

*Administration of Justice*

**Mr. Nielsen:** Your Honour, since I made the suggestion, you might permit me to make an observation. When Your Honour ruled, when I raised the matter of privilege a few days ago affecting a certain member of this house, Your Honour in your ruling observed that the house and the house alone is master of its own privilege and must dispose of it. That suggested to me, sir, that neither the executive, Your Honour, nor any other individual could do this, but only the house. Therefore, I believe that until the question of privilege is disposed of by the house, it does not lie within the prerogative of the executive to do so.

I suggest, to clarify the matter at once, that the house could give unanimous consent; and then I am sure the hon. member for Kamloops and the Leader of the Opposition, and others, knowing what they expect should appear in the terms of reference, would not take but a moment to examine them. I would suggest that perhaps we should have these terms of reference before the house now and dispose of the matter.

**Hon. A. J. MacEachen (Minister of National Health and Welfare):** Mr. Speaker, I wish to make an observation with regard to the procedural position before the house. As suggested by the hon. member for Yukon, it is correct that the house is master of its own privileges, and the traditional way in which privilege has been disposed of in this chamber is through a motion.

● (4:40 p.m.)

For various reasons it has been impossible for hon. members to formulate a motion which would dispose of this matter to the satisfaction of the house. We understand the reasons, and I agree that the traditional method is not appropriate here. The only point I am making is that while we admit the difficulty, it seems that at some point it will be necessary for the house to admit that we must go back to the ordinary business of the house, unless a motion is before us by which we can dispose of this matter.

I think the suggestion made by the Prime Minister, is a good one, that he table the order in council giving the house an opportunity to consider it while we are dealing with the ordinary business and, if necessary, resume the debate at eight o'clock this evening, at the point at which we now are. I agree to that suggestion, but I want to reserve my rights to point out, when we resume, that unless a motion is formulated by which the

[Mr. Pearson.]

house can deal with this matter the Chair will be expected to direct us again to the business of the house.

**Mr. Nugent:** Mr. Speaker, on this point I should like to state that I gathered from the remarks of the Prime Minister, whenever he has risen to discuss this question of privilege and the motions, which were found to be out of order, that we were trying to find a solution to deal with the problem. The Prime Minister has referred to the setting up of an inquiry, but it is my thought that when the Prime Minister spoke this afternoon it was his contention that the proper method of dealing with this was by his putting forward a motion to set up an inquiry, which would be debated in the same way as any motion the house might find acceptable on this question of privilege. It is my understanding that the Prime Minister is suggesting that we are all interested in the terms of this inquiry and the terms of reference as suggested by the leader of the N.D.P. and other parties. I have heard nothing so far from the Prime Minister which would indicate that he has changed his feelings, as indicated by his remarks during the last couple of days. The suggestion is that he put forward a motion which the house will debate so that we can settle the question of privilege, as well as the motion, in a way satisfactory to the house.

**Mr. Diefenbaker:** Mr. Speaker, perhaps to bring this to a conclusion let me say that all we want to do is preserve our rights on the question of privilege. I suggest that the government proceed with orders of the day and then, without actually moving to go into supply, we adjourn until eight o'clock, and then return to this matter of the privileges of parliament at exactly the point we have now reached. It was very clearly stated by the leader of the N.D.P. that he insisted, as I insist with some right, on the fullest examination of the terms of reference, because in accepting them we want to protect our most precious and priceless right, the ancient prerogatives and privileges of parliament.

**Mr. McIlraith:** For the sake of clarity, Mr. Speaker, may I ask the Leader of the Opposition whether he envisages that when we come back to this matter of privilege at eight o'clock, if there is any further question of privilege then, after a study of the order in council, the matter of privilege would be regularized by some motion?

**Mr. Diefenbaker:** I have not given consideration to that matter. The hon. member is an