

Business of the House

ment by the Prime Minister that the Auditor General was breaking the law and the position in which this leaves members of the House.

Mr. MacEachen: I rise on a point of order, Mr. Speaker. If the hon. gentleman is raising as a matter of privilege comments made yesterday in the House by any hon. member, then I suggest he is not permitted to raise a question of privilege at this point because Standing Order 17 provides that whenever any matter of privilege arises it shall be taken into consideration immediately. It is a fact that the hon. member for York South did raise a question of privilege on the comments made by the right hon. Prime Minister yesterday and was heard by the Chair.

If the hon. member is raising a new matter of privilege, then I will cease my argument, but if he is raising a matter of privilege based on the comments made yesterday, then under the terms of the Standing Order he was obligated to take the matter into consideration, because it is clear from Standing Order 17(2) that notice is to be given by an hon. member proposing to raise a matter of privilege other than one arising out of proceedings in the chamber. I am merely saying, as he has referred to statements made by the Prime Minister yesterday, that in my humble submission he is not entitled under the terms of the Standing Order to found a question of privilege on those comments.

Mr. Speaker: I have some difficulty now in ruling on the point raised by the hon. member because actually I have not heard to the end of the question of privilege which the hon. member for Peace River wishes to raise. I think it might be simpler if we allowed the hon. member for Peace River to complete his presentation. It seems to me that the point now made by the President of the Privy Council might be made afterwards, along with other objections which he might have to the points made by the hon. member for Peace River. I would hope that we might proceed in an orderly fashion and as expeditiously as possible with the presentation of the five questions of privilege of which I have received notice. All hon. members who have such points might want to take into consideration the fact that there are all these presentations to be made which will have to be taken into account by the Chair and about which the President of the Privy Council may have some comments to make. I invite the hon. member for Peace River to pursue his presentation at this time.

Mr. Baldwin: Mr. Speaker, let me go ahead from where I was interrupted. Under the Financial Administration Act—I think this will answer the President of the Privy Council—the office of the Auditor General is created. It is a statutory office with a statutory function. I will not take the time of the House to read in detail the duties and responsibilities of the Auditor General, but under section 61 he is required to report annually to the House of Commons the results of his examination of the public accounts. Then the section continues:

2. The report of the Auditor General shall be laid before the House of Commons by the Minister on or before 31st day of December, or, if Parliament is then not in session, within 15 days after the commencement of the next ensuing session—

I would also call Your Honour's attention and that of the House to the fact that under section 56 of this act,

[Mr. Baldwin.]

subsection 4, there is a provision with respect to the Auditor General which reads:

Such officers and employees as are necessary to enable the Auditor General to perform his duties shall be appointed in accordance with the Public Service Employment Act.

• (1420)

The point of my reference to the discussion yesterday was that the Auditor General had not performed his statutory duty, and in relation to that statement the Prime Minister said yesterday that the Auditor General was an officer of the House, was in breach of the law, and that it was incumbent upon some person in the House to do something about it.

There is no question in my mind, Mr. Speaker, that if the Auditor General is prohibited, if he is prevented from carrying out his duty as an officer of this House to place before parliament the results of his examination of the public accounts of Canada and as a result the opportunities for hon. members to discharge their responsibilities as members representing the people of their constituencies in particular and the people of Canada in general are limited, this constitutes, per se, a breach of the privileges of the House. If it should appear, during the course of a debate which may or may not take place following the motion that I intend to place before Your Honour, that this has come about because of the fault of the government then, Mr. Speaker, it will be my view, and the people of this country are entitled to take the view, that the government has been guilty of such contributory negligence as to prevent the Auditor General from carrying out his duties and to limit the opportunities for members of this House to do their job. I think that is the simple issue and is a question of privilege standing by itself. There is no question about it.

There may be some question as to the procedure that needs to be followed. There may be those who would say that this question should be considered by a committee. Let me make it abundantly clear, Sir, that this is an unique and unusual situation. We have here an officer of parliament who by act of parliament, by statute, is compelled to carry out certain responsibilities and to do certain very essential things, particularly today when we come to examine the expenditures of this government, or of any government for that matter, and its involvement so far as the taxpayers of Canada are concerned. He is a very important functionary.

I make it abundantly clear that I am not asking Your Honour to come to a decision on whether or not the Auditor General should be called before the bar of the House. I am not asking Your Honour to decide that. That, I suggest, is a matter for the House alone, but of course Your Honour has the responsibility of deciding whether the motion should be put before the House. As a matter of fact, it might well be that the argument could stop right now if the government has the intestinal fortitude to accept the fact that there is this issue and accept this motion and let the House decide. However, I doubt that it will do that, even though I make the suggestion that this might stop further argument on the issue.

Mr. MacEachen: Let us hear the motion.