

Administration of Justice

members of the house; because the Minister of Agriculture, for example, got up and asked me a question respecting the function of this judicial inquiry. He said—and I think I am quoting him correctly although I do not have his words before me—that this judicial inquiry should gather the information, get the facts, and that the question of privilege would be decided by this house, using this inquiry as a basis for getting the information; that the matter of separating that part of the file—or wherever the information is to be taken from—must not be made public because of the security nature.

I agree; but, Mr. Speaker, the reason I made the appeal last night is that all the changes and amendments laid down by the hon. member for Kamloops in respect of the terms of reference in the order in council to me appeared impossible to make; that is, it appeared to me impossible to make all those adjustments.

I am not saying that the argument of the hon. member for Kamloops is impossible. When I use the word "impossible" I mean that it seems to me there is no possibility of agreement on all sides of the house that the terms of reference in the order in council could be accepted. Well, Mr. Speaker, if we have reached the stage where there is a complete impasse as of today in respect of the situation in which the house finds itself, then I think we must go back to the authorities, the precedents and the traditions which we have. It is easy to quote chapter and verse, citation after citation with regard to what is necessary, if we have reached that stage. The rules which we use are spelled out in the standing orders, and we have the precedents and so on to give us guidance in respect of what to do when we cannot reach agreement on all sides of the house.

At this stage, Mr. Speaker, it appears to me that we cannot reach agreement. Therefore the next step that is clearly laid down in the rules is what I was asking should be done. It is easy to quote dozens of citations from Erskine May, Beauchesne and Bourinot as to what has to be done when a question of privilege is raised and once the Speaker has accepted that there is a *prima facie* case. But the most succinct one is that which you quoted this afternoon from page 134 of Erskine May's 17th edition where it says, with complete clarity, that a motion must be moved by the person making the complaint. That, Mr. Speaker, is open to any member who feels abused or aggrieved by the statements of the Minister of Justice.

[Mr. Olson.]

• (3:20 p.m.)

The Minister of Justice has not raised a question of privilege in the house. If he chooses not to name the names I cannot see any way, according to the rules or precedents, by which we can force him, or any other member, to say more than he wants to say. If he chooses not to name the names, then the only step that is open to those who feel they have been done wrong by his statements is to make a substantive motion outlining the charge.

Mr. Pickersgill: Exactly.

Mr. Olson: Further, Mr. Speaker, I want to say that there can be more than the charge because, at page 102 of Beauchesne's fourth edition, citation 113 says:

Members often raise so-called "questions of privilege" on matters which should be dealt with as personal explanations or corrections, either in the debates or the proceedings of the house.

Then it says this, Mr. Speaker:

A question of privilege ought rarely to come up in parliament.

We agree, but in our opinion this is a situation that is serious enough to justify a *bona fide* question of personal privilege. The citation also says this:

It should be dealt with by a motion giving the house power to impose a reparation or apply a remedy.

Therefore within this motion they could lay out the charge as well as include the remedy.

Each of the motions that were made last Friday, and on Thursday when I was not here, although I have since read them, called for the resignation of the Minister of Justice. I suggest to you, Mr. Speaker, that that could be included in the motion I am speaking about. In other words that is the remedy that would satisfy this question of privilege, but that by itself is not sufficient. The charge against the Minister of Justice must also be in the motion, as well as the remedy.

I can quite understand Your Honour ruling the previous motions out of order. One moved by the hon. member for Yukon, for example, just simply said that the minister should resign. There was no charge there. All that was there was the remedy.

Mr. Starr: A good remedy.

Mr. Olson: So, Mr. Speaker, the reason I raise this matter about the propriety of anyone outside this house dealing with a question of privilege affecting the members of the