

Administration of Justice

The leader of the party, of which the hon. member for York South has the doubtful privilege of being deputy leader, went on to say:

I am saying that the important thing in the terms of reference is whether or not there will be specific charges made by the minister, either by taking a transcript of his interview with the press and attaching it to the terms of reference contained in the Order in Council, or by having the minister rise in this house and repeat the statements he made at the press conference.

This is the hon. member's leader speaking. The leader of the hon. member's party is reported at page 2546 of *Hansard* as also saying:

The terms of reference will have to set out the charges made by the minister, not only in this house but outside the house.

This is a proper stand to take.

Mr. Lewis: We still take that stand.

Mr. Nielsen: It is a proper stand to take. I continue quoting:

The minister will then have to appear before such an inquiry and substantiate his charges, and place his seat and his portfolio at the disposition of that inquiry. The terms of reference of the inquiry must be such as to cover the charges which have been made, and the letter read by the Prime Minister from the Minister of Justice certainly does not cover the very serious allegations made by the Minister of Justice the other day—

Nor do these terms of reference cover those allegations. The leader of that party went on to say:

I suggest that the Prime Minister agree to an inquiry of which the terms of reference include the charges made by the minister outside the house—

An hon. Member: They do.

Mr. Nielsen: They do not, and I will point out to hon. members opposite who say they do that they do not, if they will be patient. The hon. member for Rosedale (Mr. Macdonald) shouts across to the hon. member for Kamloops, "what about the time you quit"? These interjections do not throw any light on the debate at all. The hon. member for Vancouver Quadra (Mr. Deachman), interjected in the debate,—he is laughing now—"what about February, 1963", during the time the hon. member for Kamloops was speaking. Those were his words.

Mr. Deachman: I never said any such thing. You have nine other fellows in mind.

[Mr. Nielsen.]

• (9:00 p.m.)

Mr. Nielsen: The leader of the New Democratic Party, after referring to the fact that the charges made outside the house by the Minister of Justice should be included in the terms of reference as well as the question of privilege raised by members inside the house, went on to say, as reported at page 2546 of *Hansard*:

—that the terms of reference make it abundantly clear that it is the minister who has to accept responsibility for substantiating before the inquiry the charges which he has made.

There is what the terms of reference should include, Mr. Speaker. The terms of reference of a royal commission, for the benefit of the hon. member for Medicine Hat, must be subjected to the same tests as any other legal document dealing with the rights and liberties of any subject. One of the prime principles in the administration of justice in this country is that it is up to the accuser to prove the guilt of the accused, that a man remains innocent until he is proven guilty.

There are over 20 ex-ministers of the former administration who have been asked, by the policy adopted by the Prime Minister, the Minister of Justice and the government, to prove their innocence. What kind of twist to the administration of justice in this country is that, Mr. Speaker?

Mr. Olson: May I ask the hon. member a question? I would ask him whether or not the Minister of Justice has now named anyone or charged them with anything. Second, I wonder if he would tell the house whether or not he thinks that the Committee on Privileges and Elections could call the minister to ask him what he has to say about these press releases.

Mr. Nielsen: The Minister of Justice has named no names. So far as the committee on privileges and elections is concerned, I think it is the consensus of this house, including the feeling of one who seldom has a consensus, the Prime Minister, that the matter should not go to the Committee on Privileges and Elections, and for very good reasons.

In this case we are dealing with the terms of reference of a document purporting to set up an investigation into the conduct of various members of this house who are Privy Councillors, including the former prime minister of this country, as well as Privy Councillors no longer in the house, some of whom are alive and some of whom are dead. How in the world these latter can prove their