

Question of Privilege

• (2:40 p.m.)

Perhaps at this point I should make passing reference to a precedent reported at page 260 of the *Debates of the House of Commons* for the 22nd of May, 1875, when the Speaker called attention to the fact that a member had taken his seat and voted without having subscribed to the role and taken the oath. The matter was subsequently referred to the committee on privileges and elections and as a result of the committee's report the member's vote was removed from the division list and *Journals* of the house.

From the references and precedents just quoted it would appear to me:

(a) That, even if there is a penalty provision in section 63 of the Canada Elections Act and whatever may be the terms of the order made by the judge pursuant to the said section in allowing an authorized excuse, the house is still the sole judge of its own proceedings, and for the purpose of determining on a right to be exercised within the house itself which, in this particular case, is the right of one hon. member to sit and to vote, the house alone can interpret the relevant statute.

(b) That the procedure followed in 1875 with regard to the precedent above referred to, which bears resemblance to the case before us, seems to me to indicate that the question was dealt with at the time as being of the nature of a prima facie case of a breach of privilege.

(c) That it is not within the competence of the Speaker to decide as to the question of substance or as to the disallowance of a vote, and that such decisions are to be made by the house itself.

Mr. Erik Nielsen (Yukon): Mr. Speaker, may I thank you for the ruling which you have given on the matter of privilege, and say that I would like to study it in more detail before deciding whether any further procedure should be taken.

TRADE**COPPER—CHANGES IN CONTROL OF ORE AND CONCENTRATE EXPORTS**

Hon. Robert Winters (Minister of Trade and Commerce): Mr. Speaker, on January 31 I advised the house that in the interests of orderly marketing and domestic supply it had become necessary to make certain changes in export controls affecting copper scrap, copper alloy scrap and copper bearing scrap. For the

[Mr. Speaker.]

same reasons I wish to announce changes in the control of exports of copper ores and concentrates.

The production of copper in Canada depends largely on supply of mine concentrates purchased from or processed for a large number of independent mines. If this supply should be interrupted or diverted elsewhere to any considerable extent it would affect the supply of copper available for use in Canada.

On November 22, when export controls were put on various forms of copper as a precautionary measure, a general export permit was issued for ores and concentrates moving to off-shore destinations. This general export permit is now being revoked and effective March 21 individual permits will be required for shipments to off-shore destinations. The advance notice will provide an opportunity for exporters to apply for permits where required under existing contracts.

It is not the purpose of this move to interfere with supplies moving to smelters abroad under contracts now existing. However, the individual permit requirement will enable the government to prevent diversion to off-shore destinations of ores and concentrates now under contract to Canadian smelters.

This action is also taken under the authority of the Export and Import Permits Act.

Right Hon. J. G. Diefenbaker (Leader of the Opposition): Mr. Speaker, I thank the minister for providing us with his statement in advance. I think the house should have further information. This statement is rather general in form. The second last paragraph states that the individual permit requirement will enable the government to prevent diversion to off-shore destinations of ores and concentrates now under contract to Canadian smelters.

I think there should be an explanation in this regard. What companies actually are affected by this? What is being done that has made necessary these changes? Second, I would like to point out one fact; that once you establish the principle of individual permits being required, the great danger is that unless administratively carried out in fairness and equity the door is open to discrimination.

I would like the minister to give the house and the country some further information in this regard. Certainly the course being taken is of an extraordinary character in the light of recent circumstances; therefore, I think an explanation in greater detail should be given.