

*Private Members' Business*

1989. On August 31, 1989 the Supreme Court ruled that they would not hear Ng's appeal.

**The Acting Speaker (Mr. DeBlois):** On a point of order, the hon. member for Burnaby—Kingsway.

**Mr. Robison:** Mr. Speaker, I hesitate to interrupt my colleague from Peterborough, but I want to raise a serious point of order with respect to the propriety of referring in this House in the manner in which the member has done to a case which is still very much before the courts. The hon. member will know that the Minister of Justice on June 8 of this year referred the question of the extradition of Charles Ng directly to the Supreme Court of Canada for hearing a determination. To the best of my knowledge, that case is still before the Supreme Court of Canada.

The long-standing precedent in this House certainly would indicate that it is inappropriate for this House to be discussing a specific case of this nature which is now before the Supreme Court of Canada and being considered.

I know the member has concerns about the extradition act, as all members of this House do, but I would ask the Speaker to caution the hon. member with respect to references to a particular case which is now before the courts.

**The Acting Speaker (Mr. Nicholson):** The hon. member for Peterborough would like to address that point.

**Mr. Domm:** I rather suspect, Mr. Speaker, with all due respect to the member who raised the point of order, that these interruptions will occur quite regularly in my address. I know I am at conflict with the member over trying to rush this bill through the House in the first place. I know this member will not agree, as the Liberals have agreed, and as the Conservatives have agreed, to move this bill on to committee for discussion at the legislative stage.

Given that as the parameter and from the member of Parliament who just raised the point of order, who supported an all-party position of four recommendations, one of which was to remove a Supreme Court opportunity, I would think that this point of order, which I am now addressing, and not my speech, would not be taken from the content of time allocated to me to speak.

If the member wishes to ask questions, with all due respect, I am available to answer questions for as long as this House wishes to stay on this subject. I am not prepared to sit here, when a man who is outwardly and openly against this process of expediting extradition of convicts back to the United States—

**The Acting Speaker (Mr. Nicholson):** On the same point of order, the hon. member for Burnaby—Kingsway.

**Mr. Robison:** Mr. Speaker, just to be very clear, I certainly would not want it to be suggested that the time spent dealing with this point of order should in any way be taken from the time of the hon. member for Peterborough. I am quite prepared to agree that the hon. member for Peterborough should have all the time necessary to argue this particular point of order. That is certainly understood and I agree completely with the hon. member.

I do have the citation from Beauchesne, Mr. Speaker. It is under citation 335:

Members are expected to refrain from discussing matters that are before the courts or tribunals which are courts of record. The purpose of this sub-judice convention is to protect the parties in a case awaiting or undergoing trial and persons who stand to be affected by the outcome of a judicial inquiry. It is a voluntary restraint imposed by the House upon itself in the interest of justice and fair play.

Finally, Mr. Speaker, I would note that it is particularly important that this convention be applied in criminal cases. As citation 336 notes:

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

Mr. Speaker, it is very important that this House recognize that the sub-judice convention is one which must be applied and which must be respected. Certainly, I do not in any way wish to detract from the full time which the hon. member would normally have for debate of the issue and not of this particular case.

**The Acting Speaker (Mr. Nicholson):** On the same point of order, the hon. member for Kingston and the Islands.

**Mr. Milliken:** Mr. Speaker, I know the hon. member for Burnaby—Kingsway has raised this point of order with the very best of intentions. In strict theory what he says is perfectly correct. I agree with him. But I think there is one thing that is very important.