

or failures. Indeed, I think it is our responsibility as parliamentarians to do so. I do not know of any other avenue by which that could be accomplished, except perhaps by a referral of the question of privilege to the Committee on Privileges and Elections.

I believe too, Sir, that in your subsequent comments about this, dealing with it on procedural grounds by virtue of the debate before us today—and I do not want to take licence with your comments—you indicated that there might be legal recourse by an hon. member as an individual or, indeed, by, and I believe you used the words, “any other citizens”. That implies to me belief in what I feel is the real problem. The hon. member for Ontario referred to this. At some stage—and we do not know the timing on this—an individual citizen or indeed a member could take this report to the courts and cast at least in doubt the whole process proceeding to or flowing from the next federal election, particularly for the members from Ontario.

● (1520)

However, I suggest that if their situation were in doubt, this might indeed cast a reflection on the whole election because, although we are dealing with the commission for Ontario and its failure to give us a basis in law for the boundaries for the next election, I suggest that could have an effect on all the members from all across the country because of the relationship of the numbers involved to the precise constitutional requirements. Indeed, the new Readjustment Act sets the number of members for various provinces. So, I do not think it is just a matter for Ontario. I believe it is a serious matter which should be resolved. It all hinges on whether or not there was indeed an omission or a failure on the part of the Ontario Electoral Boundaries Commission to fulfil its obligation as indicated by an Act of Parliament which did instruct it to give reasons.

Also, there is a definition for the word “recommendation” which I believe establishes that there has been this failure in connection with this report and in the previous actions of the commission before public hearings. I do not believe we can leave this doubt around until the next election or until some private citizen or even individual member clears it up by referral to the court. Surely, since we are not dealing with an Act administered by the government but with one of those few commissions, agencies or organizations which report directly to Parliament and is appointed by Parliament, we cannot leave this report in the dubious state in which I certainly feel it now exists.

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, when you made your ruling on Friday on the point of order raised on Thursday by the hon. member for Thunder Bay (Mr. Penner) I thought that was the end of this issue. I thought of doing a bit of research but under the circumstances the research I had planned on doing did not get done. However, I have some rather strong views on the question raised today by the hon. member for Ontario (Mr. Cafik) supported by the Minister of Manpower and Immigration (Mr. Andras).

Before I get into what I want to say I must make the comment that some of the words being used today remind me of the debates we used to have in the old days when redistribution was done by a committee of Parliament.

Privilege—Mr. Cafik

During the days when that method was so distasteful that the proposal was being made that we should have an independent commission, one of the arguments advanced against such a commission was that the seats in parliament were the concern of members of parliament and that this was an internal matter. That argument has been advanced today; that is, that the composition of parliament is an internal matter and that what is involved here affects the privileges of all members of this House.

What we are talking about is the next parliament, the thirty-first and thirty-second. These are parliaments that belong to the people of Canada. They do not belong to us. We do not have vested rights in the seats we now hold or in any changes which may be made in those seats. A previous parliament decided that this fact should be recognized by the referral of this matter to independent commissions. Some of us wanted those commissions to be completely independent of the idea that members should have their say in any way. We have this provision for the filing of objections and the discussions that are to take place today and tomorrow. It was a bit of a concession. However, I insist on the fundamental fact that parliamentary seats do not belong to those who happen to be here but to the people of Canada and that the seats which are to be determined for the next election and the election after that are not for us to decide. We have recognized that fact by appointing independent commissions.

Perhaps I should say at this point that I am a bit puzzled by the repeated reference to the fact that the Ontario Commission gave no reasons for its report that has been laid before parliament. It seems to me that is a matter of opinion or of definition. I find on pages 3 and 4 of the Ontario report under the heading “Schedule B” the subtitle “Reasons for the Original Proposed Boundaries”. There then follow 2, 3, 4 or 5 paragraphs and some subparagraphs. Those reasons may not satisfy the members for Ontario. The members for Ontario may feel that the commissioners did not go into sufficient detail. However, I think the argument that the law is being ignored and that this House is being given a report without any reasons does not stand up. As I say there are reasons, limited though they may be, in the report as I have indicated on pages 3 and 4.

Sir, you made the point the other day that what is involved here, if anything is involved, is a point of law. When the day comes when we get Mr. Speaker to rule on points of law both he and this House will be in a great deal of trouble. I do not think members should try to get around that by saying that parliament has given orders to a commission, that there has been a parliamentary direction to the independent commission for Ontario. Sir, we sometimes set up committees or bodies to which we give instructions, but that is not what happened in this case. We passed the statute just as we have passed other statutes. Once we have passed a statute and it becomes the law of the land, it is not ours to judge whether that law is being fulfilled. If the law is not being fulfilled, that is a matter for the courts. I think the ruling you gave on Friday in that regard is perfectly correct. The hon. member for Ontario in his submission today, among other words, used the word “legality”. If there is something here which is not in keeping with the legality of the situation, it is not for us to do something about it. The laws we pass frequently get