

Supply—Justice

Miss LaMarsh: How about the Prime Minister having his lawyer there?

Mr. Lewis: There is a host of lawyers the Prime Minister could have. The other point I want to make, Mr. Chairman, and about which I am very anxious, as I am sure all hon. members are, concerns the terms of reference appointing the inquirer. I do not care if you call him a commission of inquiry or what you call him. I heard the Prime Minister say it would be a judge, in answer to my question. I think the terms of reference ought to be broad enough not merely to enable the judge sitting to say whether or not the action was legal. I do not have very grave doubts about that, anyway, and it is a very narrow thing. The terms of reference should be broad enough to enable the person making the inquiry to say whether, in his view, in all the circumstances of this case, what was done with respect to the insurance and pension was right, in terms of human and decent treatment of an employee of the government.

On the understanding that Mr. Spencer will have beside him Mr. Rankin and Mr. Laxton when he speaks to the Prime Minister or the Prime Minister speaks to Mr. Spencer, and that the terms of reference will be broad enough to meet the requirements of human treatment, I am very pleased, Mr. Chairman, to withdraw the motion which I made earlier.

The Chairman: Order, please. Does the committee give its unanimous consent to the hon. member for York South to withdraw his motion?

Mr. Fulton: Not just at the moment. I have an idea I will but I think there is a point that must be raised immediately before we finally dispose of this matter. I am sure that all members on all sides of the house in this committee will agree that it is significant that the Prime Minister has announced that an inquiry will be made into the question whether or not a public servant has been treated fairly. I express my unreserved approval for that course; I just wish that it had been taken some time ago. As the hon. member for York South has raised the question of the terms of reference of the inquiry which is to be made, I too wish to raise what I think is a serious question in that regard.

● (4:50 p.m.)

I do not think it is just enough that there should be an inquiry into whether or not a man should have his pension rights restored, but surely an inquiry must be directed into

the question of whether or not there was sufficient evidence upon which to dismiss him. If there was sufficient evidence upon which to dismiss him, then he should not have his pension restored. How, therefore, can the inquiry avoid taking that question into consideration? This was the very point I sought to raise in my remarks earlier today. Under whatever disguise the government may attempt to cloak it, what is necessary to establish the rights and wrongs of the matter is a judicial inquiry held in camera to determine whether or not the government had the evidence upon which the dismissal of Mr. Spencer was justified, and whether or not that evidence could or should have been introduced in the courts.

Let me assure you, Mr. Chairman, that I have no wish to impose my views about the logicity of the situation against the will of the committee. I think I am right in assuming that the committee does wish to accept what the Prime Minister has announced. But I cannot give my consent to the withdrawal of this motion without registering my strong opinion that the procedure which is proposed to be taken is really not getting to the root of the issue at all. If it results in fairness or justice being given to Spencer, or the restoration of his pension, then it may well be that some benefit will be derived from this course.

Mr. McIlraith: Would the hon. gentleman permit a question?

Mr. Fulton: Certainly.

Mr. McIlraith: In the circumstances, does he regard the payment of full pension as being of greater benefit to the person involved than a return of the contributions which he has made?

Mr. Fulton: I would express no opinion on that matter. I cannot answer because I do not know. If there was not sufficient evidence upon which to dismiss Mr. Spencer, then I am saying that he should be completely restored so far as is possible to the position which he enjoyed before his dismissal. If there was sufficient evidence upon which to dismiss him, then who is to say that the matter is adjusted by giving him a pension? How can we come to the conclusion that there was or was not sufficient evidence unless all questions are taken into account in the inquiry?

Mr. McIlraith: I was putting it on a much more definitive basis. I was dealing with the language used by the hon. gentleman when he