

the fact that the average water level on that system of the lakes had dropped from 20 feet to 17 feet 10 inches was not taken into account. That prohibited many ships from making use of the facility.

We cannot allow the kind of discrimination practised by this minister to continue. That system is important to Sault Ste. Marie. The workers want to continue working there under the jurisdiction of the St. Lawrence Seaway Authority. I appeal to the minister to reconsider this very regressive decision.

Mr. Deputy Speaker: Order, please. It being 10 p.m., it is my duty to inform the House, pursuant to Standing Order 58(11), that proceedings on the motion have expired.

PROCEEDINGS ON ADJOURNMENT MOTION

[English]

A motion to adjourn the House under Standing Order 40 deemed to have been moved.

PUBLIC SERVICE—LIABILITY FOR COSTS OF COURT ACTION

Mr. Benjamin: What is your problem?

Mr. Ray Hnatyshyn (Saskatoon-Biggar): Mr. Speaker, the problem I have to raise tonight is not my problem but one of the government's. The government misinterprets the attitude of the people of Canada with respect to the kind of activity and mentality that would lead the Minister of Justice (Mr. Basford), in responding to questions by me in this House yesterday and today, to indicate, in the event no appeal is taken with respect to an action commenced by Mr. Larry Stopforth, a former senior official of the Department of Supply and Services, against the Minister of Supply and Services (Mr. Goyer) relating to alleged defamation and libel to his character, an action in which the Supreme Court of Ontario awarded substantial damages in the amount of \$10,000, whether or not the award and costs with respect to this libel action is to be paid out of the public purse.

● (2202)

Very briefly, I would like to put the facts and the contentions that I have with respect to this matter before the House to determine whether or not there is any justification whatsoever that the parliamentary secretary can give to this kind of circumstance. Let me start by saying that I do not think that anyone seriously disputes the fact that, in the ordinary course of carrying out one's responsibilities as a member of cabinet, there should be indemnification to ministers of the Crown.

We have a very unusual and different situation before us in this particular case. We have a situation where a minister of the Crown has stood in the House of Commons and blamed a senior official within his department for misinformation and

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incompetence; and the innuendo was there very clearly that it was the fault of Mr. Larry Stopforth and literally millions of dollars were put in jeopardy and a great financial loss was suffered by the Government of Canada. We have privilege in the House of Commons, and the minister was not able to be sued for that statement, wrong as it turned out to be according to the judgment of Mr. Justice Lief. Subsequently, the minister took it upon himself to go outside the House of Commons and repeat, in effect, those statements with respect to Mr. Stopforth's competence, blaming him again for the loss that was sustained by the Government of Canada.

By virtue of this particular action the minister took a positive step outside the scope of his formal duties as Minister of Supply and Services. He said to the world, without the protection afforded to him as a parliamentarian within the House, that this man was the cause of a loss of money by the Government of Canada and that it was really no fault of the minister that it occurred. The judgment laid that particular contention to rest. It in fact, exonerated Mr. Stopforth and said there was no basis upon which the minister could make that statement. The minister was therefore found to have libelled and defamed a public servant.

The result of this whole situation is that Mr. Stopforth has suffered serious damage as a result of the actions of the minister. Not only has he suffered the ignominy of being publicly singled out by the Minister of Supply and Services, but he has in effect been demoted within the department and is now in a position of having to go to the courts to collect money for this defamation. The Minister of Justice then stands in the House and informs us that it is the intention of the government, on the basis of precedents, to pay this particular judgment.

In acts of commission or omission by a minister in the ordinary course of carrying out his duties, it is understandable that there be indemnification. However, in this particular case it is going, if we accept the answer of the Minister of Justice, to set the precedent that in all future cases if something goes wrong within a department the whole concept and parliamentary tradition of ministerial responsibility is thrown out of the window.

● (2207)

Now, apparently, the minister can say that someone in his department has given him bad advice, that a certain segment of the public service has given him wrong and incompetent advice. The government will not have to worry about such a statement because the Minister of Justice says that precedents show that a judgment incurred as a result of wrongful accusation will be paid out of the public purse. Imagine the precedent that will set and the relationship that will be developed with the public service. No public servant will feel secure about giving advice in the performance of his duties when he can apparently be singled out with impunity, be subjected to vicious statements by a minister made outside the House, and face a reversal in his career as a result, the public purse, in the