that. That is the sub judice aspect of the question, and the hon. member must find other arguments. I know it is difficult for him, but the questions of privilege I am receiving are all pretty similar, and that is the difficulty. However, I have not created it.

Mr. Lawrence: Madam Speaker, I do not know if the other questions of privilege before you are similar to mine or to those of the hon. member for Nepean-Carleton. Quite frankly, it is irrelevant and immaterial so far as I am concerned. I am claiming that my personal rights and privileges in this House have been abridged, not because of any sub judice rule. If you have already ruled on that, that is up to you, Madam Speaker. I have not researched your ruling carefully, clearly and in depth. But whether I have done so or not, I cannot question it. I am claiming that there is a continued insistence and determination of the part of the Government of Canada to place its resolution before this House and, in particular, to force me, as a representative of the people of my riding whom I attempt to represent in this House, to debate and to make a decision on a matter which is very clearly illegal and invalid according to the existing law of the land. The existing law of the land is the clear decision which was announced yesterday and of which I received a copy only this morning. I am sure no part of it has been read into the records of the House, or presented to you, Madam Speaker. That is the point I want to make so far as the first part of my question of privilege is concerned.

The second burden upon me is the very peculiar situation in which I find myself, because it is not only as a barrister and solicitor qualified to practise within the province of Ontario that I have taken an oath to uphold the law of this land. Again, I come to you with my question of what the law of the land is. I also happen to be a Queen's Council in this province, which also imposes further responsibility.

An hon. Member: That is your handicap.

Mr. Lawrence: I also suggest to you, Madam Speaker, that as an ex-law officer of the Crown at both the provincial and the federal level, I have had to take several extra responsibil-