

even very brief. Beauchesne's and other authorities have comments and citations in respect of reflections on the judiciary which are not to be made in the House, except by way of substantive motion. While I, obviously, as Minister of Justice, am accountable to this House for the conduct of the Crown and the conduct of any prosecution, I am not accountable to this House for the conduct of judges.

I only have press reports of the Acting Chief Sessions Judge's comments and, like the hon. member, I would want to read them before being extensive in my comments. I take it, even on the basis of press comments, that there is some exception taken to the reference or suggestion that we are back in the days of the Star Chamber of King Charles I. I would caution hon. members, and point out to your Honour, that to accuse or suggest a judge of this country is running a Star Chamber is a reflection on members of the judiciary.

**Some hon. Members:** Oh, oh!

**Mr. Basford:** If one goes back into the history of the Star Chamber he will find it was an administrative court established by Henry VIII which ran for a number of years. It was a meeting of the Privy Council, a meeting of the court; it was a government court in effect, an appearance without written argument. There was no appeal from its decision, and there was no right to appear before the court. That, Mr. Speaker, is not the situation in this country, and therefore I would caution members that there is, while also obviously a need for members of parliament to maintain their privileges and their right to speak freely, the equally important right that members of the judiciary retain their independence from parliament and from me, and be free to comment also.

● (1522)

**Mr. Elmer M. MacKay (Central Nova):** Mr. Speaker, very briefly in follow-up to what the minister has said, and I intervene because I was one of the members in this House who directed questions to the Minister of Justice (Mr. Basford) some time ago as to the disposition of the Treu case, just as the minister said that the judiciary is independent of the House of Commons, in that respect so are members of the House of Commons independent of the judiciary in exercising their parliamentary immunity, and I suggest there is a very good reason for that.

Again, referring to the reported comments by Judge Mayrand who reportedly deplored the way that other members of the House have used their parliamentary immunity to question and criticize the manner in which Judge Luc Trudel handled the Treu trial, I suggest to you, with respect, and by way of brief comment to support the position taken by the hon. member for Peace River (Mr. Baldwin) and the distinguished member for Winnipeg North Centre (Mr. Knowles), that it would be appropriate for this distinguished jurist to use his position as did another distinguished colleague in the Quebec judiciary, Chief Justice Jules Deschênes, to speak out on some of the inequities of the Official Secrets Act, as Chief Justice Deschênes did when he had some very scathing things to say

*Privilege—Mr. Baldwin*

about section 41(2) of the Federal Court Act which was used to inhibit the efforts of the Quebec Civil Liberties Association to press the case of Sylvia Roche and Cathy Curtin. These two girls were discharged from their positions on Olympic preparations, and it was used by the government to withhold information that would have assisted in their case.

I suggest, sir, in closing, that it would be very appropriate for Mr. Justice Mayrand to adopt a position in defence of civil liberties and the court system in the same way as Chief Justice Deschênes did on that occasion.

**Mr. Walter Baker (Grenville-Carleton):** Mr. Speaker, I listened with some amazement to what the Minister of Justice (Mr. Basford) said. I believe everyone can agree with his general proposition with respect to his position vis-à-vis the judiciary and its independence. These are platitudes and statements that have been with us since the first lawyer came off the ark.

The fact of the matter is, and on careful reading of what the hon. member for Peace River (Mr. Baldwin) said, and in his motions and questions that he has advanced on previous occasions, and what he said in the House today, it indicates one thing, if it indicates anything at all, that the hon. member for Peace River was not casting reflections on any judge or any court. He was casting some serious reflections on a form of trial which this parliament enacted many years ago, which allows that which he described as a Star Chamber tactic to take place. That is the important thing.

When this matter is concluded later on there ought to be the message that in this day and age we cannot abide in a free society an act that is as oppressive as is the Official Secrets Act. Rather than casting aspersions on the hon. member for Peace River, I would like to hear the Minister of Justice come forward and suggest some changes that would bring that statute in line with the principles of freedom of speech and freedom of association, while still protecting the state in matters of national security. To that end I would commend to you, sir, and to the Minister of Justice, who may have forgotten about it, that there is a private member's bill standing in the name of the hon. member for Peace River on the order paper today, which incidentally I have had the honour of seconding the motion with respect thereto, that perhaps the Minister of Justice might look to, so there will never again be an occasion for a minister of the Crown to stand up and utter the platitudes that the Minister of Justice uttered just a moment ago with respect to an honest submission made by a courageous member of the bar and a member of this House of Commons.

**Right Hon. J. G. Diefenbaker (Prince Albert):** Mr. Speaker, I listened with interest to the Minister of Justice (Mr. Basford). One must conclude that it will be his final song in the House. He is leaving now because he does not like any suggestion of criticism.

**Mr. Paproski:** He can't stand the heat.