

*Administration of Justice*

various quarters of the house, including those made by the hon. member for Medicine Hat, there is no question or business before the house. It would be within the discretion of the Chair to ask the house to return to the ordinary business. The undertaking suggested by the hon. member for Kamloops, even were he able to achieve it, could be as easily achieved by the Chair itself if the Chair were to decide that this motion was out of order.

**Mr. Lambert:** Oh, boy, what rationalization that is.

● (3:50 p.m.)

**Mr. Turner:** I am going to suggest to Your Honour that the motion is clearly out of order. I align myself with the hon. member for Winnipeg North Centre who seemed to imply the motion was defective and yet invited Your Honour to accept it none the less. I believe it is defective for the reasons he suggested as well as other reasons. The argument advanced by the hon. member for Edmonton West was as follows: In approving the order in council the executive arrogated to itself a decision on privilege which properly lay within the confines of this house alone, that the right to deal with questions of privilege rests with parliament, and that the order in council was thereby a challenge to the rights of parliament. I hope I have not done the hon. member an injustice by that summary of his argument.

I want to say to Your Honour that I do not think the order in council is a derogation from the privileges and rights of parliament at all, and I will suggest why. The order in council merely sets up an inquiry. An inquiry is not a trial. It is not a criminal tribunal, as certain hon. members suggested last night. It is merely a fact-finding body.

Until the facts are established there can be no question of privilege at all. It will be on the basis of facts judicially weighed and determined by a judge of the Supreme Court of Canada, who is free from the pressures of this place, that the rights and privileges which apply to those facts will be determined—

**Mr. Churchill:** May I ask the hon. gentleman a question?

**Mr. Turner:** —but not until the facts are determined.

**Mr. Churchill:** I do not want to interrupt unnecessarily, but is not the hon. member now rather enlarging the debate? I thought

we were keeping strictly to the point of order. The hon. member is now bringing out arguments which some of us would like to answer, but we are trying to restrain ourselves.

**Mr. Turner:** Mr. Speaker, an earlier inquiry, the Dorion inquiry, did not decide whether anyone was guilty or not guilty; it merely established facts. Following the ordinary criminal process charges might later be laid. Therefore under this fact-finding inquiry the rights and privileges of the house would not be affected. It would still be open to the House of Commons, on the basis of facts judicially determined by an impartial arbiter, to determine upon its rights and privileges.

[*Translation*]

**Hon. Martial Asselin (Charlevoix):** Mr. Speaker, may I put a question now to the Minister without Portfolio?

**Mr. Turner:** Mr. Speaker, when I have finished my statement, I shall accept the hon. member's question.

[*English*]

After those facts are established the rights and privileges of the house will remain intact. Therefore, since there is no question of privilege abrogated by the order in council, the motion of the hon. member for Edmonton West, not going to a question of privilege, should not properly be entertained by Your Honour.

[*Translation*]

**Mr. Asselin (Charlevoix):** Mr. Speaker, does the hon. member for St. Lawrence-St. George not feel that the statements made by the Minister of Justice, both outside and inside the house, are matters about which members may raise the question of privilege?

The statements made by the Minister of Justice, I repeat, both outside and inside the house, constitute a revelation of facts which, in my opinion, entitles any hon. member to rise on a question of privilege.

**Mr. Speaker:** Order, order.

[*English*]

**Mr. Fairweather:** Mr. Speaker, I have a question for the Minister without Portfolio, if I may. I was interested in his argument but I am wondering whether he really believes that the result of the findings of a judicial inquiry or commission would not in fact have the same effect, as if a trial were held in a court