

Morality in Government

supposedly scandalous, and possible wrongdoing of every member of the house at that particular time.

I suggest to you, sir, that this matter is not before the royal commission in any way, shape or form. I suggest that to use this incantation of sub judice as the reason why this house should not discuss the very important matters raised by the hon. member for Royal would be to deprive this house of the opportunity to vindicate its own privileges and rights. I therefore hope that you, sir, will rule, in accordance with my submission, that the hon. member for Royal should proceed to discuss this matter now according to the rules of this house.

Mr. Nielsen: On the point of order—

An hon. Member: Are you an authority?

Mr. Nielsen: I hear an interjection by a backbencher referring to me as an authority. He should know. He is sitting with his *Hansard* before him.

Mr. Lind: I resent that because I have not said a word. Withdraw.

Mr. Ricard: There was no need to identify yourself.

Mr. Nielsen: Contrary to what the Minister of Public Works has said, the evidence which has been given before the inquiry is being discussed. Where are we in this house if that evidence can be discussed by the communication media across this land, by every newspaper in the country, by every television station, every radio station while at the same time we are prohibited, according to the submission of the Minister of Public Works, from discussing it in this house where the privilege surely resides?

The precedent was set during the proceedings of the Dorion inquiry. I know that the Secretary of State for External Affairs looked at this matter very carefully at the time. The evidence before that inquiry was discussed in this house before that inquiry made its findings. Indeed, the subject matter arose as a result of the Prime Minister's sending a memorandum and thereby smuggling evidence before that commission that he did not appear to give personally. On the basis of that action the precedent has been set by this house.

I took from the remarks of the hon. member for Greenwood the argument that Your Honour ought to find that it should, in effect,

[Mr. Brewin.]

be prohibitory to discuss in this house matters which may fall within the terms of reference passed by the house. I think that also is unduly restrictive of the privileges of debate and of privileges generally in this house.

Parliament from start to finish is seized of those terms of reference. At any time they can be altered by parliament. The terms of reference have to come before parliament to be so altered.

Mr. Starr: They were not approved by parliament.

Mr. Nielsen: I am sorry; I ought to have said "by the executive". It would be very strange if, once an order in council has been passed setting up a commission, the executive or parliament could not at any time enlarge, restrict or alter the terms of reference.

● (4:10 p.m.)

I submit that the authorities are clear. There is nothing sub judice about discussing any matter before the royal commission. I say that not because of the compelling reasons given by the hon. member for Greenwood but by virtue of the fact that parliament is supreme in this field. It is always seized of the right to discuss matters such as the one before Your Honour now. In my submission it would be an abdication of the rights of parliament if the right to discuss such matters were to be taken away from members.

[Translation]

Mr. Gilles Grégoire (Lapointe): Mr. Speaker, once again I am in agreement with the hon. member for the Yukon (Mr. Nielsen) when he states that such a matter may be considered by the house.

Obviously, Mr. Speaker, a Royal Commission has not the authority to hold anyone in contempt of court. If such power is not given, if it may not, through positive action, prevent mention of it, I do not see, then, why the members should not be entitled to discuss the question raised by the hon. member for Royal (Mr. Fairweather).

Furthermore, the matter referred to the Spence Commission for investigation has nothing to do with the ways or methods through which the Minister of Justice (Mr. Cardin) has gone through the file. This is precisely what we want to discuss. According to the member for Royal, two totally different questions are involved. When the Spence Commission was instituted, its terms of reference were not to inquire into the ways through which this could have come to the