

privilege in any sense at all. A dispute over facts does not raise a question of privilege; it is a question of debate.

If the leader of the New Democratic Party is asserting that ministers have made conflicting statements or have made evasive replies, this is a dispute over what has happened and he can engage the ministers in debate on an appropriate occasion.

The hon. member went further and said that these ministers had attempted to deceive the House in this case. The hon. member knows as well as I that if he is making the clear statement that ministers of this government have deliberately deceived the House he has one course of action to follow. It is not uncertain as to what he ought to do. If he believes that ministers have deliberately deceived the House—that is, of course, a question of privilege, but he has not said that yet—then he has raised a question of privilege and he ought to follow the time-honoured practice of the House. That practice was decided most recently in 1959 when His Honour, Mr. Speaker Michener, made a ruling that still stands as the ruling affecting privilege in the House, and which was subsequently confirmed by the membership of the House in the vote on that occasion.

It was a very important debate, Mr. Speaker. On that occasion the right hon. member for Prince Albert (Mr. Diefenbaker), the former Minister of Justice, the Hon. Davie Fulton and others who are in opposition at this time expressed themselves as to what the correct procedure is if a question of privilege is raised affecting the conduct of any member of the House of Commons.

Presumably the leader of the New Democratic Party is asserting to the House that ministers have deliberately misled the House. He is asking for an examination of their conduct by a committee of the House. On that occasion Mr. Fulton, speaking in the debate, made this comment:

In every case, therefore, where a member has really felt that the conduct of any other member of the House of Commons should be examined—

This is what is implied in this motion.

—that member has followed the correct and honourable course of making specific charges so the member concerned will know what it is he has to meet.

In the same debate the right hon. member for Prince Albert insisted upon the necessity of making specific charges. He quoted a statement that had been made by Mr. Mackenzie King when early in the 1940's a member of the House of Commons had made a comment to the effect that the government had produced three new millionaires since the declaration of war. On that occasion Mr. Mackenzie King said:

I submit, Mr. Speaker, that the hon. member should be obliged either to withdraw the statement completely or else to convert it into a specific charge to be investigated in the usual manner, and the consequences of the investigation also to be followed up in the usual manner.

I could, of course, refer to the judgment of Mr. Speaker Michener. We know that when the conduct of a member on either side of the House is impugned—and Your

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Honour has suggested that this was the effect of the comments made by the leader of the NDP—it has to be impugned in the form of a specific charge formulated in a specific motion. Then the House will naturally respond to that charge by ordering an inquiry, and the charge is validated or invalidated. If it is invalidated—

Mr. Speaker: Order, please. I have to interrupt the minister and perhaps allow him to conclude his statement in a moment, but it does appear to me that at this point we are embarking on a wrong course. My interpretation of the practice we have followed over the years is that the Chair has allowed a member whose conduct may have been impugned in a statement accompanying a question of privilege to indicate what in his view the facts are and perhaps to rectify the situation as it exists in his own mind. It has not been the practice to debate the procedural point at all.

I am not in disagreement basically with any of the procedural points made by the President of the Privy Council. Indeed, I suspect all hon. members would be in agreement with what he has said. But I suspect at the same time that if he, on behalf of the government, is allowed to argue the matter procedurally, there is no reason why another 15 members of the House should not be allowed to debate the same matter procedurally.

• (2:30 p.m.)

This is why for some time now I have thought that, in order to keep some control over these questions of privilege, the debate should be limited purely to the statement made by the member who raises a matter by way of question of privilege and a statement by the member who is involved personally in the question raised by way of privilege. This is why I suggested initially that an opportunity should be given to a minister who felt that he has an explanation to give when he thinks such explanation is necessary. I am not suggesting that it was. I am just saying to the minister that we might get ourselves into difficulty, and become involved in a lengthy debate on questions of privilege if, every time a question of privilege were raised, the President of the Privy Council or someone on behalf of the government felt constrained to put forward a procedural argument on the question of privilege and whether there was a *prima facie* question of privilege. I suggest that it is for the Chair to determine that point. The matter is an important one, but perhaps the minister might like to take my suggestions into consideration and bring his statement to a close.

Mr. MacEachen: Yes, Mr. Speaker. I take the position that at this point what is being determined is whether there is a *prima facie* case of privilege. My argument is, of course, that what is alleged in the statement is a matter of debate, not a question of privilege. If there is a dispute over facts, that dispute can be treated in normal debate. But I think Your Honour will agree that if it is alleged, either implied or inferentially stated, that ministers have deliberately misled the House it is incumbent upon any hon. member to clear that up, and if he wants