

Privilege—Mr. Lawrence

Therefore, because I am forced to take part in a debate, to take part in a decision to judge that, I feel that this very clearly affects my rights and privileges to act in a clear and unequivocal way in this House as a Member of Parliament and as a representative of the people who elected me here.

Some hon. Members: Hear, hear!

Madam Speaker: I will rule on that question of privilege before I hear points of order.

Mr. Stevens: Madam Speaker, I wanted to speak on my colleague's question of privilege.

Mr. Cousineau: Sit down.

Madam Speaker: I will not allow another speaker. There are too many speakers to be heard. I am sure that all the other members will canvass the argument.

An hon. Member: It does not matter how many there are.

Madam Speaker: I am prepared to rule on this question of privilege.

I have listened very carefully to the arguments which were put before me. The main request, which the hon. member made of me, was to postpone the resolution before the House of Commons for reasons that it is illegal and that it would place him in a very embarrassing situation with regard to the different oaths he has taken during the course of his life.

In order to postpone this particular measure, I would have to make a determination that the resolution is illegal or unconstitutional. I repeat to the hon. members of this House that it is not up to the Chair to determine the legality or the constitutionality of any particular measure. As a matter of fact, the Standing Orders are quite clear and they enjoin the Speaker not to do that.

The hon. member feels that although some of the terms of his question of privilege were "the same as or similar to"—and those were the words he used—the question of privilege raised before his, he thought that was immaterial because this particular question of privilege, in his words, "was personal". They all are. I did treat the question of privilege raised by the hon. member for Nepean-Carleton as personal. The fact that they are similar, or that they are the same is not immaterial. The only way for me to judge whether there is foundation for a question of privilege, is to look at them one by one.

The hon. member explained to me that a question of privilege should have precedence over all business of this House. That is precisely what I am doing. I am hearing questions of privilege first. We are dealing with these questions of privilege before any other matter which might be before this House. We are giving precedence to questions of privilege. That is exactly what we are doing this afternoon.

The hon. member feels that this resolution before the House will force him to discuss, debate or decide on something which is illegal or in conflict with other loyalties and other oaths he has taken in the course of his life. I repeat to him—and I think

I have to correct the hon. member—that as members of this House we are all equal and our responsibilities are equal.

Some hon. Members: Hear, hear!

Madam Speaker: I pointed out in my ruling that if I should discriminate in this House between those members who have taken an oath as members of the bar and those who have not, then that would be discriminatory. All members in this House of Commons are equal with regard to their responsibilities. Whatever responsibilities we have as fathers of five children, 15 children or as members of another society, is an added responsibility which is not, of course, covered by the rules of this House. It is not an argument that I can entertain. I cannot entertain it because it reflects on the equality of all of us in this House. First, in dealing with the point that this measure is forcing the hon. member to do something which is illegal, I say that I cannot determine whether it is illegal. Second, the hon. member is protected by any disciplinary measure which might be taken against him because he has taken part in a debate in the House of Commons. That is a provision which is 300 years old. It is the basis of parliamentary democracy, and contained in The Bill of Rights of 1688. We find that freedom of speech and debate and proceedings in Parliament ought not to be impeached or questioned in any court or place outside of Parliament.

If the hon. member were in any way harassed or brought before any other kind of tribunal because of something that he had done in this House, of course the House would want to protect him. We are all protected against that.

The hon. member has brought forward many arguments. He said this would be an attack on his integrity if he dealt with the matter which is before the House. The hon. member knows that in this House he has the opportunity of protecting his integrity by debating a question, by trying to amend to measure before the House, by arguing, by amending it and finally by voting against it. It is open to the hon. member to protect his integrity and to make sure that he does not have the kinds of conflicts he has evoked.

The hon. member has perhaps given us many arguments which might cause him to vote against this measure, but he has not given arguments that I can consider under the aegis of a question of privilege.

Therefore, I rule that the hon. member for Durham-Northumberland does not have a question of privilege.

● (1720)

MR. KILGOUR—SUGGESTED ILLEGALITY OF THE RESOLUTION ON THE CONSTITUTION

Mr. David Kilgour (Edmonton-Strathcona): Madam Speaker, we are obviously both going to think that my question of privilege will be very similar to the ones you just dealt with. May I start with your ruling. You indicated that you disagree with the hon. member for Durham-Northumberland (Mr. Lawrence) with respect to his question of privilege because it requires you to rule whether the measure is legal or illegal. With the greatest of respect, Sir Edward Coke established