

Privilege

Albert read out, I made it perfectly clear on that occasion that I had no direct knowledge of the events that took place. As a matter of fact the hon. member for St. John's East at that time took exception to my remarks and I had to indicate—

Mr. Diefenbaker: Read on. It is just as well, because I missed that next section.

Mr. Macdonald (Rosedale): Perhaps I could be heard, Mr. Speaker.

Mr. Speaker: Order. The minister should be allowed to speak. He has claimed the right to speak a second time under a standing order which provides clearly that an hon. member can speak a second time if he claims his words have been misinterpreted. Standing order 37 is the one in question, if hon. members will consult it.

Mr. Macdonald (Rosedale): Mr. Speaker, I made it perfectly clear as recorded at pages 3587 and 3588 of *Hansard* that I had no direct knowledge of this. I was recounting advice I had received, and as recorded at page 3588 I indicated that what I did was probably wrong—

Mr. Diefenbaker: Read the next line.

Mr. Speaker: Order. We are getting into a discussion on the substance of the matter. I see that the hon. member for Annapolis Valley would like the floor so I shall recognize him, but I have to indicate to hon. members that I have reached the point where I can give a decision.

Mr. J. P. Nowlan (Annapolis Valley): Thank you, Mr. Speaker. There is only one point I would like to cover which has not been covered and which might affect the deliberations of Your Honour. Not only is a *prima facie* case supposed to be established, but I think the evidence is abundantly clear here today from what has been said on both sides of the house, in heat and out of heat, that privilege is at stake. The right hon. member for Prince Albert has read part of the record but, more important, we have the statement of an hon. member here today stating as a fact that has not been rejected and challenged, and cannot be rejected and challenged by any hon. member, that this resolution was passed.

Unless committees are to become a charade the privilege we suggest is well established. But there is the other point on which I am afraid Your Honour may be misled, and that is that a question of privilege must be raised

[Mr. Macdonald (Rosedale).]

at the earliest possible opportunity. Addressing my remarks to that point I would point out that this matter was before the transport committee, and even after the report was tabled an abortive move was made, one day a week afterward, to rescind the resolution, and there were rumblings and moves made thereafter to bring the resolution back before the committee.

I would point out that as a result of the estimates being passed last night in an abundance of dollars, in effect the work of the transport committee expired. It was only after last night, when the work of the committee expired, that the hon. member for St. John's East had the opportunity to raise the question of privilege today. So, Mr. Speaker, you have the question of privilege, and you have it raised at the earliest opportunity, which is today.

Mr. Speaker: The conclusion I have come to after hearing hon. members of the house is that it obviously would be easier to resolve the question now before the house in a standing committee than it might be to resolve it in the House of Commons. My initial reaction was to follow the advice of the hon. member for Calgary North and give the matter serious and protracted consideration, but hon. members have indicated quite clearly, in my view, that there is a *prima facie* case of privilege and that it is the type of question which might be sent to a committee.

I must say I am worried to some extent about the remedy sought by the motion. I think the committee would have some difficulty in examining the members of another committee, one committee of the house looking into the affairs of another committee. That may cause procedural difficulties at that stage, but that question is not what we are seized with at the present time.

What the Chair has to decide without resolving the question of whether it is a *de facto* question of privilege is merely to determine whether it is a *prima facie* case of privilege. I think the hon. member for Annapolis Valley has made a very important point, one which had worried me all along, as to whether this matter had been raised at the first opportunity. In view of the fact that we have reached the end of consideration of the committee's reports probably the question has been raised at the first opportunity, thus disposing of one objection which I had in the back of my mind.

I do have to reach the conclusion that there is a *prima facie* case of privilege and, if the