

same government the next day, says the opposite thing. We cannot function as a Parliament that way. There will be no progress here, no trust, and no legislation. There will be no respect here. This Parliament cannot function that way.

It is a matter which arose today. It is a matter which we will want to pursue later. I rise now simply to underline the basis of the privilege which, in my judgment, goes to the very root of this Parliament, to our ability to trust ministers, to our ability to transact business, and to our ability to function effectively as the House of Commons. It is a fundamental question and one which I would want the assurance of the Chair we will be able to pursue after we have had the opportunity to consult precedents and the laws of Parliament which apply to this situation.

[*Translation*]

Hon. Yvon Pinard (President of the Privy Council): Madam Speaker, I should say that the issue involves first a question of fact and then a procedural question. About the facts, I have nothing to add to the reply given by the Right Hon. Prime Minister (Mr. Trudeau) during the oral question period or to what the Solicitor General (Mr. Kaplan) has just said in replying to the point of order or the so-called question of privilege raised by the hon. member for Nepean-Carleton (Mr. Baker). I believe that the facts have been well outlined by members on this side of the House. While the official opposition may not agree with these facts, as everyone knows such disagreement cannot justify a question of privilege.

As for the procedural question, I respectfully submit that it was very difficult for the hon. member for Nepean-Carleton, the hon. member for Rosedale (Mr. Crombie) and the Leader of the Official Opposition (Mr. Clark) to abstain from referring to the committee proceedings as it is quite obvious, Madam Speaker, that their intervention in the House today is based on a definite situation which occurred in committee, which led the committee to vote on a question of privilege and reject it. On the other hand, Madam Speaker, by allowing a debate on this question of privilege, we are obviously—

Madam Speaker: Order, please. The hon. minister himself is now referring to the committee proceedings. I would ask him to refrain from doing so.

Mr. Pinard: Madam Speaker, I simply wished to refer to the rule which prevents us from referring to committee proceedings. That is why I used the word "committee". What the members opposite did was to base a question of privilege on what occurred in a committee. This is quite irregular as we are not supposed to refer in the House in any way to committee proceedings in the absence of a report, and I am simply stating that there is absolutely no other fact resulting from the oral question period today which would justify the Speaker ruling that there has been a breach of privilege affecting all members of this House. I have noted that the Leader of the Official Opposition often says that it is essential to ensure the orderly

operation of this House, and I quite agree with him. However, the best way to do so is to start by not raising unfounded questions of privilege.

Madam Speaker, both the experts and our own procedure make it very clear that questions of privilege should be used very rarely. Beauchesne says specifically a question of privilege ought rarely to come up in Parliament. In this case, there has been an attempt to raise an unfounded question of privilege based on what occurred in committee, which is a waste of the time of this House. The Leader of the Official Opposition has given us notice that he might obstruct further the proceedings of the House by saying that he wants to reserve the right to raise the same question of privilege later on.

I respectfully submit, Madam Speaker, that if you rule today that there is no basis for a question of privilege, this question should not be raised again unless new facts warrant it and justify the request made by the Leader of the Official Opposition, who wants to reserve the right to raise unfounded questions of privilege at any time and delay unduly the proceedings of the House. I submit that this is an abuse of our parliamentary rules and will truly prevent Parliament from operating in an orderly manner. If he is sincere when he says he will make every effort to ensure the orderly operation of Parliament, he should first of all refrain from imputing motives to ministers on this side of the House, and in this case to myself, as he did when he tried to question the agreement reached yesterday among House leaders. For his information, even if we changed our mind, the arrangement could not be changed because an order of the House was made today and such an order cannot be changed in parliamentary procedure. That is quite elementary.

Second, the best way to ensure the orderly operation of Parliament is to refrain from imputing motives to hon. members opposite when in good faith we have concluded an agreement which benefits both sides of the House. Third, it is also to refrain from raising unfounded questions of privilege, wasting the time of the House and thus preventing Parliament from discharging its responsibilities.

Given all these considerations, Madam Speaker, I suggest that there is no question of privilege because the point is based on what happened in a committee and that the Leader of the Official Opposition has no reason whatsoever to doubt the agreement which was reached by the parliamentary leaders and which, in any event, has since been made an order of the House that must be respected.

Madam Speaker: I will take the question under advisement and I want to say to the Right Hon. Leader of the Opposition that although the Chair may take a question under advisement he is not allowed to do so.

If the question of privilege has not been explained to the satisfaction of the Chair this afternoon, I do not believe we can raise it again tomorrow unless the Right Hon. Leader of the