

Oral Questions

Mr. Kaplan: Mr. Speaker, on May 30, 1989, the Solicitor General assured the House, and I quote from page 2324 of Hansard:

The RCMP has conducted its investigation. It has consulted with members of the Attorney General's Department of the province of Ontario. It has concluded that charges should be laid.

I ask the Solicitor General to explain his behaviour and the behaviour of the government in the light of the evidence adduced this morning under sworn testimony by an RCMP officer.

Mr. Speaker: The question creates very considerable difficulty for the Chair, and I would ask that all hon. members bear with the Chair for a moment because the matter is a very serious one. I want to be sure that all hon. members understand why I feel that I must intervene at this time, and I want to be sure that the public understands.

In Beauchesne's fifth edition, page 118, I read paragraph 335 under the heading, "The Sub-Judice Convention":

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.

I ask hon. members to listen carefully to the next words.

It is a voluntary restraint imposed by the House upon itself in the interest of justice and fair play.

The next paragraph is 336(1) which reads:

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

The case referred to is clearly a criminal case. And, there are some references to *Debates*. I do not have those references in front of me, yet.

Paragraph (2) reads:

The precedents in criminal cases are consistent in preventing reference to court cases before a judgment is rendered—

It goes on to say:

—however, the convention ceases to apply after the judgment is given.

There is no question, I think, at the moment that this is just the commencement of a criminal trial and judgment has not been given.

Those are the immediate references which I must bring to the attention of the House.

• (1420)

The hon. member for York Centre out of courtesy to the Chair, and I advise hon. members of this, indicated to the Chair that he would seek to ask a question along these lines. I know he will put some arguments at an appropriate occasion as to why those references in themselves and as read to the House ought to be the subject of some examination. What I am going to do at the moment, and I hope the hon. member for York Centre will accept this in the best spirit of this place, is indicate to the hon. member that I will not take any further questions on this point, but I will hear the hon. member at an appropriate time and as quickly as possible after Question Period. I will listen to his arguments.

Mr. Kaplan: Mr. Speaker, I came prepared earlier today to ask questions on the subject of the government's abortion legislation. I propose to do that, but may I just say in passing, as you indicated yourself, the *sub judice* rule is a convention which is imposed voluntarily on the House and I intend to argue at three o'clock that there are higher values.

Mr. Speaker: I know the hon. member for York Centre very well, and I expect that he will bring some very cogent arguments to his case, but we will hear it after Question Period.

Again I thank the hon. member for indicating to the Chair that this difficult matter was going to be raised. I would ask the hon. member to proceed with his other questions.

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[*Translation*]

ABORTION

Hon. Bob Kaplan (York Centre): Mr. Speaker, my question is directed to the Minister of Justice.

Friday, the Government tabled its bill on abortion. My question is based on this legislation.

On all sides, doubts have been expressed about the constitutionality of the Bill. I would ask the Minister, in order to prevent a false start and a long, drawn out debate that might take years, and to avoid the inevitable court challenges which, in each case, will be linked to the fate of women like Dodd and Daigle, and he demands