

Point of Order

The government is approaching the issue based on three principles. First, that there should be guidelines or a formula provided by statute to assist the court in determining the amount to be paid for child support to relieve the parties of the expense and anguish of determining that through litigation.

Second, that the tax system should be examined to determine that it is fair to both custodial and non-custodial parents in providing the best for the children of separated families.

Third, that there is an effective national strategy for enforcing court orders once they are made.

In relation to the first matter, the federal-provincial-territorial report with respect to child support was published last January. It contains specific amounts in a proposed formula that is now under public discussion. We are learning from that discussion.

Second, in terms of tax, the Minister of Finance has been at work in that area and is completing an analysis of the options.

Finally, in enforcement, we have developed proposals that will be announced with the other two elements of the package which we believe will enhance the enforcement of support orders across Canada.

The Speaker: This brings to a conclusion question period, but I have a point of order by the hon. member for Crowfoot.

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POINTS OF ORDER**QUESTION PERIOD**

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I rise on a point of order because I believe that the Minister of Justice has contravened the sub judice conventions of this House.

In response to my question on Monday, March 27 he stated, and I quote from *Hansard* page 11065:

The judgment that has been referred to is under appeal because the federal government believes at first instance it was simply wrong.

He goes on to state:

We feel in good faith the judgment at first instance in Alberta was wrong. We will pursue that appeal with every confidence that we shall win it.

Furthermore, on Wednesday, March 29, the minister, in response to a question by my colleague from Yorkton—Melville, stated, and I quote from page 11193 of *Hansard*:

The fact is that the judgment has been appealed. We are taking the position in the Court of Appeal that the judgment was in error.

• (1205)

Mr. Speaker, as you know citation 505 of *Beauchesne's* sixth edition states:

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

Furthermore, citation 506(1) and 506(2) state:

(1) The sub judice convention has been applied consistently in criminal cases.

(2) The precedents in criminal cases are consistent in preventing reference to court cases before a judgment is rendered; however, the convention ceases to apply after the judgment is given. Nevertheless, the convention is applied again when an appeal is launched.

Applying the sub judice convention, the hon. minister has put on the record that the *Simmerman* case is under appeal and he, with respect, has commented on the case. He has stated on more than one occasion that the judgment was an error. Mr. *Simmerman's* interests could be negatively affected by the minister's comments.

The convention covers all members of the House. This instance, with respect, also brings the issue of undue influence or ministerial interference into play. Ministers must be even more circumspect with their comments and actions due to their positions. With issues within their sphere of responsibility, they must be even more vigilant.

Here we have the Minister of Justice not only discussing a criminal case which is before the Alberta Court of Appeal, but he also stated that the original decision of the Court of Queen's Bench was wrong.

I suggest that this is where section (2) of citation 506 has been contravened, when it states:

—the convention is applied when an appeal is launched.

This convention has come to be especially for cases like this. I think members of the House will agree that the *Simmerman's* interest of justice and fair play have been compromised by the statements made by the minister.

I also bring the attention of the House to citation 493 of *Beauchesne*, whereby members are not to make personal attacks or censure judges and courts of justice.

The Minister of Justice on numerous occasions has stated that the decision of the Alberta Queen's Bench was wrong or in error. Furthermore, I would like to bring to the attention of the House to the case, *re Oulette Nos. 1 and 2*, cited at 32 Criminal Cases, second edition, page 149 whereby the Minister of Consumer and Corporate Affairs at that time was held in contempt by the Quebec Court of Appeal for making disparaging remarks about a trial judge's decisions.