

Administration of Justice

subject to know with what he is being charged, and it represents the perversion of justice to political ends. That is precisely what it does.

The hon. member for Kamloops has suggested an all-party committee to meet with representatives on the government side to consider these terms of reference, but one thing which we must not lose sight of, apart from all the other facets involved in this matter, is that it is a fundamental right of every individual in this country, of every individual in any democratic country, to have specified for him the charges which he must meet. Otherwise there can be no defence.

He must know. This group of Privy Councillors here and those absent, those with us in life and those not, must know by the accusations of those opposite who have made these charges, who it is that must stand trial. This is where the perversion of justice has taken place.

• (9:30 p.m.)

Mr. Drury: Would the hon. gentleman permit a question? I have been a little confused between his statements about respecting British justice in the conduct of a trial, with which we all agree, and his reference to other people having a relationship with Mrs. Munsinger, but surely he must distinguish between an inquiry and a trial. I do not think anyone is suggesting that a trial is being held here. Surely this is an inquiry to establish the facts to the satisfaction of all. I would be very glad if the hon. member could make this distinction between a judicial inquiry to ascertain facts and a trial, the nature of which he appears to have been describing.

An hon. Member: Hear, hear.

Mr. Nielsen: The applause the minister has received and the basis of his question indicates to me—

Mr. Tardif: Answer the question.

Mr. Nielsen: I will answer the question, and the hon. member for Ottawa or whatever district he comes from—Russell—should stand up and participate in the debate instead of interrupting.

An hon. Member: He has not said a word in five years.

Mr. Nielsen: I will answer the minister—

Mr. Tardif: Do not call me the member for Ottawa. I am the member for Russell.

An hon. Member: Nobody knows you.

Mr. Nielsen: I say in all seriousness to the minister that the terms of reference contained in this Order in Council, which sets up what purports to be a judicial inquiry, in effect set up an inquisition, because the minister surely must agree that before anyone is required to appear before any judicial tribunal—and there can be no argument about this being a judicial tribunal—rather than being required to appear on the basis of vague charges first of all the person has to know with what he is being charged.

An hon. Member: Who is being charged?

Mr. Nielsen: He is being charged, if you look at the terms of reference, in a very vague sort of way. Certainly he must know precisely with what he is being charged. That is fundamental. The President of the Privy Council adopts an expression as though to say it is here but it is not here. If he will recall the events leading up to other commissions and other orders in council which were drawn to inquire into specifics, into the conduct of specific ministers—

Mr. Pearson: No, it was not.

Mr. Nielsen: Into the conduct of a specific minister—

Mr. Pearson: No.

Mr. Nielsen: If you look at the order in council you will see it is there. That is the distinction.

Mr. Drury: Mr. Speaker, may I ask another question? I do not think the hon. member has quite met my point. Is the hon. member suggesting that no one can be called before Mr. Justice Spence to give information which would lead Mr. Justice Spence to ascertain what the facts are unless a formal charge is made against that man, that is, that no person can be called as a witness to give information unless there is a formal charge? Is that what he is saying?

Mr. Nielsen: Let us just refer to one other commission to draw an analogy to what I mean. I am suggesting to the minister and to the government which he represents that what must occur in these terms of reference is that persons against whom allegations are made must be named and that the allegations must be specific. The New Democratic party says the same thing.

If I might refer to the Order in Council setting up the Dorion inquiry, the minister will find that the conduct of a specific minister—and I will not name him for fear of