

Morality in Government

● (4:00 p.m.)

I respectfully submit that the rule is that when a matter is before a royal commission or a court it is not proper for the house to discuss it during the currency of the taking of the evidence.

Mr. Churchill: Is it all right for newspapers to do that?

Mr. McIlraith: It may be very proper at the appropriate stage when the proceedings are concluded to raise such matter. But that stage is not now. That is my point. I therefore ask that the hon. member's remarks be ruled out of order.

Mr. Fairweather: What I have been trying to discuss is a much larger question. I am sorry I have not been able to put it into the kind of words to suggest my feelings about the matter. What I refer to is of far broader implication than the subject to which the house leader refers. I am discussing, if I need to clarify it for him, what is really the question of morality in government or morality, if you like, in parliament. I have used as an example a question and an answer.

I am perfectly aware how these commissions are conducted. I commented on the fact that unless I discussed the subject in very broad terms I might be out of order. Furthermore, this very question and answer have been subjected to interpretation by as yet unnamed people. If this type of thing is subjected to interpretation outside parliament, surely we should be privy to it here. Unless there are serious objections I am going to continue with my speech.

Mr. Speaker: The hon. member for Greenwood on the point of order.

Mr. Brewin: Mr. Speaker, I should like to say a word, if I may, on the point of order. I should like to try to make the point that the claim that a matter is sub judice, or has been in some way taken beyond the right of this house to discuss merely because it happens to be mentioned in the proceedings of a royal commission, is a claim that is without precedent and without foundation.

Mr. Nielsen: They know that.

Mr. Brewin: Furthermore, such a claim could seriously damage the rights and privileges of this house.

Mr. Nielsen: They know that too.

Mr. Brewin: A royal commission is appointed to inquire into many broad matters.

It is not a court. Let us make that clear. Let us also make clear that when a matter before a court is properly under consideration by the court it would be contempt of that court for this body or any other to discuss matters before that judicial tribunal.

However, a commission of inquiry is not a judicial tribunal even though it be presided over by the most distinguished judge in the country. It would be a strange thing, Mr. Speaker, if the rights and privileges of this house, having been brought in issue by something which incidentally happened to be revealed in the proceedings of a royal commission, were, during the months or perhaps years that some of these royal commissions sit to be withdrawn in such a way that the house would not have the right to discuss them.

I took down the words used by the house leader. He said that the rule is that a matter which is before a royal commission or the courts is not to be discussed in this house. I challenge him to produce authority to equate a royal commission with the courts of the land.

An hon. Member: They are different.

Mr. Brewin: I do not think that can be done. But, Mr. Speaker, I point out that what is before the royal commission are the terms of inquiry and the terms of inquiry do not cover the question being discussed by the hon. member for Royal. Nothing that the royal commissioner may say in respect of this statement which happens to have been made in evidence given by the commissioner of the Royal Canadian Mounted Police or, indeed, nothing that is said before that commission affects the rights and privileges of members of this house. It is not something that has been referred to the royal commissioner. Indeed, I would think it strange if he saw fit to comment on it. What has been included in the very narrow terms of reference of that commission are certain matters which are well known to this house. I do not need to enlarge on them.

I point out to you, sir, that the matter before the royal commission does not include something which arose incidentally out of the evidence before the royal commission and which was to the effect that a member of this house, the Right Hon. Prime Minister, had made an inquiry from the Royal Canadian Mounted Police not affecting the Munsinger inquiry directly at all in any way but affecting the reputation of every member of the house. That inquiry related to the conduct,