

Supply

will understand, I would like to refer to Rule No. 335 in Beauchesne's Fifth Edition which reads as follows:

Members are expected to refrain from discussing matters that are before the courts or tribunals which are courts of record.

There is no question that in this case the action that has been taken with respect to Yukon and the Northwest Territories is before a court of record. The rule goes on:

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.

Rule 336 goes on to say:

The sub-judice convention has been applied consistently in criminal cases—

The precedents in criminal cases are consistent in preventing reference to court cases before a judgment is rendered—the convention is applied again when an appeal is launched.

In the view of the Chair, this clearly is not a criminal matter. Rule 337 goes on to say:

(1) No settled practice has been developed in relation to civil cases, as the convention has been applied in some cases but not in others.

(2) In civil cases the convention does not apply until the matter has reached the trial stage.

● (1130)

I think it is common knowledge that even were the rule to apply in this particular case the matter has not reached the trial stage.

I also draw to the attention of Hon. Members Citation 479(2) of Beauchesne's. It reads:

The Opposition prerogative is very broad in the use of the allotted day and ought not to be interfered with except on the clearest and most certain procedural grounds.

In this case the issue which has been raised is a matter of public debate and a great deal of comment on both sides. No trial has yet commenced and if indeed it ever comes to trial it will certainly be treated as a civil matter.

Therefore, the case against proceeding with the debate is not strong enough on procedural grounds to move the Chair to set aside rule 479(2), that the use of the allotted day ought not be interfered with except on the clearest and most certain procedural grounds.

Having said all that, I know Hon. Members will want to support the Chair in the suggestions and admonishments that I have made in the past with respect to comment on cases before the courts. I have urged Hon. Members to be very careful and to extend the principles of fair play, which is the basis of this place. I do want Hon. Members to understand that nothing I say in this ruling takes away from the very paramount necessity for all Hon. Members to guard with great care the rights of any citizen who may be involved in a court case, most especially, of course, a criminal case, which this is not.

I thank the Hon. Parliamentary Secretary for raising a matter which does warrant the consideration of the House and the Chair. I regret that I have not had time, under the circumstances, to give as extensive a ruling as I may have

wished to in this case, but under the circumstances this morning the Chair will allow the debate.

Hon. Edward Broadbent (Oshawa) moved:

That the government should seek to restore existing rights of Canadians in Yukon and the Northwest Territories to the Constitutional Accord, 1987; and further, to make a commitment to hold a First Ministers' Conference to discuss aboriginal concerns, in particular self-government.

He said: Mr. Speaker, following the historic meeting of the First Ministers last Tuesday in which the Prime Minister (Mr. Mulroney) and the Premiers of the provinces reached an accord on a variety of propositions designed to amend the Canadian Constitution we in the New Democratic Party expressed our pleasure. We were happy with two things; first, that with the great diversity of political backgrounds and Parties of the Premiers and Prime Minister, representing the highly diverse country of Canada, they were able to come together on an agreement, and that ought to be an indication to those of us in this House who had to express a final opinion that we should likely be able to find ourselves in agreement with what was proposed, and second, we were pleased because we had said as a Party, following the Meech Lake meeting, that although we liked the process up to that point, and that in principle the Meech Lake Accord seemed to move in the right direction, we wanted to see the final wording. Last Tuesday we saw the final wording.

I am pleased to say on behalf of my caucus that we had the longest discussion that my caucus has had during this session, on a matter of great importance to the future of Canada, not only for the next five or ten years but, one hopes, for a few decades to come. Such a matter requires a most systematic and thorough discussion by all political Parties, about all of the elements and their implications to the Accord. My caucus spent over four hours discussing this matter in what I thought was one of the most constructive, useful and informative discussions we have had on any matter. Frankly, I would have welcomed public observation of a serious group of men and women actively deliberating upon a very serious matter.

At the end of that meeting I announced, on behalf of the New Democratic Party, our support for the resolution. I did so with great confidence that people from one end of Canada to the other—

[*Translation*]

Quebecers and other Canadians as well, when they examine this document, will find that the resolution is an excellent one. It is good for the federal Government and it is good for the provinces, because thanks to this Accord, the provinces will start to play a more positive role within our federal system.

Third, for the first time in our history, the Province of Quebec, as a result of a decision made by the Government of Quebec, will become a full participant in the Canadian federation. As I said before, this is a historic moment.