

Administration of Justice

Mr. Speaker: I still feel that the issue is so important that the Chair should be given the opportunity to consider whether it should be debated in the House by way of a question of privilege or by way of a censure motion under Standing Order 43. It is certainly a point which is of interest to all hon. members, and I am prepared to accept the guidance of hon. members in this respect. Now that the hon. member for Winnipeg North Centre has given his views, perhaps other hon. members would like to give their views on the point of order, not on the substance of the matter. I would certainly be guided by their views.

Mr. G. W. Baldwin (Peace River): Mr. Speaker, I would like to put it simply that this House, when operating under the rule of unanimous consent, is the master of its own destiny and can do anything. With great respect, Sir, I put it that way. If the House feels free to do so, it can make an order of this kind so there can be a debate, and we can incorporate into it all that needs to be done to cure any defects that there might be, although I am not admitting that there are any defects.

Mr. Diefenbaker: Mr. Speaker, it is not a question of a charge being raised. It is simply the fact that we, in parliament having legislative responsibilities as members of the House of Commons, must realize that members of the bench, while they are subject to criticism and must always be so, must not have levied against them the suggestion that what they do in most cases is to make decisions that are not above reproach and not according to law. Such a view denies the rule of law, and acceptance of that would be the end so far as government in this country is concerned.

Mr. Speaker: Order, please. These comments go beyond the strictly procedural aspect of the matter. I am wondering whether other hon. members have additional comments.

Hon. Allan J. MacEachen (President of the Privy Council): Mr. Speaker, so far as we are concerned we are quite agreeable to having this motion put by unanimous consent if necessary, and we are agreeable to spending some time today in debate on the motion, but I would be very reluctant to agree to an arrangement today which would deprive the House of continuing the debate on the budget and reaching a vote this evening. I would be quite agreeable, on behalf of the government, to any arrangement that would provide for putting this motion today with a limited time for debate, and if the motion is not dealt with by the end of that time period we would then move on to the budget.

Mr. Diefenbaker: The hon. member for York South should have the opportunity of being here.

Mr. MacEachen: The right hon. gentleman mentions that it would be somewhat indelicate to proceed—

Mr. Diefenbaker: Improper.

Mr. MacEachen: —with the debate in the absence of the hon. member involved. Probably that leads us to the conclusion that we can agree to the acceptance of the motion but have it debated at a later time by arrangement.

Mr. Baldwin: By discussions.

[Mr. Knowles (Winnipeg North Centre).]

Mr. MacEachen: We can have discussions among the House leaders.

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, may I support what the government House leader has just said. If the House is agreed unanimously that this motion should be put, then I think Your Honour is protected and you are in a position to put it, but I do feel that the time to debate it should be the subject of arrangements among the various House leaders. I agree that the hon. member for York South ought himself to be here. He will be here this evening, and he will be here tomorrow. We could arrange amongst ourselves when the debate would be held, but we seem to be showing unanimity on the presentation of the motion.

• (1420)

Mr. Speaker: Order, please. The Chair still has serious doubts as to this kind of motion. May I point out again that if hon. members want to do something unanimously they have the right to do so but, as hon. members know from experience, from time to time the Chair has refused to put a motion to the House because in his view the motion was not in proper form. The Chair has to make a determination as to whether this motion really is a motion of privilege which ought to be moved under Standing Order 17 rather than a motion under Standing Order 43. I think we could get ourselves into quite serious difficulty under the terms of Standing Order 43 if hon. members try to bring matters to the House and to initiate debates which are essentially debates that will invite hon. members to consider the conduct of individual members of the House. It is such a serious matter that I still have reservations.

On the other hand, I am faced with the situation that the government House leader, the House leader of the official opposition and the hon. member for Winnipeg North Centre, speaking apparently on behalf of every member of the House, feel that the matter should be proceeded with. I hesitate to stand in the way of all this unanimity and say that there should not be a debate. What I propose to do is to hold the matter in abeyance for an hour or two so that hon. members may consider when and how such a debate, if it is going to take place, ought to take place and then advise the Chair of the result of their deliberations and what the unanimous consent is of which they would like the Chair to apprise hon. members.

For the moment the Chair will hold the matter in abeyance on the understanding that there will be discussion between the representatives of the parties.

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OIL

PROPOSED TAPS TANKER ROUTE—REQUEST FOR UNANIMOUS CONSENT TO MOVE MOTION UNDER S.O. 43

Mr. Frank Howard (Skeena): Mr. Speaker, because of the high degree of unanimity expressed by hon. members I too seek to move a motion under Standing Order 43 about an extremely important matter. This motion relates to the proposal to move oil by tanker down the coast of