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rights of Canadians residing in northern Canada, a matter which is now *sub-judice*. The Government leaders of both Yukon and the Northwest Territories have recently filed petitions in the Supreme Courts of those jurisdictions which seek judicial declarations that certain constitutional measures which the Meech Lake agreement anticipates are in contravention of the Constitution of Canada, including the Charter of Rights and Freedoms, in their anticipated impact upon residents of the Territories.

The Yukon petition is scheduled for hearing on June 15, and the Northwest Territories petition on June 22.

I would refer you, Mr. Speaker, to Citation 335 of Beauchesne's Fifth Edition which indicates that, pursuant to the *sub-judice* convention:

Members are expected to refrain from discussing matters that are before the courts or tribunals which are courts of record.

This is a matter which the Minister of Justice (Mr. Hnatyshyn) raised in response to questions during last Thursday's Question Period. I understand the reluctance that the Chair has shown in the past in ruling opposition motions out of order, and I support that principle. In this case, however, I would suggest there is a possible solution; if you were to find one part out of order, that you give consideration to splitting the motion and proceeding with that portion which is not barred by the *sub-judice* rule—I am referring to the latter part of the motion.

I would ask you to consider this point of order, Mr. Speaker, and whether or not you might properly find that since the matter of the rights of Canadians in Yukon and Northwest Territories is, in fact, before a court of record that you should properly amend the motion. That amendment could take place by deleting all the words after the word "should" in the second line, down to and including the word "to" in the fourth line so that the motion would read:

That the Government should make a commitment to hold a First Ministers' Conference to discuss aboriginal concerns, in particular self-government.

Mr. Speaker: Are there Members rising on the point of order raised by the Parliamentary Secretary?

Mr. Riis: Mr. Speaker, I do not want to prolong this discussion but I think it is an important point. The motion as it presently reads affirms that the question we are discussing is a political question and it is a matter quite appropriate for the House to discuss. We have sought advice on the appropriateness of the particular wording and consider it to be appropriate. It is certainly a political question and goes far beyond any restrictions that the court would place on such an initiative by the House of Commons.

Mr. Allmand: Mr. Speaker, this resolution and the debate on it, in my opinion, in no way impinges on the court action taken by the Territories with respect to their rights under the Constitution.

We are not in this debate or by this resolution trying to resolve that court action or anticipate the court action. We are

dealing with the political will of this House to decide on the Meech Accord and what is in or not in it. We are not in any way trying to deal with the court action. I do not think that this resolution can be ruled out of order on those grounds.

There have been, I believe, many precedents where Parliament has passed legislation dealing with an issue that is before the courts and resolved it once and for all. In passing such legislation, Parliament has not attempted in any way to impinge on the rights of the litigants in the case. They have settled for the future once and for all and what would then be the situation.

With respect to the other point, I am deeply disappointed that the Deputy House Leader for the Government has refused to accept this resolution as a motion other than one of non-confidence. When the Government brought in the new rules suggested by the Committee of the House, chaired by the then Hon. Member for St. John's East, this was supposed to be a new era of putting more meaning into opposition resolutions before the House. I do not think the Government has accepted one opposition resolution as a motion other than one of non-confidence, even though opposition Parties have, time and time again, asked that they not be considered questions of confidence.

I would like to know from the Government, if this is not accepted as a motion other than one of confidence, what will the Government accept as such a motion in an opposition resolution? The Government is making a farce of the new rules which the Government itself has proposed that we continue, to which we have agreed. I cannot see what is meant by that provision in the rules if the Government will never accept any resolution put forward by the Opposition as a motion other than one of non-confidence. This is one which the Government should certainly accept on that basis.

Mr. Riis: Mr. Speaker, I want to add one further point to this important debate. I am referring to Beauchesne's Fifth Edition Citation 336(1) which reads:

The sub-judice convention has been applied consistently in criminal cases.

It then goes on in Citation 337(1) to read:

No settled practice has been developed in relation to civil cases, as the convention has been applied in some cases but not in others.

This is clearly not a criminal case that we are considering and, therefore, I think the argument of the Parliamentary Secretary to the President of the Privy Council (Mr. Lewis) is simply not appropriate.

Mr. Lewis: Mr. Speaker, if I may, I have two additional points which I will make briefly because I do not wish to impinge upon the debating time.

First, with respect to the point which my hon. friend has just made, there is quite a difference between Parliament commenting on a civil case between two individuals or two different parties and Parliament commenting on a case which is being brought to a court of law by a territory which involves Parliament. For that reason, simply because we want to have