

Inquiries of the Ministry

matter with all possible sympathy and as objectively as I could, I thought there was not a prima facie question of privilege.

Since the hon. member for Peace River put his motion on the order paper I have, of course, had to consider again whether the motion as drafted and placed on the order paper actually amounted to a privileged motion because, if that were so, it would have to be given priority. This was why I said to the hon. member for Oxford immediately at the outset of his remarks that the matter had to be considered because the decision in respect of a debate has to be made immediately.

The hon. member for Peace River gave notice of his motion the day before yesterday and I had to consider what place it should be given on the order paper. Again I spent a considerable amount of time reflecting on the matter and considering all its procedural aspects. The decision I reached at that point, which is obvious because of the priority given to the motion on the order paper, and which I am afraid I have to tell hon. members I have to stand by, was that there was not a prima facie case of privilege.

I could give citations, which I had to look into of course when a decision had to be made in connection with the motion of the hon. member for Peace River. I would think hon. members would want to refer them to the well known decision of Mr. Speaker Michener which is recorded at pages 581 to 586 of the *Journals* for Friday, June 19, 1959, and which I have quoted very often.

I am making strictly a procedural decision. Should this matter be debated again today but this time as a question of privilege? My suggestion to hon. members is that if there is to be further or continued debate on this very important matter, it should not be done under the guise or under the umbrella of a question of privilege. In the way in which the motion has been set down by the hon. member for Peace River it is essentially, as I see it, a non-confidence motion, a censure motion, if you will, which ought to be debated either as a formal substantive motion, on which the usual private member's notice has to be given, or as a supply motion which would require a vote of the House of Commons. I really do not see how the matter could come before the House at any time except in this way, unless by agreement among all members.

I respectfully suggest to hon. members that I have looked at the matter objectively and in a spirit of co-operation with hon. members on both sides of the House. This is evidenced, I think, by the fact that yesterday I agreed there should be a debate under Standing Order 26. But I do not think it would be procedurally correct to have a further debate under the Standing Order which provides for a privileged debate.

Mr. Baldwin: Mr. Speaker, we feel that the decision Your Honour gave yesterday in permitting the debate was a wise and proper one, but I think we are now in a different situation as a result of remarks made in that debate last night. Surely the purpose of an emergency debate on an issue so important and critical is to see what position is taken by hon. members. The rules do not permit a vote. Of course that is what the House has decided. However, as a result of statements made by the minister yesterday and repeated in effect by the Acting

[Mr. Speaker.]

Prime Minister today a new situation has developed and we now know publicly by a declaration that the government intends to continue to refuse to obey the law.

An hon. Member: Right.

Some hon. Members: Hear, hear!

Mr. Speaker: Order, please. Of course I do not wish to interrupt the hon. member for Peace River except perhaps for a moment. I should like to invite him to indicate what his point is. My thought is that the only question that is before the Chair now is whether there is a prima facie case of privilege. I have told all hon. members to the best of my ability and as clearly as I could—I know that is not always as clear as it might be—that I cannot honestly and fairly come to that conclusion. I have looked into the matter and, even if the hon. member says that a very serious situation has been indicated by statements made in this House, I was able to reach no other conclusion than that the matter should not be debated and considered by way of a question of privilege. I have indicated why I have reached that conclusion and made the ruling that there is no prima facie case of privilege. If the hon. member is trying to persuade the Chair there is a question of privilege, I do not think that would be in order. He may have other suggestions to make, perhaps on his own question of privilege or point of order, and I will hear him of course.

Mr. Baldwin: Mr. Speaker, I was leading up to that because Your Honour was good enough to indicate that you had examined the terms of the motion I had filed. It is because of the situation which developed that I filed that motion. In my opinion, it is a motion of censure or a motion of impeachment. Your Honour may want to hear argument on that point later. I do not propose at this stage to become involved in a long and difficult argument. I filed the motion reserving to myself, as I thought, the right to advance argument to indicate that if this motion satisfied your Honour, then under the circumstances it should be debated as a substantive motion. I thought, after listening to what the hon. member for Oxford said, that he tried to reach that same objective by a different route. I simply say that I am reserving that right for a later stage. But I do say, if the House agrees, that in view of the continuance of this serious situation, not only in western Canada but all over the nation, involving the continuing refusal of the government to obey the law, I believe some opportunity should be given to test, by recorded vote, the views of members of the House.

• (Noon)

Some hon. Members: Hear, hear!

Mr. Speaker: I fully appreciate the position as explained by the hon. member for Peace River, and I see that his approach is not the same as that taken by the hon. member for Oxford. Of course, the hon. member does not have to reserve the right to make that argument. He can always rise on a point of order to make an argument and he would be heard by the Chair, as he knows.

I think that, in the circumstances, there is no point in pursuing further the point raised by the hon. member for Oxford.