

*Administration of Justice*

**Mr. Wahn:** I say: Put the motion which you know to be the appropriate motion and let the house decide. I am only one member of this house. This question will be decided by the house itself if members opposite have the courage to put the appropriate motion.

**Mr. MacInnis (Cape Breton South):** The hon. member referred to what he calls the appropriate motion. Is this an admission on his part that there is a breach of privilege?

**Mr. Wahn:** I cannot make any sense out of that question. If the hon. member wants to put it again when I have finished, I will be glad to listen to him.

Despite your request, Mr. Speaker, members opposite have not put the motion they ought to have put if they felt they had been libelled. Instead, they have prolonged this debate until we are all completely tired. Let them put the motion. They have had reasonable time. They cannot be permitted to prolong the debate indefinitely.

**Mr. Peters:** Who will stop them?

**Mr. Wahn:** Your Honour has cited the relevant extract from May. I should like to refer again to May's 17th edition at page 396 where it is stated:

Certain matters cannot be debated save upon a substantive motion which admits of a distinct vote of the House.

Because we have not had such a motion we have been wasting hours of our time. The citation continues:

Among these are the conduct of the sovereign, the heir to the throne or other members of the Royal Family, the Governors-General of the Independent Territories, the Lord Chancellor, the Speaker, the Chairman of Ways and Means, members of either house of Parliament and judges of the superior courts of the United Kingdom—

Attacks have been made on the Minister of Justice for two days, but no proper motion has been put. This is in violation of the citation I have just quoted. It goes on:

These matters cannot, therefore, be questioned by way of amendment, or upon any motion for adjournment. For the same reason, no charge of a personal character can be raised, save upon a direct and substantive motion to that effect.

This ruling has been violated and I think it has been violated for far too long. May, at page 454, states to the same effect:

Unless the discussion is based upon a substantive motion, drawn in proper terms, reflections must not be cast in debate upon the conduct of the sovereign, the heir to the throne, or other members of the royal family, the Lord Chancellor, the Governor-General of an independent territory, the Speaker, the Chairman of Ways and Means, Members of either House of Parliament—

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The Minister of Justice is a member of this house. For two days he has been attacked and the opposition has not put forward a valid motion, despite repeated requests by the Chair. This cannot be permitted to go on indefinitely. This is a breach of privilege as far as the Minister of Justice is concerned, and it is also a breach of my privileges. We are sick and tired of continuous vindictive attacks by members of the opposition. The rules are not being respected. Will you not call on members of the opposition, Mr. Speaker, to put the appropriate motion? If they do not have the courage to do so, let them keep quiet.

**Mr. Nielsen:** I am glad to see the hon. member for Burnaby-Coquitlam in his seat as well as the Prime Minister who has suggested a separate judicial inquiry into the matters we are discussing. I should like the Prime Minister to answer this question: how can you base such an inquiry on allegations made by a Minister of the Crown about persons whom he will not name? How can you base such an inquiry on a report which the minister who has made these accusations has never seen?

It is in my submission utterly ridiculous that parliament should lend itself to such a procedure. There is no matter for an inquiry such as that suggested by the Prime Minister. There is a matter for an inquiry such as the Leader of the Opposition suggested when he took part in the debate—the second inquiry announced by the minister on Monday.

This question before the house is a question of privilege because of the unsupported slanders which the minister has made, and only the house can decide this matter. If the Prime Minister and the hon. member for Burnaby-Coquitlam want an inquiry, then the minister must rise in his place and make a specific charge, naming names. Upon that basis an inquiry might be possible, but not upon the basis of those allegations and accusations which have been made by the minister on information he has not even seen and on a file of whose existence, if it exists, we have no knowledge.

● (5:40 p.m.)

The minister nods his head that it does exist. We do not know this. The minister has not seen it. Parliament surely cannot set up an inquiry based on unsupported allegations, based on unnamed people, based on an unseen report. In any case, we have before us a

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