

The honourable Member for Carleton (Mr. Bell), seconded by Mr. Nugent, proposed to move,—That the House do now resolve itself into Committee of the Whole in order that honourable Members may have an opportunity to examine the Minister of Justice, so that he may advise the Committee what evidence he has to substantiate the charges made inside and outside this Chamber which have reflected upon Members of Her Majesty's Privy Council.

RULING BY MR. SPEAKER

Mr. SPEAKER: There are a number of very interesting points which have been raised by the honourable Members who have taken part in this debate. I cannot agree with all of them. The honourable Member for Edmonton-Strathcona, who has just resumed his seat, based part of his argument on the allegation that there is a question of privilege that has been recognized by the House. I do not agree with him on this point. What the Chair has said is that there is a *prima facie* case of privilege; whether there is an actual case of a breach of privilege is not for the Chair to determine and is not determinable until the matter has been studied in a satisfactory way.

The usual way to do this is before the Committee on Privileges and Elections, as I said a moment ago when a previous motion was moved by the honourable Member for Edmonton West. That has been the procedure followed for 100 years in our Canadian Parliament and no argument has been submitted to me that this procedure should be departed from at this time. The honourable Member says that the House has all the powers in the committee of the whole that the Committee on Privileges and Elections has—and that is a fact. For that matter the House itself has all the powers of the committee of the whole and what would be gained by moving from the House itself to the committee of the whole? I suggest nothing at all can be gained in this way. The motion, as presented, suggests that the committee of the whole consider this matter and that the way to do it is the way in which the honourable Member for Carleton would want to do it.

I would like to refer to citation 230 (1) of Beauchesne's which says: "The ordinary function of a Committee of the Whole House is deliberation, not enquiry."

For this reason I suggest the Committee of the Whole House should not be asked to conduct an inquiry or take over the responsibility which normally is assigned to a standing committee of the House of Commons. With respect, I also suggest to the honourable Member that the motion to the effect that the House resolve itself into Committee of the Whole is a substantive motion which requires notice.

Lastly, I point out to honourable Members that the issue here is the alleged misconduct of the Minister of Justice and that because of this a specific and detailed charge must be made against the Minister himself. It is sometimes a little difficult to reconcile the two aspects of the case; there is the aspect that the honourable Minister is alleged to have made accusations relating to privy councillors and this is the very thing we are reproaching the honourable Minister for. But actually the question of privilege is based on the alleged impropriety of the words used by the honourable Minister of Justice and a specific charge of that has to be laid, according to the terms of the judgment of Mr. Speaker Mitchener which I read into the record this morning.

Perhaps I have used too many reasons, and if I am wrong on one or two I may be right on the other two or three, and so for all these reasons and the legal argument I must deny the motion of the honourable Member for Carleton.