

Administration of Justice

with this house—indeed, it apparently remains on the floor of this house—until we do something about it. Even though I find that flaw in the argument advanced by the hon. member for Edmonton West, I agree with him that we should do something about this situation, and do it quickly.

You have ruled, Mr. Speaker, and I agree with you completely, that the only kind of motion that is in order at the present time is a motion based on the question of privilege that is before us. I thought, until I saw yesterday's *Votes and Proceedings*, that we were still on the question of privilege raised last Thursday by the hon. member for Calgary North, but I take it that officially we are now on the question of privilege raised yesterday by the hon. member for Kamloops. In any event, it is the same general question.

I read again two sentences read just now by the hon. member for Medicine Hat from citation 113 of *Beauchesne*, fourth edition:

A question of privilege ought rarely to come up in parliament. It should be dealt with by a motion giving the house power to impose a reparation or apply a remedy.

This confirms what you have said many times, Mr. Speaker, that we should not still be debating this matter unless there is placed before us a motion based on the question of privilege that has been raised. I submit, if I may quote just part of that sentence from *Beauchesne*, that what the hon. member for Edmonton West has proposed is a motion to "apply a remedy" to the question of privilege that has paralysed the business of this house. It is a proposal that it go off the floor to a special committee of seven to see whether that committee cannot agree on something that might be acceptable to all sections of the house.

Mr. MacEachen: Mr. Speaker, may I ask the hon. gentleman a question?

Mr. Knowles: Yes.

Mr. MacEachen: Is the hon. member suggesting that the matter of the order in council and the consideration of its terms of reference be sent to a committee or that the procedural impasse with which the house is gripped be sent to a committee for advice and recommendation? I should like his clarification on this particular aspect.

Mr. Knowles: I do not know whether the hon. member for Edmonton West intended to make this distinction, but I think he did

[Mr. Knowles.]

when he used the phrase "terms of reference of the order in council" and not the phrase "the order in council" itself. It is something like the distinction that we make on second reading of a bill between the bill and the subject matter of the bill.

I submit that there is no challenge in this motion to the unquestioned authority of the executive to pass an order in council. The executive had the authority, it passed it and at the moment it is part of the law of this land. It is also possible, of course, for parliament to try to persuade the executive to change that order in council. I remind the government that this was done in the Rivard case. After certain appeals from this side of the house the government passed an order in council setting up the Dorion commission, but as a result of negotiations, the letter from my friend, the hon. member for Greenwood, to the Secretary of State for External Affairs, questions and debate on the floor of the house, the original order in council was amended by the passing of another order in council.

I would say to the Minister of National Health and Welfare that this is the course I see this matter taking. I do not think the house by a motion and decision, say on Thursday afternoon, can amend the order in council or tell the government what it must do. But this is a means by which we can make known to the government our general desire for a change as we did in the Rivard case, and the result of this could be an awareness on the part of the government that it would be a good idea to amend the order in council along the lines proposed by the seven-man committee.

I recognize that there are deficiencies in this amendment. I think the requirement that a recommendation be made back to this house for decision raises a very interesting point, especially the words "for decision". But surely the overriding fact is that for the fourth day in a row parliament is paralysed by an unusual situation, and if we are presented with a motion based on the question of privilege which seeks to apply a remedy to this situation I think Your Honour should allow the house to vote on the motion and say whether or not we accept this remedy.

Before I sit down, Mr. Speaker, I want to say something along the lines of the concluding remarks of the hon. member for Medicine Hat. I think we have reached one good point in this sorry mess in that we are now discussing a precise motion. Whatever happens from