there is now in the British Standing Orders a provision that deals with sub-judice questions.

I admit that this is not necessarily binding upon Your Honour or this House. Standing Order 1 provides that the rules and practices of the British House shall apply so far as is possible in the Canadian House of Commons, but certainly we do not follow changes made in their Standing Orders from time to time subsequent to the date when we first received our Standing Orders. However, I think it would be wrong not to examine with care and to take into account the law that now prevails in the United Kingdom, which is simply this: I shall read from the *Journals* of the House of Commons at Westminster for July 23, 1963, and the Standing Orders which I believe are still in existence:

Resolved, that, subject always to the discretion of the Chair and to the right of the House to legislate on any matter,

(1) matters awaiting or under adjudication in all courts exercising a criminal jurisdiction and in courts martial should not be referred to—

(a) in any motion (including a motion for leave to bring in a bill), or

(b) in debate, or

(c) in any question to a minister including a supplementary question;

(2) matters awaiting or under adjudication in a civil court should not be referred to—

(a) in any motion (including a motion for leave to bring in a bill), or

(b) in debate, or

(c) in any question to a minister including a supplementary question from the time that the case has been set down for trial or otherwise brought before the court—

I think those are the important words, Mr. Speaker, that under the time element in the British House in regard to civil actions, the right of the Chair to prohibit the asking of questions or proceedings in the House regarding a civil matter comes into effect from the time that the case has been set down for trial or otherwise brought before the courts. It is interesting to notice that a little further on it states that where a case has been settled, the right is resumed in the House to ask questions unless and until an appeal is set down, in which case the right is suspended again.

That, Mr. Speaker, is the British practice and I do not think it is so very different from what has been the decision of other Speakers, particularly Your Honour's predecessor, Mr. Speaker Lamoureux. In 1971 there was a case that was debated at length in this House. The hon. member for Winnipeg North Centre (Mr. Knowles) was involved, as was I and other members including the hon. member from Halifax at that time. It dealt with a case that had achieved some prominence because the government had failed to pay moneys it was required to pay under the Temporary Wheat Reserves Act and we had raised the issue in the House. An action had been commenced in Saskatchewan by some Saskatchewan residents seeking relief from the courts to compel the minister of finance and the government to pay out the moneys due under the Temporary Wheat Reserves Act.

An attempt was made to carry forward the discussion of certain legislation. The hon. member for Winnipeg North Centre raised a point of order, arguing that the debate on the legislation should not be continued while this action was still before the courts. I am sure Your Honour has had occasion to read that decision, but I will put on the record for the benefit only of members of the House some of the points Mr. Speaker Lamoureux made as they appear in the *Journals* of this House of Commons under date October 4, 1971. Mr. Speaker Lamoureux referred to the precedent known as citation 149(c) in Beauchesne's fourth edition, which provides:

It has been sanctioned by usage both in England and in Canada that a member while speaking must not refer to any matter upon which a judicial decision is pending.

Mr. Speaker Lamoureux had this to say in the next paragraph:

—"judicial decision pending" means that the case has been heard in full and that the court has before it the matter on which a decision will be rendered in the near future, in which case debates in the House might not be interpreted as influencing or attempting to influence the decision of the court.

He went on to say:

A matter, whilst under adjudication by a court of law, should not be brought before the House by a motion or otherwise. This rule does not apply to bills.

Mr. Speaker Lamoureux went on to say that his opinion of the matter was such that the mere issue of a writ did not bring into effect the sub judice rule so as to inhibit the right of a member of this House to ask a question or to pursue a debate in the House. I would say through you, Mr. Speaker, to the members of the House that that is a very reasonable and proper interpretation of the law both as it is and as it should be. If attempts are made to inhibit a member of this House in asking questions merely by the issuance of a writ, I can see our opening the door to wholesale abuses.

For example, in a case where a member of the House had had occasion to make an inquiry or investigation into the conduct of some individual or company, all that would be necessary would be for that individual or company to issue a writ, whether it be a writ for debt, or anything else against that hon. member. If the law were applied as some might contend, this would shut the door and would constitute a very grave abuse of the rights of members of the House in the exercise of their duty on behalf of their constituents and the people of Canada. I submit that under such conditions the House should give effect to the decision of Mr. Speaker Lamoureux and to the proposals contained in the report of the British House which is now incorporated in their Standing Orders.

But there is more to it than that, Mr. Speaker. I have ample precedents not involving decisions but where questions have been asked and no challenge was made. On July 9, 1973, an issue was raised in this House by myself and the hon. member for Calgary North (Mr. Woolliams) dealing with students' co-operative projects, a report of Central Mortgage and Housing Corporation and certain challenges with respect to the tendering programs and practices of CMHC. The issue was based on some evidence given by a party to an action then being carried on in the city of Toronto, where one of the parties to the action had given evidence that there had been improper practices in tendering by CMHC which, according to the documents we had, I suggested amounted to improper and perhaps even criminal practices. Questions were asked by myself, by the hon. member for Calgary North and others and no one challenged our right to ask those questions or to have answers given.