

*Speaker's Ruling*

Beauchesne's fifth edition, citation 339, comments on this part of the report and adds that the Speaker should remain the final arbiter.

In the present criminal case of *Regina v. Normand Belisle, John Appleby and Douglas Small* the defence has put forward a motion for an order staying all proceedings, claiming that there has been an abuse of process. I repeat, the defence has put forward this motion.

A witness has been heard, or at least partially heard, and that specific matter as to what that witness testified and what flows from it has yet to be decided by the court. This obviously is an important step for the defence with considerable consequences for the accused, whatever the court may eventually decide. The issue the hon. member and other hon. members wish to raise in the House is the same issue the court is seized of and which that court must decide.

However, the hon. member for York Centre and others wish to raise the matter in questions to the Solicitor General. The Chair has some difficulty in accepting the argument of the hon. member for York Centre that such questions would not be material to the criminal proceedings under way where, as I have remarked, the present testimony is in support of a defence motion.

As a consequence, the Chair is unable to accept the argument that somehow the proceedings in this criminal trial can be split into that part to which the convention of *sub judice* applies and another part where it does not apply.

There is no doubt that the House has a fundamental right to consider matters of public interest, but by our convention on matters before the courts the Chair has the duty to balance that legitimate right of the House with the rights and interests of the ordinary citizen undergoing the trial.

Therefore, after reflection on the matter and in the light of the decisions taken by previous Speakers, I have decided that the *sub judice* convention should apply in this case for the time being. The hon. member for York Centre will have further opportunities to pursue any related issues he may wish, and I include along with the hon. member for York Centre other hon. members, when the trial is over.

I will also take this opportunity to rule on the question of privilege raised earlier this morning by the hon. member for Oshawa. The hon. member claimed that the evidence given at the criminal trial yesterday by Staff Sergeant Jordan of the Royal Canadian Mounted Police is at variance with evidence given by the Commissioner of the Royal Canadian Mounted Police before the Standing Committee on Justice and Solicitor General in June of this year. Consequently, it was argued that there has been a contempt of this House, or that a contempt of this House may have occurred.

I listened carefully to the arguments that were made and I reserved because the matter appeared on the surface to be linked to the point of order on which I have just ruled. On reflection, however, and in keeping with the House practice, I must find that there is no *prima facie* evidence of a contempt. There appears to be a discrepancy with respect to certain things that were said in two different places, but it is clearly up to the standing committee to pursue this matter if it so chooses. The committee is the competent body to review evidence given before it and should report to the House if it finds any breach of its authority. I must say to the hon. member for Oshawa that it would at least be premature for the Chair to rule now on this matter.

[Translation]

These matters are important and often very complex. They are sometimes even difficult for the Chair.

I wish to again express my gratitude to the Hon. Members concerned for their cooperation and their patience.

[English]

I also want to express my appreciation for the very helpful and dignified way these arguments were brought to the Chair both yesterday and today. I think we also appreciate the very hard work which was done by our Table Officers last night and early this morning in order to assist the Chair to be able to return and give this ruling as expeditiously as possible.

It may well be that, given the fact that there was a committee report in 1977, hon. members will want to look at this matter further. I, of course, invite them to do so and in that respect I am very much the servant of this place.