

*Privilege—Mr. Kilgour*

touch individuals or groups of Members of Parliament. We cannot vote for those resolutions because they violate our personal oaths which were referred to by the hon. member for Durham-Northumberland. They violate a concept of propriety, a concept of equality of the sexes, or whatever. I appreciate the fact that you may feel that the cases of the hon. member for Durham-Northumberland, the hon. member for Nepean-Carleton (Mr. Baker) and my own are not distinguishable. I submit that every day in this land there are cases of impaired drivers. There are about 10,000 such cases a year in the courts and every one is distinguishable on the facts. I submit, on the same basis, that the cases of the hon. member for Durham-Northumberland, the hon. member for Nepean-Carleton and myself may be distinguishable on the facts. May I simply put my own situation which I believe is different from that of the other two members to whom I just referred.

May I first refer briefly to the letter I wrote Your Honour. I quote:

The subject matter is that the government's constitutional package is requiring me to violate the oath I took when admitted to the bars of British Columbia, Manitoba and Alberta, all of which require me to uphold the rule of law.

**Mr. Blais:** On a point of order, Madam Speaker. The hon. member is basing his argument on exactly the same foundation alleged by all the other lawyers, the glorified gentlemen in the opposition. I suggest it is another piece of evidence in the obstruction puzzle for which the opposition is laying the groundwork.

● (1730)

**Mr. Kilgour:** The barrister's oath in Alberta says, and I quote:

"That I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II—"

**Madam Speaker:** Order. I have made it quite clear that arguments regarding oaths of members of the bar of any province are not relevant. I have assured hon. members that if they were doing something in this House which was in conflict with those particular oaths, they would be protected by the House, so I cannot accept that argument. I ask the hon. member not to develop it. It has been developed twice, and I have said twice that it is not relevant.

**Mr. Kilgour:** Madam Speaker, I will leave that one.

The hon. member for Nepean-Carleton referred to the code of professional conduct of the Canadian Bar Association. He referred to the chapter dealing with the lawyer in public office. If I may, I wish to refer to the chapter dealing with the lawyer in the administration of justice. Will Your Honour permit me to speak about that?

I point out to hon. members opposite who are lawyers, but may not be aware of it, that the chapter says, and I quote:

The lawyer should encourage public respect for and try to improve the administration of justice.

It talks about a basic commitment to the concept of equal justice for all within an open, ordered and impartial system. The important part is this:

—judicial institutions will not function effectively unless they command the respect of the public . . . because of changes in human affairs—

And so forth. It talks about a duty to the court.

**Mr. Cossitt:** Madam Speaker, I rise on a point of order. I am sorry to interrupt the hon. member, but just a moment ago the Minister of Supply and Services (Mr. Blais) rose on a point of order and, if I heard him correctly, he used the word "obstruct" or "obstructionist". According to page 109 of Beauchesne's rules, that has clearly been established as an unparliamentary word, and the references are *House of Commons Debates* of November 19, 1957 and May 6, 1961.

**Madam Speaker:** Order. I already ruled on that at a time when the hon. member probably was not in the House. The word "obstruct" is in both lists of Beauchesne, so my second method of determining whether that is unparliamentary is to look at the context and to look at some other precedents which I quoted from Erskine May. When the word "obstruct" or "obstructionist" is applied to a group of people or to a party and not to a person, it is not considered to be unparliamentary. I have such doubts about the use of that verb, which is so useful in a debate, that I would say that it is only in very, very rare circumstances that it would be considered to be unparliamentary.

**Mr. Stevens:** Madam Speaker, I rise on a point of order. I intended to rise on a point of order just after the hon. member for Edmonton-Strathcona (Mr. Kilgour), but now that this matter has been touched on again, let me remind Your Honour that you indicated, in response to my last point of order concerning the unparliamentary statement made by the Minister of Supply and Services (Mr. Blais), that you would consult the blues. I have had an opportunity to consult the blues now, and, in addition to what I have already put on the record, I point out that the Minister of Supply and Services made a second unparliamentary statement in reference to me.

In response to my question, "Who does he feel is the obstructionist in this House," he replied, "Madam Speaker, I would point out that the hon. member who has just spoken is part of the attempt to obstruct the business of the House because—" And then he went on. That phrase was found to be unparliamentary on November 19, 1957 at page 1295. At that time a Mr. Broome was speaking in the House of Commons. He said:

Our hon. friends over there on the other side of the House are doing as much as they can to harass—

And so forth.

—and to obstruct the operation of government—

**MR. SPEAKER:** Order. I would remind the hon. member that we are speaking on an amendment which has to do with health . . . May I also say that I do not consider it to be according to the best parliamentary practice to impute motives to hon. members and say that their actions are simply to obstruct. I would ask the hon. member to revise that statement.