

Motions for Papers

addressed by the Minister of Justice, the Solicitor General or any officer of the Department of Justice, since the 1st day of January 1964 to Mr. Justice Leo Landreville; all replies made by Mr. Justice Leo Landreville or by any solicitor or agent on his behalf, to any such letters or other communications.

Hon. Lucien Cardin (Minister of Justice): Mr. Speaker, the Solicitor General has asked me to report that he has received no communications whatsoever relating to Mr. Justice Landreville, all the communications having been addressed to the Minister of Justice.

I regret that the government cannot accept the hon. member's motion. As members of the house will know, the subject matter of the hon. member's motion has now been referred to a commissioner appointed to consider it. It will be for the commissioner to examine such witnesses and consider such documents as he considers expedient, and I submit that no action should be taken by this house that would in any way impede a full, proper and fair inquiry by the commissioner, or which would in any way prejudice Mr. Justice Landreville in making his answer to any charges that might be made against him.

I would also like to remind hon. members that it is a well established principle that the conduct of a judge ought not to be questioned in the house either directly or indirectly without a substantive motion—

Some hon. Members: Order.

Mr. Diefenbaker: It is not being questioned.

Mr. Speaker: Order, please. The statement made by the minister at this time is out of order.

Hon. R. A. Bell (Carleton): Mr. Speaker, I see no reason in anything that has been said by the Minister of Justice to withdraw this motion.

Some hon. Members: Hear, hear.

Mr. Bell (Carleton): I think the motion is one which should properly be put to the house.

Mr. Cardin: I request, then, that the motion be transferred for debate.

Right Hon. J. G. Diefenbaker (Leader of the Opposition): I rise on a question of order. This is becoming a method whereby the government covers and conceals.

Some hon. Members: Order.

Mr. Diefenbaker: It was never intended that the method of transferring a motion for debate should become a refuge for a government that does not desire to present the facts to the house. I take strong objection to this course because it is going to be absolutely impossible, on the basis of what this government did in the last session, for the members of this house to get any information. They have been denied it by the simple subterfuge of moving that the matter be transferred for debate. Why not face a vote of this house?

Mr. Speaker: Transferred for debate pursuant to—

Mr. Thomas M. Bell (Saint John-Albert): With all due respect, Mr. Speaker, I suggest you take the matter under advisement and consider whether the government may have lost the opportunity to transfer this matter for debate when they threw it back to the hon. member for his comments.

Mr. Speaker: Order. Certainly the provisions of standing order 47 must be kept in mind. In my short experience ministers have been given some latitude in the past years to explain why they wish the mover of a motion to withdraw it. When this suggested procedure has been refused, ministers have then requested that the matter be transferred for debate. I believe hon. members will agree that this has been the procedure which has been followed in previous years. Whether it is a good procedure I am not going to say.

Perhaps this might be a good opportunity to remind ministers that in making the suggestion that the matter be transferred for debate they should not place themselves in a difficult position by making long statements, perhaps of the nature of the one made by the Minister of Justice this afternoon. However, I suggest to hon. members that we have been following this practice for quite some time now, and I do not believe the Chair should be placed in the position of changing the practice at this time. I submit also that the point made by the right hon. Leader of the Opposition is well taken and should be taken into account very seriously by ministers in the future.

This matter is transferred for debate.

FUNCTIONS OF PRIME MINISTER—RELATIONSHIP TO GOVERNOR GENERAL

Motion No. 40—**Mr. Bell (Carleton):**

That an order of the house do issue for a copy of all orders in council approved since January 1, 1919, specifying or outlining the functions or prerogatives of the Prime Minister of Canada; all