

● (1600)

Mr. Lambert: Madam Speaker, I rise on a point of order.

Madam Speaker: Order, please. I was telling the hon. member for St. John's West that his case was not as good as the other Crosbie case to whom privileges of the House were extended. He was not even a member of the House; he was a witness assigned to a particular case. As he was threatened with arrest and would not then be able to testify, the privileges of the House were extended to him. That is not the proper quotation, nor is it an argument that I can take into account in ruling on his question of privilege.

I will have to rule on both questions of privilege separately. I will start with the one raised by the hon. member for St. John's West. Again, the hon. member is referring to the impropriety or to the legality of something or to doubts about its constitutionality. It is quite clear in the Standing Orders that the Speaker cannot rule on the constitutionality of a particular question being discussed in the House. That is not for the Speaker to determine; it is for other authorities in other arenas to have that discussion, certainly not for the Speaker.

The hon. member for St. John's East (Mr. McGrath) also argued questions of legality and questions of constitutionality on which I feel very strongly that I cannot make a pronouncement. I cannot determine these.

Of course, there might be a political argument that the minister should not proceed at this time, but that political argument would be more properly made if and when the motion comes before the House. Both members feel that they are being asked by this House to do something which is illegal and which reflects on their function as a Member of Parliament.

An hon. Member: The court has decided.

Madam Speaker: They know all too well that even if the House were asking them to do something which they feel is illegal or improper, they have the means to deal with it. They will be called upon to vote on such matters.

Some hon. Members: No.

Madam Speaker: I cannot determine that a question is proper or improper. Hon. members are not impeded, nor will they be impeded, from expressing their opinions if and when that motion comes before the House. If they were, I would consider that to be a privilege on which to vote when the proper time comes to do so. Therefore, I cannot find in these two cases a prima facie case of privilege.

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POINT OF ORDER

MR. HNATYSHYN—RIGHT OF MEMBERS TO BE HEARD

Hon. Ray Hnatyshyn (Saskatoon West): Madam Speaker, I rise on a point of order. I want to choose my words very

Point of Order—Mr. Hnatyshyn

carefully because I do not want to reflect on the position of the Speaker of this House. It is one which is regarded by members of Parliament with the greatest degree of care. However, I want to underline that the issues we are now discussing, in terms of the point of privilege raised by the hon. member for St. John's East (Mr. McGrath), are matters on which there should be no question to Madam Speaker or to the people of Canada. They are points on which our party is determined to deal with the greatest of resolve as we see appropriate on behalf of our constituents.

Some hon. Members: Hear, hear!

Mr. Hnatyshyn: Madam Speaker, before you rose to pass judgment on this matter, I sought the floor on a point of order to request the opportunity to address myself to the specific points of privilege raised by my colleagues.

Madam Speaker, we all know what the rules are. It is so terribly important for you to listen to points of order and requests from the floor with a degree of flexibility, because we recognize there is no appeal from your decision.

Mr. McGrath: We have made you infallible.

Mr. Hnatyshyn: As a result, if this House is to function, you should err on the side of listening to points of privilege and the supporting arguments in favour of points of privilege to assure that it cannot be said of you, as Speaker, that somehow you rule arbitrarily after hearing one or maybe two members. Members on the government side take this lightly and laugh and jeer, but I can tell them that the people of my constituency and across Canada are not laughing at the government now.

Mr. Pinard: Order.

Mr. Hnatyshyn: My contribution may not have swayed your decision, but I felt I had germane comments to bring forward. If we are to have order in this House, I simply ask and I plead with you to let me know what the rules are going to be. If I feel I have some contribution to make to the debate, am I going to be deprived from making it because I am not the first person to rise? Must I come forward with a new question of privilege every time I want to speak in this House? What will the rules be? I would like to know and I think the rest of the members want to know.

Some hon. Members: Hear, hear!

Madam Speaker: I think I can enlighten the hon. member on what the rules are going to be. The rules are quite clear. In listening to questions of privilege, the Speaker may determine at what time she feels she is sufficiently informed. I explained a while ago, before the hon. member rose on his point of order, why I felt I could rule at that time, namely, that I had already heard one similar question on which I had ruled, and these two questions of privilege were very similar to that on which I had ruled. Therefore, having listened to both arguments, I decided I could make a ruling.