

Privilege—Mr. W. Baker

I must adhere and by the rules of conduct of the Canadian Bar Association, to the extent that they can be pleaded against us in a breach—they have set a standard of conduct—are being placed in an invidious position with respect to the proposition which is being put to the House by the Prime Minister, namely, that we must—not necessarily support or reject, but must—deal with a matter which has been declared to be illegal and on which an appeal is now pending before the Supreme Court of Canada.

Finally, as an officer of the court I am put in a position which is different from the position of those who are not officers of the court. As an officer of the court I am bound by rules to uphold the integrity of the court. My duty to the court is important to me because I happen to be a member of the bar. The Minister of Justice, who is also a member of the bar, has a duty to the court as well. The Minister of Justice and the government—the Minister of Justice particularly because the resolution stands in his name—are in violation of their duty to the court—

Some hon. Members: Hear, hear!

● (1620)

Mr. Baker (Nepean-Carleton):—in putting that matter and suggesting that Parliament must deal with it, as the minister has said. It is still the government's position that we must deal with it before it goes to the Supreme Court of Canada.

Madam Speaker, in conclusion, none of us who is a Privy Councillor or a member of the bar will be in exactly the same position as members who are not if we are put in the position of having to deal or treat with this resolution in any way. The only way our particular rights and privileges can be dealt with—and some members may not feel so bound but I do; otherwise I would not have raised it—is if the matter is withdrawn now until the Supreme Court of Canada deals with it. There is nothing in that suggestion which departs from the idea of meeting and discussing how it would be dealt with later, but it can be withdrawn now. That is the proposition.

Mr. Collenette: Madam Speaker—

Madam Speaker: On the question of privilege?

Mr. Collenette: On this question of privilege.

Madam Speaker: We have several questions of privilege and therefore I do not think I would like to entertain another speaker on this particular one.

The hon. member for Nepean-Carleton understands that whether something is legal or illegal is not within my purview. Whether it is or not, I am sure the hon. member knows he has a privilege in this Parliament and if he, as he says, were forced to do something which is illegal through the actions of this Parliament, he would be protected precisely by that privilege. The House would protect him. That has to be the case because he is a member of the bar, and he would have to be disciplined precisely because he is a member of the bar and a member of the Privy Council. Other members would not be equal in this

House in the sense that the hon. member for Nepean-Carleton would be doing something illegal and another member who is not a lawyer would not be doing something illegal.

So the privilege to discuss matters freely in this House is protected; it goes back as far as 300 years ago. I quote from the British Bill of Rights:

—that the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place outside of Parliament.

I understand the hon. member's feelings about this question, but he would be free in this House to debate, amend or vote against whatever he feels is illegal or wrong. The point that he raises might be an argument for a course of action he may choose to follow if and when this question arises in the House, but it is not an argument that I can entertain as a question of privilege.

Mr. Collenette: Madam Speaker, since you have ruled on that question of privilege, may I ask at this time if the hon. member for Yukon (Mr. Nielsen) or somebody else on behalf of his party has checked to see whether or not we have the permission of those members who have given notice of privilege to defer consideration on that matter so we may proceed with the business of the day as described earlier?

Mr. Nielsen: Madam Speaker, I have indeed canvassed those members on this side. I gave the undertaking across the way and to the Chair that I would inform my House leader of the result, who in turn would inform the government House leader and that is what I intend to do. He has been on his feet and that is why I have not been able to do it until now.

* * *

[Translation]

POINT OF ORDER

MR. ROY—OMISSION IN OFFICIAL REPORT

Mr. Marcel Roy (Laval): On a point of order, Madam Speaker. During routine proceedings yesterday when you called presentation of reports from standing and special committees, I rose, sought and got unanimous consent to present the third report of the Special Committee on a National Trading Corporation and that report was concurred in. Madam Speaker, I note that the *Votes and Proceedings* indicate that indeed I was given unanimous consent when I presented the report, seconded by the hon. member for Huron-Bruce (Mr. Cardiff), for concurrence of the House.

I note as well that *Hansard* for yesterday does not even mention that this report received the concurrence of the House. I would like to make that correction immediately because it seems that, since the report does not appear as having been concurred in, the operations of this National Trading Corporation may have been interrupted pursuant to our terms of reference.