

HOUSE OF COMMONS

Thursday, December 4, 1969

The house met at 2 p.m.

BUSINESS OF THE HOUSE

POSITION ON ORDER PAPER OF MOTION OF
MEMBER FOR ST. JOHN'S EAST

Mr. James A. McGrath (St. John's East): Mr. Speaker, I rise on a point of order with regard to notice of motion No. 46 which appears on today's order paper under Private Members' Notices of Motions. I shall endeavour to be brief, Mr. Speaker.

To propose that a private member's notice of motion on a question of privilege should rank as a private member's notice of motion on the order paper is to accept two propositions which in my view must be repugnant to this House. The first proposition is that privilege can be divided into government questions of privilege and private members' questions of privilege. A member of the government front bench who raises a question of privilege by this method is to have an absolute priority by having his question considered as government business. On the other hand, a private member raising an identical question of privilege is to be given the priority, if it can be called that, of a private member. I find it disturbing that such thinking should exist.

It seems to me the second proposition is founded upon what would appear to be an amazing lack of knowledge and appreciation of the principles of privilege. Any question of privilege concerns the privilege of the members of the House collectively and not that alone of the member raising it. Questions of privilege cannot be divided into questions of privilege that affect members of the government and questions of privilege that affect "the others", and here, Mr. Speaker, I am speaking for the others.

Another principle of privilege is its urgency which compels the raising of it at the first opportunity. If a private member puts his question of privilege by way of notice of motion, knowing that he will be put on a list that precludes his question from coming up

for weeks or months ahead, he has in fact denied the urgency of his question and thereby proved that his question is not one of privilege. Again I find it disturbing to private members that such thinking should exist.

I could have raised this question of privilege yesterday, Mr. Speaker. I was aware, however, that another member intended to raise a question of privilege and that leave would be asked to put a motion under Standing Order 26. Rather than intrude further upon the business of the House, and because my question of privilege involved a continuing breach, I quite properly availed myself of the new method of proceeding by way of Standing Order 42. It would appear that because of the treatment my question of privilege has received it is obvious that no private member will so proceed again unless we have a ruling from Your Honour.

May I be permitted to say, Mr. Speaker, as the member of this House for St. John's East, that I consider myself one amongst equals and hence expect to be treated accordingly.

Therefore, Mr. Speaker, I would ask you to make a ruling on this matter which I consider to be one of some urgency. I would hope that other hon. members would assist Your Honour in arriving at a ruling, not only the experts in the House but other hon. members as well who have some stake in this matter.

Mr. G. W. Baldwin (Peace River): Mr. Speaker, I rise not as one of the experts to whom the hon. member alluded but as one who has had the experience earlier this year of having his notice of motion put in a place where it should not be. Therefore I approach Your Honour with some experience in that regard.

One of the difficulties about this matter is the fundamental misapprehension about the time of this House. The feeling is held among a considerable number of members, particularly some of those ornaments on the front benches on the other side, that the time of this House belongs to the government. This is not so.

Some hon. Members: Hear, hear.

Mr. Baldwin: The time of this House belongs to the House. The House, as it sees fit,