

ernments which would not in any way want to answer such questions and would claim that a matter is sub judice to prevent a member from asking any relevant questions regarding matters which are before the courts.

There is only one word to describe that—the imposition of the gag, a restraint on the right to speak of a member of parliament. The hon. member for Central Nova (Mr. MacKay), considering in fact that he is at the origin of the Sky Shops case and of some other matters which are far from suiting the party in power, becomes I think the scapegoat in all that story. Mr. Speaker, the ruling to be made should encourage the hon. member to keep on bringing to light the venial or maybe mortal, sins on the conscience of this government or future governments when other similar questions will surface.

Mr. Speaker, I urge you to allow any member, in the circumstances the hon. member for Central Nova, to ask direct questions on the Sky Shops case, provided those questions are not intended to exonerate him in this case, should he be at fault. I therefore ask that this assembly be not a place where everyone who attacks the government may be sued, making thus the matter pending and automatically preventing any discussion of the subject by the House. As the previous speaker just said, it would be total distortion of the parliamentarianism principle. It is on this decision, Mr. Speaker, that rests the assurance of keeping our parliamentarianism intact. The hon. member for Central Nova (Mr. MacKay) is highly esteemed by the members of my party. We believe that his research and questions should not, in any way, be limited by a decision taken too quickly which would create a regrettable precedent in respect of our basic right to know all there is to know. We have no need for scapegoats in this House.

Lastly, with all due respect, Mr. Speaker, I believe the statement you made in this House on Tuesday, February 3, concerning procedures to serve a writ on a member of parliament or on a House of Commons employee has somewhat overshadowed the basic problem of your specific role, that of guardian of our freedoms. The matter is not addressed to the Standing Committee on Management and Members' Services, but indeed to your role as guardian of our freedoms. No stranger has the right, by virtue of the privilege which is yours as Speaker of this House, to come between an hon. member or an employee of the House and Your Honour. The matter at hand has nothing to do with the right of visitors to enter Parliament, it deals strictly with the authority, other than yours, to come between yourself and any other person directly related to you. I beg of you to consider those principles, Mr. Speaker. They are dear to us and of the utmost importance to all of us.

In closing, I should like to remind you, Mr. Speaker, that this Parliament is, to us, a sacred forum in which we should be free to deal with any and all possible matters, to enlighten the Canadian people, and particularly our electors, with regard to the actions of the present and future governments.

[English]

● (1600)

Mr. J.-J. Blais (Parliamentary Secretary to President of the Privy Council): Mr. Speaker, it is with great reluctance that I join in this issue because of the seniority of the hon. gentleman who spoke previously. However, I

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think there are two points which have to be made and which were not made by the hon. gentleman. I agree fully with and do not dispute the view that there is absolute freedom of speech within this House, and I would not attempt in any way to limit that. I fully agree that the discharge of the obligations of a member of parliament ought not to be hindered in any way by anybody outside this House, and I am very grateful to the hon. member for Winnipeg North Centre (Mr. Knowles) who indicated that there is authority in the Strode case—there was a beginning of authority there—recognizing the superiority of this parliament over the courts.

However, in this instance—and I refer to the specific facts we have before us as recited very accurately by my friend, the hon. member for Peace River (Mr. Baldwin)—the hon. member for Central Nova (Mr. MacKay) indicated in this House that with reference to the action which has been launched against him, he was not seeking the protection of parliamentary privilege. He accepted responsibility for the release which he issued which is the subject matter of the case and which was issued freely. He indicated that he was defending the case on its merits and that he would not bring to the attention of the court or this House any question of personal privilege. That is the first distinction.

I agree that when we are dealing with the sub judice rule we are limiting it in the case of civil action. I agree wholeheartedly that there has been a tendency—and if there has not been as great a tendency as in the British House of Commons, there ought to be—to limit the application of the sub judice rule with reference to civil cases in order to avoid situations where writs are issued in order to prevent further debate on certain issues. I agree, as well, that the time—namely, the setting down for trial—is a very judicious time, if I may use that term, in which to bring into effect the sub judice rule. However, by the same token I agree with the position which was taken by the British House of Commons, that that could be subject to exception in situations where the trial of an action could be prejudiced by matters raised in the House.

None of the precedents which have been brought to the attention of this House deal directly with a case similar to that which we have before us. The hon. member for Central Nova has refused the immunity of parliament and has indicated that he is defending the case on its merits. The hon. member for Central Nova is a party to the action. Usually, the sub judice rule is brought into play when a question is asked of a minister the subject matter of which is under review by a tribunal. At that point the sub judice rule applies and protection can be sought under that rule. However, in this instance the question which gives rise to this matter was posed by the hon. member for Central Nova who is himself a party to the action. Therefore, there is a distinction.

The hon. member for Central Nova and the hon. member for Peace River have indicated that the issue in the libel cause of action is a very narrow one, namely, the pricing policies of Sky Shops, and that the proceedings are at a very early stage. However, there have been a number of declarations outside this House by the hon. member for Central Nova which give me cause for concern. I quote from the *Ottawa Citizen* of Tuesday, February 3, as follows: