

Privilege—Mr. McGrath

explanatory note could be longer and provide more information. But surely that is one of the purposes of a committee hearing—so that all the information with regard to a clause in a bill or a regulation made under it can be explained.

I concede that as a courtesy to the committee, having put this regulation through, I should have said to them, "By the way, the regulation which is needed in order to deal with all the hundreds of thousands of employers who have to get their computers and books in order, the Department of National Revenue which has to prepare its schedules, the Department of Supply and Services which sends out hundreds, probably millions, of cheques in a year—the regulation to give them the necessary authority has been put through, and the regulation derived its statutory authority from the present act." Again I say there was no attempt to mislead or usurp authority. The regulation does not stand in the place of clause 2 of the bill. It performs a totally different function and on that basis I can hardly visualize your finding there is a question of privilege or that there has been contempt for members of this House.

Mr. Speaker: Order, please. At this point I see four other members who want to contribute to this discussion. I have no way of stopping them, but I wonder whether hon. members understand the limitation placed upon the Chair in this kind of argument. It is not a question whether the Chair accepts the proposition put forward by the minister or by the hon. member for St. John's East (Mr. McGrath). This is a procedural problem, a question of privilege, and there are severe limitations on the authority of the Chair with respect to procedure. Whether the minister is correct or not in saying that the section and the regulation have two different purposes is not for me to judge on procedural grounds.

It is not my function to make a legal decision—to interpret the act and say, "This is the right interpretation, and that is wrong".

As long as the minister takes a position and says to the House, as he has done, that the section and the order in council have different purposes, it seems to me I am powerless to examine the matter further. There may be other grievances, other remedies which can be taken with respect to them, but we all have to recognize that rather severe procedural limitations are placed upon my ability to resolve this problem. I am prepared to listen to other contributions but I do not know they will get us anywhere.

We have a motion on the order paper with regard to social insurance numbers, we are rapidly running out of time, and I believe there are some important contributions to be made to that debate. I seek the indulgence of the House. If the House is satisfied I have heard all the argument I need to hear, and that other argument may be somewhat repetitious, I would think that either now, or very soon, I should be permitted to reserve my decision on this matter and consider over the weekend whether my initial impressions are wrong. I shall do that very studiously, but if my initial impressions are right I will make my ruling on Monday.

[Mr. Cullen.]

Unless there are some areas relative to what I have just said and from which I might get some helpful contributions, I would like to bring the discussion to a close because there are other questions of privilege of which I have received notice, one from the hon. member for Champlain (Mr. Matte) and another from the hon. member for York-Scarborough (Mr. McCrossan)—it is on the same subject as this one. I leave the matter in the hands of the House.

Mr. Walter Baker (Grenville-Carleton): Mr. Speaker, I have just two things to say with respect to this matter and perhaps, in a way, they will be helpful to the Chair. The first is this. I do not think we can ever reasonably argue, as the minister tried to do, with respect to the reviewing of the *Canada Gazette*, that it is always the responsibility of everyone when dealing with matters of this nature to make the assumption that the government has done something wrong and that the research offices must therefore search everything out to confirm that the government has done something wrong. That is the essence of what the hon. gentleman said. Surely that is not a tenable point.

The second matter I should like to raise is whether or not this subject should be referred in some way, either to the Standing Committee on Privileges and Elections, as set forward, or, perhaps, to the statutory instruments committee. This was one of the points you raised, Mr. Speaker. As the seconder of the motion in the name of the hon. member for St. John's East (Mr. McGrath) I am pleased to say that if that latter suggestion meets with Your Honour's approval as you consider the matter over the weekend, I would concur. I would go one step further and encourage you with respect to that course of action, because the committee was established precisely in order to deal with questions of this nature. It is well equipped, both in terms of counsel and of expertise—I need look to none other than the hon. member for Peace River (Mr. Baldwin) as the expert in this House to deal with an issue of this kind.

I rise with respect to the procedural aspect so that Your Honour may know that as a seconder I would concur if you felt, over the weekend, that that should be done.

Mr. Arnold Peters (Timiskaming): Mr. Speaker, I feel very strongly about this question of privilege because I believe it affects all members of parliament in a very real way. If the department felt it had the necessary authority to pass this regulation, it should not have shown the contempt of asking a committee to look at it.

The order in council was passed on October 26 and published on November 8. The committee has not met. Either that regulation was legal or it was illegal. If it was legal, parliament should not have been faced with the problem. If it was illegal and they wanted parliament to endorse something to make it legal, and the committee had decided not to do that and abolish clause 2 or vote against clause 2, then parliament would have made one decision and the department would still be saying that the regulations were legal and would be left in place. I know of no case where departmental officials have