

Administration of Justice

Opposition to say who is not affected by that smear.

I never have heard such an appalling proposition, and I want to make clear my resentment and heartsickness in hearing a so-called Minister of Justice suggest such a thing.

Some hon. Members: Hear, hear.

Mr. Speaker: Order, please.

Mr. Cardin: The hon. member for Kamloops says he is sick of it all. Is he saying now he is sick of having a judicial inquiry into something?

Some hon. Members: Oh, oh.

Mr. Speaker: Order, please. May I suggest to hon. members that this is the type of exchange which led us to such serious difficulties last week.

Some hon. Members: Hear, hear.

Mr. Speaker: Last week I had before me a number of questions of privilege that were raised one after the other, all of them followed by motions which, after very serious consideration, were ruled out of order by the Chair. This afternoon hon. members raised questions of privilege which I consider very serious and on which I was not asked to rule because no motions were made.

The situation with which I think we are faced now is that there are these questions of privilege not followed by motions which were acceptable to the chair, and I think we should return to the normal business of the house.

Some hon. Members: No, no.

Mr. Nielsen: Mr. Speaker, since the matter of privilege before the house is one I raised, and since the suggestion of the government is one which we already have said we would go along with—dispose of the matter by a judicial inquiry, provided the terms of reference are acceptable—and since the government has indicated such an order in council is in existence, I think, with the unanimous consent of the house, we should have that order in council before us now, so that we can determine whether or not the terms of reference are indeed acceptable on the basis of the question of privilege that was raised.

Mr. Speaker: There is no difficulty about this. If there is unanimous agreement of the house that this order in council be tabled, it

will be tabled. However, I am wondering whether we are going in the right direction if we ask the house to suspend its consideration of business while the order in council is being studied. May I suggest to all hon. members, after what has been said this afternoon and after the concern, so genuine I am sure, which has been expressed about the importance of resuming the normal business of the nation, that we should, not having given the right hon. Prime Minister an opportunity to table this order in council, resume the consideration of the normal business of this house.

Mr. Diefenbaker: Mr. Speaker, I would be the last to disagree with suggestions on your part, but on this matter the privileges of this parliament are at stake. The government, by executive order in council, has seen fit to prevent a discussion in the House of Commons of a privilege, which must be the privilege of parliament.

If we are going to give away some of these privileges for an order in council in respect of which we have no information, then we would be doing to parliament something which is retrograde and detrimental to the privileges and rights of members for this and future generations. I do not know whether it would be possible to go on with private members hour at five o'clock—

An hon. Member: Six o'clock.

Mr. Diefenbaker:—but I do wish to say—and I do not want to do anything to hold up the house—that I do not intend to rely on an order in council which I have not seen and in respect of which I have no idea concerning its contents, the only information being that with regard to the judge who will preside thereover. This is an order in council that is designed to destroy individuals who have held the prerogative rights of parliament. This matter is far more serious now than it was, in view of the last remarks made by the Minister of Justice.

Mr. Pearson: Mr. Speaker, perhaps I can help in this respect. I am extremely sorry I did not have the order in council to read when I made my first statement. I can appreciate the desire of hon. members to have an opportunity to study it. It could be tabled on motions, and then perhaps we could go on with the ordinary business and resume, if desired, at eight o'clock, a discussion of this matter after members have had a chance to study the order in council.