

Point of Order—Mr. Clark

conduct of the business of the House, and he decided to maintain it.

If I were now to decide without the consent of all the parties involved in this House that such or such a question of privilege should be heard at another time than three o'clock, I would have to do an exercise of gymnastics that I refuse to do and declare that, since Mr. Speaker Jerome had ruled on the basis of a temporary order of the House which has now expired, I shall now, on the basis of another order of the House which has also expired and of the precedent created by Mr. Jerome when he took it upon himself to determine at what time the questions of privilege would be heard, decide that questions of privilege will be heard at another time. I believe that this would be a much looser interpretation of this provision of our Standing Orders than the Chair can be allowed to make. In my opinion, the 1978 version is the official version, the one I have followed until now, and if another version appears in another volume and another edition, it could be used as a reference if the House decides to amend this provision and allows me to determine at what time the questions of privilege should be heard, but I would not want to go against a custom, or rather a practice of the House which was set in more or less legitimate circumstances and conditions by my predecessor if we consider that the temporary order of the House on the basis of which he had ruled had then expired, and I would not want to take it upon myself to go further than what the previous Speaker had decided at that time. Now the fact that there are so many questions of privilege to be heard at a time when the House or certain members of the House would like to proceed with the orders of the day certainly is a problem. I must say that I quite understand this legitimate desire of some members and the frustration of others who want to expound on their question of privilege. However, the Chair must be guided strictly by the rules, and unless someone can give me undeniable proof that this is a printing mistake, I shall need the unanimous consent of the House to defer questions of privilege to another time than three o'clock. The hon. President of the Privy Council.

Mr. Pinard: Madam Speaker, for our part, we would agree that the questions of privilege be deferred until after the vote on the motion of the Minister of State responsible for Finance (Mr. Bussi eres).

Madam Speaker: Do the hon. members wish to debate the proposal? The hon. member for Yukon (Mr. Nielsen).

[*English*]

Mr. Nielsen: Madam Speaker, I thought I made it clear before, and I certainly did to the Chair because you understood me, that there is no way we as a party can defer the rights and privileges of individual members who have filed questions of privilege with the Chair. I intend to speak to you, Madam Speaker, and to find out who those members are on this side. I will then see those members and see what can be done. In the meantime, negotiations between my House leader

and the government House leader will not be impeded. As soon as I can get things together with the individual members, then I will come back to my House leader who can convey that information to his other colleagues. I will come to you, and we can take it from there.

● (1550)

Madam Speaker: Obviously, there is no unanimous consent.

Some hon. Members: No.

Madam Speaker: We will then proceed with the questions of privilege. The first one I have is in the name of the hon. member for Nepean-Carleton (Mr. Baker).

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PRIVILEGE

MR. BAKER (NEPEAN-CARLETON)—DECISION OF
NEWFOUNDLAND SUPREME COURT

Hon. Walter Baker (Nepean-Carleton): Madam Speaker, my question of privilege was set forth in the correspondence of which I gave you notice as required by the Standing Order. I base it on four matters. My letter to you of April 1, 1981, reads:

It will be my contention that the use of the House of Commons as part of a process for making amendments to the Constitution of Canada, amendments which have been found illegal as to both substance and process, by the Newfoundland Supreme Court, places all members of the House, and particularly members of the Bar, in an unacceptable and improper position.

Until we have satisfied, if we can, the negotiations—and that is by no means certain at this point—I think the matter is still germane. I meant to say that to you at the outset. I am speaking for myself. This is a matter of personal privilege which may affect others.

I am a member of the Law Society of Upper Canada. As such, upon my call to the bar I took three oaths. The first is the general oath of allegiance, which I took as well when I became a member of the House of Commons. The second was the solicitor's oath. The third, and the most important because it applies to this matter, is an oath which I took in 1957 as a member of the law society as a barrister upon my call to the bar. In that oath are these words:

You shall not pervert the law to favour or prejudice anyone, but in all things shall conduct yourself truly and with integrity. In fine, the Queen's interest and your fellow citizens, you shall uphold and maintain according to the Constitution and law of this Province. All this you swear to observe and perform to the best of your knowledge, belief and ability.

That was the first oath I took which the proposals before the House still affect. The second arises out of the statute. I will give Your Honour these precedents so that you can look at the matter from my point of view, recognizing that I am an Ontario barrister. There are nine other jurisdictions in Canada and it may affect lawyers differently, but at least from the point of view of Ontario, as a member of the Law Society of Upper Canada the law society act of 1970 applies to me. There are certain regulations and rules under the law society act.