

ADMINISTRATION OF JUSTICE

MUNSINGER CASE—ANNOUNCEMENT OF JUDICIAL INQUIRY AND STATEMENTS BY MEMBERS

Hon. E. D. Fulton (Kamloops): Mr. Speaker, as I understand the position, we are at this moment back on the question of privilege and have before us what I call draft terms of reference, although the order in council has been passed.

Mr. Speaker: Order, please. It is the understanding of the Chair that we are on a question of privilege raised by the hon. member for Kamloops and more particularly on the terms of reference mentioned by the right hon. Prime Minister this afternoon.

Mr. Fulton: That is my understanding, Mr. Speaker. I call them draft terms of reference because I do hope that the government will be prepared to consider some amendments to these terms of reference, although I appreciate that the order in council has been passed.

Therefore, what we have to discuss are two things, as I see it: First, whether there should be a judicial committee of inquiry and, if so, whether and to what extent the terms of reference proposed are satisfactory. It is our position, Mr. Speaker, that we are agreed to there being a judicial inquiry into the Munsinger case but we are not prepared to forgo any of the rights and privileges of this house and its members, nor are we prepared to forgo the rights of members to discuss these privileges here in so far as they have been brought into question by the course which has been followed so far.

We have said, and I repeat, that we have nothing to be ashamed of or to hide in our handling of this particular case. I want to make it perfectly clear that we are not opposing or seeking to delay the constitution of the judicial committee of inquiry. I merely wish to make it abundantly clear that we reserve the right to express our opinion on the terms of reference and we do not admit that any judicial inquiry or any body can determine in any way the rights and privileges of this house.

Some hon. Members: Hear, hear.

Mr. Fulton: This house is the only body that can do that.

Some hon. Members: Hear, hear.

Mr. Fulton: Subject to that understanding we are prepared to co-operate in expediting a

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satisfactory judicial inquiry. We are, however, very much concerned with the terms of reference embodied in this order in council.

Wishing also to expedite the day, the hour, the minute when this house will be restored to a position where it can deal with the business of the country, we suggest, subject to reservations I shall mention in a moment, that there be an all party committee to discuss the terms of reference which have been laid before us today to see if it is possible to arrive more closely, at any rate, to agreement than I regret to say is the case so far. I shall be outlining to the house this evening the reservations that we have with respect to the terms of reference and some of the things we think should be incorporated therein. Others in our party will wish to follow up in detail with respect to some of the matters I mention.

I wish to make it clear that we have decided that if the government is prepared to agree that there should be an all-party committee we will co-operate in that committee. I do not mean it to be implied that at the moment I sit down we shall have exhausted the matters that we at this stage wish to bring before this house as to the things that should be considered by that committee.

I want, next, to indicate some of the objections to the present terms of reference and the suggestions we have to make as to how they should be amended. First, Mr. Speaker, in our view the terms of reference proposed in the order in council are far too vague and do not reproduce in the least fully or accurately the full effects of the charges made and the innuendos raised by the Minister of Justice. It is our view that these charges and their accuracy should form the major portion of the investigation which the commission is asked to undertake, and with that in mind I want to refer to some of the specific terms which we think should be altered.

In the first place, we think that the reference to the letter from the Minister of Justice to the Prime Minister which was read into the record of the House of Commons on Friday last should be deleted from the terms of reference of the royal commission. We are of that view because the letter of the Minister of Justice was an exculpatory document, or an attempt at exculpation, and an attempt to deny that he had made far reaching and improper charges publicly into which this commission should inquire. We therefore object very much to the letter, and certainly the initial portion, being made part of the terms