

Morality in Government

Even if we were to accept the minister's argument and that of the Minister of Public Works, which Your Honour has already ruled upon, there is nothing here which is sub judice.

Mr. McIlraith: Nobody is suggesting that.

Mr. Nielsen: The Minister of Transport in his argument did suggest it.

Mr. Pickersgill: Oh, no.

Mr. Nielsen: The minister said to the house that this motion must be based upon arguments which in turn must be based on the evidence given at the inquiry. He was anticipating. Even if that were so, there is nothing sub judice about the contents of this amendment. Therefore, on the face of it I submit to Your Honour that the amendment itself must be accepted. Despite the ruling you might come to subsequently upon any future possible points which may be raised in debate, there is nothing sub judice and therefore nothing unacceptable about the motion itself.

I have one more point, Mr. Speaker, and then I will sit down. Your Honour's ruling, as I took it and as I heard it, was primarily based on a ruling given by Mr. Speaker Michener seven years after the ruling which was quoted by the minister. I believe a distinction can be drawn between the circumstances which gave rise to the ruling of Mr. Speaker Macdonald in 1950 and those which surrounded the matter which gave rise to the ruling of Mr. Speaker Michener in 1957.

I wish to point out again, sir, as part of this discussion on the point of order, that a precedent has been set—it is a matter of record—in that in the early months of 1965 matters before a royal commission of inquiry were not only discussed in this house but members adopted strange means of getting evidence before that inquiry through the vehicle of this house. Now, sir, surely parliament is not going to be deprived of its right to discuss a matter affecting, as it does, the very survival of the institution itself by the kind of weak, specious and devious arguments which have been advanced by those opposite.

Mr. Pickersgill: Mr. Speaker, I am sure you will permit me to emphasize the fact that I did not maintain and I am not maintaining that this matter is sub judice, nor did my learned colleague, the Minister of Public Works (Mr. McIlraith), so maintain. We both maintain that the motion and now the

amendment were based upon a piece of evidence. Your Honour quoted Mr. Speaker Michener's ruling which, as I recall it, was based on matters which were sub judice. This is totally irrelevant to the point which my hon. friend, the Minister of National Health and Welfare, made and which I was supporting by reading Mr. Speaker Macdonald's ruling to this effect:

On the other hand, I would also rule that reference should not be made to the proceedings, or evidence, or findings of a royal commission before it has made its report.

There is nothing here about whether or not it is sub judice. This is a categorical statement, and I would suggest that reference should not be made to the evidence and that this motion is founded exclusively on the evidence. Without that evidence there would have been no finding of the kind which was made on this motion. Therefore I say nothing could be more clearly within the terms of the ruling of Mr. Speaker Macdonald.

Mr. Churchill: Mr. Speaker, the Minister of Transport has been reading from *Hansard* for March 21, 1950. In view of the fact that he has read a portion I believe we should look at other portions as well. A point of order was raised and at page 949 Mr. Speaker stated as follows:

The point raised by the hon. member for Yorkton is, as I understand it, that at the present time a debate should not be permitted on any matter affecting transportation because a royal commission has been set up to inquire into that matter. I take it that that is the point of order raised.

Mr. Stewart, the member for Yorkton, said yes. In the next column Mr. Speaker said:

I would accordingly rule that it is not out of order to discuss transportation problems generally when such matters have been referred to a royal commission.

So Mr. Speaker made it quite possible for the house to discuss in general terms the question of transportation despite the fact that the subject was before the royal commission. He went on to use the sentence which the minister has read to us. He then stated and again I quote:

It was a new question for me, and I hope my ruling meets with the general approval of the house.

The Speaker showed considerable uncertainty with regard to a matter which had just recently come to his attention and I notice that he does not give any citations or references such as Your Honour has been able to give to us this afternoon. The only reference given was to Beauchesne, citation 490. I