

Privilege

in your deliberations the consequences of that happening. Any Canadian bringing forward an action in the future challenging any law of this particular Parliament could throw the entire country into chaos.

While this Parliament may be supreme, it is incumbent upon the minister and the Conservative government to show respect for the rule of law. The courts have put into question or into dispute the appointment of these eight additional senators.

It seems to me that this government and this minister have a responsibility to ask immediately the Supreme Court of Canada to render an opinion on this matter as quickly as possible to avoid the very real potential of chaos in this country.

The possibility exists, for example, that a law could be passed by this Parliament and only carry by a single vote. The consequences could very well be different if an additional member of Parliament were sitting in this House from the province of New Brunswick.

Mr. Speaker, I too would ask you to rule that our privileges would in fact be severely affected by the inaction of this government or by this government not acting quickly to refer the matter to the Supreme Court of Canada.

SPEAKER'S RULING

Mr. Speaker: The hon. member for Port Moody—Coquitlam has raised a very interesting issue which has been commented on by the hon. member for York South—Weston, and of course we have heard from the Minister of Justice.

According to what I have heard there are two judgments, one in conflict with the other. The minister has said that the most recent judgment which came down yesterday or today is going to be appealed.

If I were to accept the argument that this is potentially a question of privilege, I would then be faced with having to decide whether on what I have heard there is a *prima facie* case of privilege. It would be very difficult to do so on the basis of two conflicting court judgments as of today, even if it were appropriate for the Speaker of the House to be sitting in judgment on the interpretation of two different judgments.

Both hon. members have suggested that the government ought to take the matter immediately to the Supreme Court of Canada. That is a matter of policy and a matter of argument, but I do not think it is a question

in which the Speaker of the House of Commons can order the government to do that.

Certainly today, as the situation stands, I do not feel that there is a sufficient case made for the Speaker to say that there is a *prima facie* case of contempt against the House, which of course would then go to the House for a vote and then, if the vote passed, it would go to a committee.

There are some obvious interesting procedural aspects to all of this to contemplate in the event that the situation did lead to a *prima facie* case of contempt. At least today, I do not think the Chair has to get into that.

I thank hon. members for their intervention. I thank the hon. minister. These are interesting and intriguing arguments that have been put forward. I do not think it would be appropriate for the Chair to intervene at this time.

Mr. Nunziata: Mr. Speaker, I do not intend to belabour the point, but the previous question of privilege suggested that there was a contempt of Parliament by the actions of the government. I would like to approach it from a different perspective.

The ruling of the Superior Court of New Brunswick is no ordinary matter. It is not an ordinary matter dealing with a law of this Parliament. I would suggest to you, Mr. Speaker, that our privileges are affected because the very work, the very authority of this House has been put into question, not by an inferior court appointed by a provincial government, but a Superior Court appointed by this Parliament. It is a federally appointed court in the province of New Brunswick.

The minister suggests that because there are conflicting opinions, somehow the decision of the court in New Brunswick has been neutralized. What if the court decision in New Brunswick was the only decision we were dealing with? Would the position of this House be any different?

Mr. Speaker, my respectful submission to you is that because a single Superior Court has called into question the issue of the eight senators appointed by the government, it also calls into question the legitimacy and the authority of the House of Commons. As we speak today, this judgment, this ruling, which is significant, suggests that we may be improperly constituted. Surely if there was ever a breach of privilege, it is the suggestion by a court that we are illegitimately deliberating here in the House of Commons because that court has called into