

*Administration of Justice*

house, is that it seemed to me we had reached the stage yesterday, after hearing the speech made by the hon. member for Kamloops, where it was not possible to get agreement from all corners of the house on the terms of reference, or perhaps on anything else.

Let me make it abundantly clear that I think this judicial inquiry can serve a useful purpose in supplying the information that the committee on privileges and elections may need to deal with the question of privilege; but let us also be perfectly clear that no judicial inquiry, no matter how eminent, shall have the right to deal with a question of the privileges of the house. I also say there is a possibility something should be done with the motion moved by the hon. member for Edmonton West.

I am not going to repeat those things that the Prime Minister, the Leader of the Opposition and other hon. members said so well yesterday. We need to get this whole matter out of the house by having it investigated by the committee on privileges and elections, with whatever assistance that committee needs, so the house can get on with the job that its members were elected to do.

I think perhaps this motion could be accepted although it refers only to the terms of reference in the order in council; but I think it fails to recognize that the inquiry set up by this order in council is not going to deal with the question of privilege. So far as we are concerned the terms of reference set out in the order in council for the inquiry are broad enough, and they are not offensive; because they say the inquiry may look into all statements concerning the case in the House of Commons, all statements made by the Minister of Justice in press conferences, and into almost anything else.

If this judicial inquiry is to be but an inquiry to supply some information to the committee on privileges and elections I cannot see why there need to be any amendments moved to the terms of reference. Let us be clear, Mr. Speaker, that the judicial inquiry is not going to settle or even consider the question of privilege.

I would like to suggest to the hon. member for Edmonton West that we set up this committee of seven to deal with this matter that is before the house, no matter how difficult it may be to define that matter, but leaving out the terms of reference given in

the order in council. I suggest that a committee of seven members be set up so we can have some discussions to see if we can find some kind of agreement on how we can deal with this whole matter and take it out of what the hon. member for Edmonton West suggested is this morass.

I agree with the Minister of National Health and Welfare that it would be difficult to accept the motion as it is because it does specifically set out that the terms of the order in council be referred to this committee. I think the executive has the authority to go ahead with the order in council and set up the inquiry, with or without the approval of this house, but that again does not satisfy the question of privilege that has been raised, I think quite properly.

Therefore, Mr. Speaker, if we can have this committee of seven consider this matter for the next two or three days—the date is acceptable; I think the hon. member said 2.30 on Thursday, March 17—if we can have this committee try to find some way out of the impasse, I believe we should go ahead with it. If not, Mr. Speaker, then I suggest the burden is transferred back to your shoulders, and what you have to do now is to insist that any member who feels he has a question of privilege must get up and move the substantive motion that is required according to all the authorities. But, Mr. Speaker, I personally, and I think my party, would rather refer the whole matter to a committee of seven which would come back with some suggestions about what can be done about this question of privilege.

**Mr. Stanley Knowles (Winnipeg North Centre):** Mr. Speaker, the motion proposed by the hon. member from Edmonton West is a most unusual motion. However, we in this house are in a most unusual situation. I think we all agree that it is our responsibility to do something to resolve the situation in which we find ourselves.

• (3:30 p.m.)

I want to say at the outset that I do not find it possible to agree with all the things the hon. member for Edmonton West said. I do not wish to argue with him at this point but I think the record should be clear. I do not believe that the order in council that has been referred to transfers the question of privilege to the commissioner. There is no word anywhere in the order in council that does this. What is referred to the commissioner is the statement made by the Minister of Justice. The question of privilege remains