

*Administration of Justice*

with the business of the house, to have the terms of reference of this judicial inquiry ready by Monday. Could we see copies of the order in council and the terms of reference at that time? If there could be general agreement as to those terms of reference, this matter could be dropped and we could go on with other business. I fear that if we do not resolve this matter over the week end it could result in a protracted and endless debate throughout the whole of next week.

**Mr. McIlraith:** Mr. Speaker, perhaps I may clarify one point arising out of the hon. member's remarks. I thought the Prime Minister made this very clear last night, in a house with a very thin attendance, when the question arose shortly after seven o'clock that what was to be included in the terms of reference of the judicial inquiry in addition to the other things that have been mentioned—

**Mr. Churchill:** Give us the page reference.

**Mr. McIlraith:** It is spelled out at page 2532 of *Hansard*. To be included in those terms of reference was all the remarks made by the Minister of Justice during the entire press conference, and the press conference is identified. When the hon. leader of the New Democratic Party was speaking earlier today I interrupted him because I sensed that he did not get the significance of what was said yesterday. I tried to clarify it for him in the form of a question. I thought I had done that.

I want to make it very clear that this has been the position since last night when this proposition was accepted by the Prime Minister. The hon. member for Calgary North was concerned with the need for speed in getting the matter forward, and he went on, after raising a question about timing, because he was concerned about any possible delay he said this:

I think perhaps this might be the best way to deal with this matter—

Then, he went on to say that he wanted to be assured about the speed in setting up the commission. He immediately received that assurance from the Prime Minister. As to the undertaking with regard to the necessary order in council, the order in council could be ready very soon. There is one point that troubles me a little in this connection, and that is the naming of the judge or judges concerned and obtaining the necessary consent. There is usually a requirement that the

judge receive the consent or permission of the Chief Justice to act. That kind of arrangement usually applies.

I think the Prime Minister's statement as it appears in *Hansard* is very, very clear about the willingness of the government.

**Mr. Korchinski:** But not his statement of this morning.

**Mr. McIlraith:** I think the willingness of the government to proceed in this way and immediately is very clear. I believe the Prime Minister made plain in the house yesterday and today how he regarded this matter, the need for dealing with it quickly and why there was that need. I dealt with this matter yesterday; and I was very specific on that point. I hope I have clarified the points that were concerning the hon. member for Burnaby-Coquitlam. If I have not, I will do my best to clarify them further.

**Mr. Douglas:** Mr. Speaker, it is not a matter of clarifying anything. I was fully aware of the discussion which had taken place. The point I wanted to make was that the press conference held by the minister is not a matter of official record. As my colleague for Greenwood pointed out, when a judge sits down to look at the terms of reference, he wants to deal with the record.

It seems to me that there ought to be in the order in council the specific things which the minister charged, first of all saying that there was a security risk, saying that two or more Privy Councillors were involved, saying that—

**Mr. McIlraith:** Mr. Speaker, so that I may understand the hon. member better, because I am a little confused at this point, if the whole press release is before the judge, how can that situation be improved upon by picking out excerpts from it?

**Mr. Lambert:** It is not a press release.

**Mr. Douglas:** To the best of my knowledge, there was no press release.

**Mr. McIlraith:** The press conference.

**Mr. Douglas:** Which was spread over an entire hour.

**Mr. McIlraith:** There is a transcript of the whole thing.

**Mr. Douglas:** If there is a complete transcript which can be included, and if the onus as set out in the order in council is placed on the minister to substantiate before the judicial inquiry the statements he made at that press conference, we would be satisfied with the terms of that order in council.