

*Morality in Government*

After some argument Mr. Speaker Michener rose and rendered the following decision which is found at page 119 of the debates of 1957-58, volume I:

● (4:30 p.m.)

There is nothing on the order paper which would preclude a discussion of this matter. The royal commission is not a court of record and matters before it are not sub judice. Therefore I see no reason why the hon. member should not discuss it.

From a study of the precedents it appears that if the subject matter introduced in the house is at the moment before a court for decision and adjudication and a judgment has not been rendered, or if judgment has been rendered and an appeal taken, then the matter is sub judice. On the other hand, if the subject matter has simply been referred to a commission for study and report and it is not asked or empowered to render a decision—in other words, if once the report is made it will be the function of the government to implement—the matter is not sub judice.

During the question period, when a question was asked by an hon. member about which I had some doubt because it seemed to be dealing perhaps directly with evidence given before the commission, I had in mind at that time a decision of Mr. Speaker Macdonald which so far as I have been able to ascertain is the last decision on the point. It reads as follows:

I would accordingly rule that it is not out of order to discuss transportation problems generally when such matters have been referred to a royal commission. On the other hand, I would also rule that reference should not be made to the proceedings, or evidence, or findings of a royal commission before it has made its report.

This, of course, is something we have before us; it is a decision of Mr. Speaker Macdonald which we have to take into account. It cannot be easy for the Chair to decide, when an hon. member is taking part in a debate, whether or not he actually is dealing with the evidence itself. I think there is much to be said for the position of the hon. member for Peace River when he referred to evidence which might be given before the royal commission on a collateral issue or issues perhaps not of essence. I have in mind that the witness before the commission discussed collaterally something which was not basically of the essence of the subject matter of the commission. I believe we should not preclude hon. members from referring to such a matter if it was discussed collaterally in the evidence given by such a person.

[Mr. Speaker.]

I still feel that hon. members should bear in mind the decision of Mr. Speaker Macdonald that we should not delve into the evidence itself. In any event, the hon. member for Royal has indicated that is not the subject matter of his contribution to the debate this afternoon. I would think, therefore, that the discussion we are having now is not a discussion of a matter which is sub judice, and I rule against the point of order raised by the hon. Minister of Public Works.

**Mr. Fairweather:** Mr. Speaker, this very discussion, it seems to me, contributes to the jurisprudence of this place and the manner in which it is conducted. It fits in very well with the theory I am trying to enunciate. None of us, as I was saying, can stand aside from the fundamental issues. All of us must be called to account, those in high places and those on the back benches. Those who bandy about highminded phrases about the new politics must interpret their philosophy in the light of their words and their actions, since they have enunciated that philosophy.

Obviously—and this has been said by other speakers in other forums—we must expect the thrust of legitimate political debate and as a matter of fact should welcome it, but all of us must conduct ourselves so as to be above suspicion. It seems to me that when we think of the evil that is the subject matter of this inquiry we should remind ourselves that public morality is not confined to the bedroom. Public morality is part and parcel of every public man's actions; public morality is relevant in this chamber; public morality is interwoven into all our motivations, into all our policies as political people, and is even interwoven into our tactics.

There is public morality in the tactics we employ. I think we should remind ourselves of this as some of us go about our sinister business. I wonder whether survival unscathed and untarnished will be the only thing to the credit of some of us when we have finished our membership here? What a hollow type of victory this would be. Jacques Barzin answered about another event, when asked what he accomplished in those days, "I survived". Is this to be the sole thing we can say at another time, that we survived? The engines of smear, once started, are hard to stop. The habit of scandal is hard to break. These are days when we should be asking whether there is in fact a decline in the integrity of public life.