

*Business of the House*

Under the circumstances, since the House is embarked on the legislative process, I am not prepared to say that the sub judice doctrine is applicable and therefore I need not exercise the discretion of invoking it.

With respect to the matter of the constitutionality of the joint resolution and the draft bill that it contains, hon. members are reminded that the Speaker is not empowered to rule on the constitutionality of any measure before the House. There are ample authorities in support of this and I will cite but one by Mr. Speaker Lamoureux in 1969. He said:

In other words, this limits the powers and responsibilities of the Speaker in deciding on questions of order, not questions of law.

The status of the House of Commons or Parliament was described by the same Speaker on that same occasion. He said:

The Parliament of Canada is supreme, and if it should pass any act which is ultra vires, the courts would decide the validity of such act. It is not for the Speaker to declare—although he presides over the highest court in the land—as to whether any proposed legislation is ultra vires.

Accordingly I cannot find that this is a valid point of order.

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**PRIVILEGE**

MR. DOMM—ALLEGED MISREPRESENTATION OF FACTS BY EXECUTIVE DIRECTOR OF METRIC COMMISSION OF CANADA—  
RULING BY MADAM SPEAKER

**Madam Speaker:** I would like also to rule on the question that I took under advisement in the name of the hon. member for Peterborough (Mr. Domm), which related to certain activities of the Metric Commission. While he referred in his argument to certain passages in an early edition of Erskine May, he did not establish that any breach of his privileges has occurred. His argument was entirely related to the substance of the issue of metric conversion rather than privilege.

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**BUSINESS OF THE HOUSE**

**Mr. Baker (Nepean-Carleton):** Madam Speaker, just a few moments ago there was an exchange between the Prime Minister and the Leader of the Opposition during which the Prime Minister first admitted that there is at least possibly an illegality in the process that has been exercising all of us here in the last few days. I think it is also important, since there was what the Prime Minister chose to call an offer for consideration, that we find out now the intentions of the government with respect to its business today.

Is the government intending to proceed now with respect to business in the way it has been proceeding in the last three or four days, to get eventually to the motion that stands in the name of the President of the Privy Council, or is it the intention today to proceed to another piece of business, considering what occurred in the question period today? If so, can he tell us precisely what that business will be?

[*Translation*]

**Mr. Pinard:** Madam Speaker, my colleague has heard the offer made by the Right Hon. Prime Minister during the question period. If his party is willing to accept this offer to negotiate the agreement which he describes so well, I shall be available for a meeting of the House leaders immediately or within the next five or ten minutes. If such were the case, the Minister of State responsible for Finance could without any difficulty introduce his motion to allocate two days of debate for the bill to authorize the government to borrow a certain sum of money.

My colleague knows that the motion will require at least two hours of debate followed by a vote and that this will take nearly the rest of the afternoon. While this motion which will help us to move along with the business of Parliament is debated, we could start the negotiations mentioned by the Right Hon. Prime Minister. If the Progressive Conservative party is not interested in the proposal made by the Right Hon. Prime Minister to the effect that such an agreement be negotiated, we still intend to allow the Minister of State responsible for Finance to move his motion so that we may limit the debate on the bill to authorize the government to borrow \$13 billion. As my colleague is aware, this bill must be passed urgently. We told him about it yesterday, and we were prevented from moving this motion by the tactics of which he is well aware. I repeat today that it is my intention to move this motion which could require up to two hours of debate.

Afterwards, if this meeting can take place and if we can make serious progress in our negotiations, I shall be happy to reconsider the item on the order paper. However, if the Progressive Conservative Party is not interested in discussing the offer made by the Prime Minister, we shall leave our motion to limit the debate on the Constitution on the order paper.

[*English*]

**Mr. Baker (Nepean-Carleton):** Madam Speaker, as you know, there was a contention put by the official opposition with respect to the way in which we might proceed, and it would be our intention in those negotiations to discuss both arrangements or offers that were made. The government cannot dictate the discussions. The President of the Privy Council will know that there was a very serious proposition put to him about a way of proceeding other than what the Prime Minister has proposed, but in any event I just want to make it very clear to him that those considerations might go beyond that which is set forth by the government leader. Those are the propositions in the general area that we are prepared to discuss.

Having said that, I want to know now—because we are going to have to deal with it in a few minutes—what is the government's intention with respect to business when we reach that point? Is it the unequivocal undertaking of the government House leader to tell the House that we will be moving to the motion which imposes Standing Order 75c on Bill C-59,