

It is my contention that what we are talking about here does not fall into that category. We are not talking about the procedural aspects of Bill C-243, which was accepted, I might say, by the officers of the Table and was printed. This has not been the first Parliament in which this bill has been introduced; I remember making my maiden speech on this very bill.

An hon. Member: You are not the only one.

Mr. Collenette: Many have done so, because the hon. member for Winnipeg North Centre has been trying very valiantly, through the years, to get this piece of legislation passed by the House of Commons.

I would argue that on precedent alone, this bill has been admitted in other Parliaments, and it should not now be cited as inadmissible because the Supreme Court of Canada made an interpretation of a bill that was not, to my knowledge, and I stand to be corrected, given second reading. Bill C-60 was simply introduced and it went to committee for preliminary study. I stand to be corrected. I should know because I was on that committee, but all the things we have to remember sometimes become clouded. In that case there was no onus on the government to make a reference of Bill C-60, but the government accepted the wishes of the majority of members on that committee to make such a reference, and the Supreme Court of Canada ruled. But that was only on the eventuality that Bill C-60 would pass, and it dealt only with those sections relating to a change in the composition of the Senate.

● (1740)

I understand the concerns of my friend, the hon. member for Vaudreuil. I hope we do not make what I would say would be an improper decision, and rule this bill out of order after it has been introduced. It has been on the Order Paper. It has been debated in other years. I hope we do not take that decision for reasons which are really outside the control of this House and outside the Standing Orders of this House.

Mr. Knowles: Mr. Speaker—

The Acting Speaker (Mr. Blaker): I presume the hon. member for Winnipeg North Centre (Mr. Knowles) is rising on the same point of order rather than to debate the bill.

Mr. Knowles: That is right, Mr. Speaker. If Black Rod comes on time, I shall not have to talk very long. If he is late, as he usually is, we shall fill in the time.

The Parliamentary Secretary to the President of the Privy Council (Mr. Collenette) said he made his maiden speech on this bill. Others have done so as well. It is quite true that I have been trying to get rid of the Senate for a long time. Some members have said to me, "Shouldn't you give up? You have been trying all these years, and it is still there." At least I can say that of those who were in the Senate when I first came here, only two are still there, so I have almost got rid of the Senate as I knew it. The trouble is that there are too many willing volunteers who are ready to go over and take the places of those who pass on.

Private Members' Business

Mr. Nielsen: I know one who is not.

Mr. Knowles: Yes. You are looking at him.

This question falls into at least two parts. One relates to the responsibilities or prerogatives of the Chair in a case like this. The other is the question which my friend, the hon. member for Vaudreuil (Mr. Herbert), raised, and he rather surprised me. I thought he was a democrat. Obviously he is not a New Democrat, but I thought he believed in free discussion and so forth. However, I shall come to that in a moment.

So far as the Chair is concerned there are a couple of very clear citations in Beauchesne's fifth edition, as they have been in all editions. This one appears on page 38. It is citation 117(6) and reads as follows:

The Speaker will not give a decision upon a constitutional question nor decide a question of law, though the same may be raised on a point of order or privilege.

So my friend, the hon. member for Vaudreuil, had the right to raise the point, but I am afraid the citations are very clear, that you, Mr. Speaker, do not have the authority to rule on a constitutional question.

There is another one in the book on another page, but actually it is the same citation. It is in the same words exactly, except it is based on a different occasion when the Speaker so pronounced.

I put it to you, would the Chair not be in an impossible position if every time a bill were introduced, whether it was by a private member or by the government, the Chair had to decide whether it was legal, whether it was constitutional or whether, if both Houses of Parliament passed it and the Governor General agreed to it, the courts would strike it down?

As I say, that is such an impossible position I am not surprised the citations in Beauchesne's fifth edition are as short as they are.

I know I went over all this at the beginning of this session. Last April or May when I filed the bill, there were those in certain positions who thought I should not even be able to put the bill into the draw because of the Supreme Court of Canada ruling on Bill C-60. I discussed it with officials concerned with this sort of matter. I discussed it at length with Madam Speaker and, in the end, she seemed to agree with me. She is not here to confirm what I am saying, but I think it is fair to say that she seemed to agree with me that she did not have the right to stop me from putting in the bill. I know that when bills were given first reading there was the caveat with respect to all of them that points of order could be raised at second reading. At any rate, we went over all this argument, as I say, last April or May, as to the right of a member to put in a bill. I submit that that is a clear right and it is not in the hands of the Speaker to say, no, this bill must not be proceeded with because it touches a constitutional question.

On the question of the rights of the courts, it has been pretty well indicated by the Parliamentary Secretary to the President of the Privy Council and by the hon. member for Yukon (Mr. Nielsen) that the courts can interpret our legislation. The