

*Morality in Government*

is outside the terms of reference of the order in council of March 14. It is surely not precluded from discussion here because these are not matters on which a judicial decision is pending.

Therefore the only rule, if one may call it that, the only citation in the book, does not stand in the way of what the hon. member for Royal is seeking to do. I will go further and say there is nothing in our Standing Orders which could be called a sub judice rule. I should like to support very strongly the remarks made by one of the earlier speakers, the hon. member for Kamloops, to the effect that the reference of Monday, March 14, was made not by parliament but by the executive, by the governor in council. If this were a device which were to be allowed, if each time a government by executive action referred something to an outside body it could not be taken up upon the floor of parliament, one could easily see the extent to which such a practice could be abused. I am sure Your Honour appreciates the force of the arguments of those who have already spoken to the effect that this matter is in the hands of parliament and, because it is in the hands of parliament, we have the right to discuss it.

● (4.20 p.m.)

So far as the point of order raised by the Minister of Public Works is concerned, I would point out that all he did was to make an assertion. He gave no citation or ruling, nothing to back up his assertion. He just asserted that this matter is sub judice and therefore it cannot be discussed. I submit that the only things we are barred from discussing, even by the citation, are matters upon which a judicial decision is pending and, no matter what comes out of Mr. Justice Spence's inquiry, he is not called upon to make a judicial decision.

**Mr. Thompson:** Mr. Speaker, my comments will be very brief, and I speak from the standpoint of the authority provided for us in standing order No. 35. I believe that is the only authority to which we can refer. I do not refer to it from a legal standpoint because I do not feel qualified to do so, but I must speak in support of what the hon. member for Winnipeg North Centre has just said. Citation 149(c) makes it very clear that the restrictions placed upon members of the house refer to a matter in which a judicial decision is pending.

[Mr. Knowles.]

In my opinion the royal commission that has been set up is not in any manner a court. There is no judicial decision that can be made by it and even though the chairman of the commission is himself a member of the Supreme Court of Canada the commission is not acting in any sense as a court of justice. Mr. Justice Spence is chairman of a royal commission that has been set up by the executive, and the recommendation which he will make can in no way be considered as a judgment made by a court of justice. Therefore, Mr. Speaker, we must give our support to the argument that has been made by the hon. member for Winnipeg North Centre and we must also support the point made by the hon. member for Kamloops.

I believe that the Minister of Public Works is mistaken in the position he has taken because he is claiming that the royal commission is something which it is not. He is assuming that the decision or recommendation to be made by the commission is equivalent to a judicial decision, something which it cannot be. Therefore, Mr. Speaker, we base our position clearly on this one point, paragraph (c) of citation 149.

**Mr. Baldwin:** Very briefly, Mr. Speaker, I think the issues have been pretty well covered but I would like to place before Your Honour a narrow interpretation within the wording of citation 149, even if Your Honour takes the view that a judicial decision can be taken to cover the findings of a royal commission. I submit that there is no judicial decision pending in any sense of the word on the particular matter which the hon. member for Royal has raised, namely, the statement made by the commissioner of the R.C.M.P. in his evidence before Mr. Justice Spence.

I put it this way. Surely with respect to collateral issues which may be raised at any time by evidence given we cannot be deprived of the opportunity to discuss them. The *res gestae*, yes, in a civil case, the charge and defence in a criminal case, yes, and in a royal commission the terms of reference, but where evidence is given which may be collateral to the issue and with regard to which an attack might be made on credibility, surely this house is not to be prevented from discussing at any time, even while the royal commission proceedings are continuing, those collateral issues in that narrow sense. Furthermore, in this case the matter raised is not one with respect to which any decision is pending.