

POINT OF ORDER

PRACTICE OF HOUSE RESPECTING CASES *SUB JUDICE*

Hon. Herb Gray (Windsor West): Mr. Speaker, I rise on a point of order. Citation 335 of *Beauchesne* says that Members are expected to refrain from discussing matters that are before courts or tribunals which are courts of record. If I am not mistaken, the Human Rights Tribunal has the status of a court of record. It can issue final decisions that can lead to penalties and affect the rights and status of individual Canadians.

If I am correct, Mr. Speaker, I respectfully submit that you consider whether the Solicitor General (Mr. Beatty) has breached that convention by what we consider to be his quite inappropriate remarks during the Question Period. I will not repeat the remarks, they are on the record, but I submit that there is a basis for finding that the Solicitor General has breached the convention through those quite inappropriate remarks and, at the very least, should withdraw them.

Mr. Hnatyshyn: Mr. Speaker, I rise on the same point of order. I am glad that the Opposition House Leader has raised it. I want simply to make three points. First, the letter which has been widely distributed by the Hon. Members for Hamilton East (Ms. Copps) and York South-Weston (Mr. Nunziata) with respect to this matter clearly indicates that they are appealing to the Human Rights Commission in its investigative capacity, as opposed to having a resolution of the matter.

The legislation is clear and Your Honour will know that the Human Rights Commission has two functions. One is to investigate a matter and, if it subsequently finds there is a *prima facie* case, to have an adjudication on the matter.

My second point with respect to the remarks made by the Opposition House Leader is that the Human Rights Commission is certainly not a court of record. The Hon. Member is a distinguished lawyer and should understand the meaning of that term.

Third, if there is any basis upon which the Hon. Member can rely, I would ask him to speak to the Member for York South-Weston who breached his own point yesterday when, after having filed this complaint, he got up and referred to it in the House of Commons. He is complaining about the very thing he did himself yesterday.

Mr. Nunziata: On a question of privilege, Mr. Speaker—

Mr. Speaker: Will the Hon. Member for York South-Weston please resume his seat. I am now dealing with a point of order. First, questions with regard to the *sub judice* rule are not a rule of the House but a time honoured convention of the House. The Hon. Member will know that it has been a tradition of the Chair to intervene if the Chair believes that the convention has been breached.

With respect to questions that are before the Human Rights Commission, I know of no previous case that comes to mind. However, I am guided by the request by the Hon. Member for Windsor West (Mr. Gray) that I examine the matter.

Business of the House

I am also grateful for the comments and advice of the President of the Privy Council (Mr. Hnatyshyn).

I do not know the facts with regard to the question of the status of the courts.

An Hon. Member: Neither does the Government House Leader.

Mr. Speaker: Heckling is a honourable and noble art and I respect it. However, all of the interventions all of the time on every matter are not helpful, Sir.

● (1510)

What I propose, as I think I should, is to reserve on the matter and determine the facts of the case.

The Hon. Member for York South-Weston (Mr. Nunziata) is claiming his right to present another case of privilege.

Mr. Nunziata: Mr. Speaker, the President of the Privy Council (Mr. Hnatyshyn), a few moments ago indicated that I had commented on the case yesterday. During Question Period yesterday I put a question to the Solicitor General (Mr. Beatty) advising him I had filed a complaint. I asked him whether he would co-operate and facilitate the investigation.

Mr. Speaker: Order, please. This is becoming a debate about what was or was not said by whom in Question Period. That is clearly not a question of privilege.

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BUSINESS OF THE HOUSE

WEEKLY STATEMENT

Hon. Herb Gray (Windsor West): Mr. Speaker, I want to ask a question of the Government House Leader which I think will not turn out to be particularly controversial, and that is, to ask him to state the business the Government wishes to present to the House for the coming week.

Hon. Ray Hnatyshyn (President of the Privy Council): Mr. Speaker, today we will continue consideration of the divorce legislation. I am hopeful we may be able to conclude consideration of those Bills by the end of today.

In any event, tomorrow I would take up Bill S-6, the tax convention Bill. There may be a disposition to deal with this Bill at all stages, Mr. Speaker.

We would then proceed with Bill C-59, the Senate amendments with respect to the Customs Act which are of a technical nature and which I have discussed with the Opposition House Leaders, and Bill C-76 regarding the Toronto Island Airport. On Monday and continuing into next week we will take up the following Bills: Bill C-82 respecting the PGRT; Bill C-86 respecting CDIC; Bill C-85 respecting the Petroleum Incentives Program Act; and Bill C-90 respecting pensions plans.