

# HOUSE OF COMMONS

Wednesday, September 8, 1971

The House met at 2 p.m.

## BUSINESS OF THE HOUSE

### NOTICE PAPER—INADVERTENT LISTING FOR INTRODUCTION OF BILL RESPECTING CHILDREN'S BENEFITS

**Mr. Speaker:** On the notice paper which is appended to this day's order paper hon. members will have noticed that there is listed for introduction at the next sitting of the House notice of a bill intituled "An act to provide for the payment of benefits in respect of children."

I must state to the House that because of a misunderstanding on the part of our officials who are ordinarily charged with the responsibility of preparing the notice paper this bill was inadvertently listed for introduction.

In most cases, copies of government bills and recommendations come into the hands of our officials prior to the actual posting of bills for introduction in the House. In that way, the officials of the House are able to carry out certain preparatory work in connection with such bills. However, a notice of that kind of bill does not go on the notice paper until an official notification and copy of the bill are received. In this case, no official copy of the bill or request for the posting of the bill was received.

The Chair appreciates the difficulties that may have been created, but I have no alternative but to strike the entry from the notice paper.

## PRIVILEGE

### MR. HOWARD (SKEENA)—REPLY BY MINISTER OF JUSTICE TO QUESTION CONCERNING USE OF WRITS OF ASSISTANCE

**Mr. Frank Howard (Skeena):** Mr. Speaker, I should like to raise a question of privilege with respect to the reply given yesterday to a question of mine by the Minister of Justice (Mr. Turner) when I inquired about a writ of assistance issued to a customs officer and used in Atlin in the northern part of British Columbia. I asked the minister to explain the reasons for the issuance of a writ of assistance which is in effect a blanket search warrant with power to seize, arrest, etc. Incidentally, I directed the question to the Minister of Justice or the Attorney General of Canada, whichever one had that responsibility—it is the same person—whichever office held the responsibility. The minister replied as follows:

Mr. Speaker, I am not aware of the particular facts in this instance, but the writs of assistance to which the hon. member refers were issued under the terms of the statute and under the authority of the Minister of National Revenue.

The applicable statute which was used and under which officers were appointed is the Customs Act. I checked and discovered that section 145 reads as follows:

A judge of the Exchequer Court of Canada may grant a writ of assistance to an officer upon the application of the Attorney General of Canada, and such writ shall remain in force for as long as the person named therein remains an officer, whether in the same capacity or not.

I would not normally have raised this matter as a question of privilege, but as we know that the Minister of Justice is the only cabinet minister who never makes a mistake I can only assume that he was trying to lead us off in another direction by saying that the responsibility was that of the Minister of National Revenue (Mr. Gray). If I were to found a motion on the question of privilege that the Minister of Justice gave inaccurate information, I think it would have to be that this House regrets that the Minister of Justice does not know what is going on in his own department.

• (2.10 p.m.)

**Mr. Speaker:** Order, please. I doubt whether any purpose is to be served in pursuing the matter. This is obviously a question of debate between the hon. member and the Minister of Justice. I would think that the normal course would be for the hon. member to ask the question again and see whether he gets the same or a different reply. At this time I suggest to him that a dispute as to fact cannot at any time in any circumstances found a legitimate question of privilege.

### MR. HEES—ONE HUNDREDTH BIRTHDAY OF COLONEL R. S. MCLAUGHLIN

**Hon. George Hees (Prince Edward-Hastings):** Mr. Speaker, I rise on a question of privilege to draw to the attention of the House that today is the celebration of the one hundredth birthday of a very distinguished Canadian, the man who founded the automobile industry in Canada and who has distinguished himself in many fields, a man of whom Canada is very proud, Colonel R. S. McLaughlin.

**Mr. Speaker:** Order, please. Is the hon. member for Peace River also rising on a question of privilege?

**Mr. Baldwin:** It could be a matter of privilege or it could be raised on motions.

**Mr. Speaker:** Order, please. I have had an indication of what the hon. member has in mind and my understanding is that possibly it could be raised on motions. As the hon. member for Peace River knows, I have had no notice from him of his intention to raise this matter by way of question of privilege.