prima facie, or from the outset, should have at least the same rights as people who work elsewhere in society. We should challenge those who want to deprive people on the Hill of equal rights. We should challenge them to give their reasons. What possible public interest is served by a member of the staff of this place, a member of the staff of a Member of Parliament or someone who works in the cafeteria, not having the same bargaining privileges and the same fundamental employment rights as Canadians who work in cafeterias away from here, as Canadians who work in other institutions or work for other executives or individuals than Members of Parliament? Yet when we look at Bill C-45, which has been brought forward by the Government, it tends in an unanalytical way to assert that those who work in this place should not be given the kinds of rights that other Canadians enjoy.

I want to refer to a precedent brought to my attention. One of the most fundamental rights in the private workforce is the right to strike. Even so far as the right to strike is concerned, in the Parliaments of the United Kingdom and Australia employees have the full right to strike the same as the rest of the people in society. You can imagine all kinds of horrible scenarios in which one would want Parliament to be able to function in circumstances when a strike might be wanted by some or even a large number of the employees here. But such hypothetical circumstances have not occurred and have not materialized either in the United Kingdom or in Australia. In those two countries, where I am told the right to strike is available to public servants, there has been no difficulty resulting or impeding the proper functioning of society.

Surely it is possible to devise a set of rules, and there are precedents even within the area of the Public Service itself, for essential jobs on Parliament Hill, the job for example, of calling us together. I see people sitting at the Table who I know would be quite sympathetic if they had no right to strike because of the very essential nature of the work that they do compared, let us say, to employees who work in the cafeteria or employees who work in Members' offices. But no effort has been made to approach the problem from that point of view, to try to find the mininum restriction to put on the free market rights, the free employment rights of the people covered by this legislation. The approach has been totally the other way.

While I think it is possible to draw a list, and the list would be a very short one, of employees within this place who ought not to have the right to strike, which would enable the right to strike to be broadly available to everyone else, and while one hopes that strikes would not result, that arbitration would be resorted to as it is in most cases where there is a breakdown in negotiations within the Public Service, there is no need to provide for compulsory arbitration or to eliminate the right to strike. In fact, reflecting on it, even compulsory arbitration would be better than the system which I understand applies under Bill C-45, where very little effort is made to approach the question in an open way to try to make employment on Parliament Hill as normal as general employment in the Public Service or as general employment in the Canadian market-place.

I can remember the period in the 1960s when it was generally held that public servants should not have the right to strike at all. That was the situation in which the Pearson Government, I believe it was, introduced the first legislation recognizing and permitting a right to strike and a right to collective bargaining within the Public Service. I do not think anyone would want to look back and see that right removed, because there will be hundreds of thousands of people affected by it if one looks at just the machinery of Government. But looking at the larger Canadian national scene, looking at Crown corporations, one adds immediately hundreds of thousands more people who would be excluded completely from having the normal rights enjoyed by Canadians generally in the workplace and which one has a good argument for constraining in their case.

• (1420)

Earlier in the debate the issue was raised of the decision of the court yesterday which held that the Canadian Labour Code did not apply to the public servants covered by this Bill. The argument was made that that case should not be referred to because of the *sub judice* rule. The *sub judice* rule is getting a new life in this Parliament. Ministers opposite do not have to answer questions if they do not want. They can give any answer they like, if they choose to give any answer at all, to questions asked. As an excuse for unsatisfactory and incomplete answers they are saying that a matter is *sub judice*.

The other day the rule of *sub judice* was invoked in a case before any charges had been laid. The Minister of Justice (Mr. Crosbie) invoked the rule in a matter in which there was no litigation under way. Members on this side of the House, and hopefully even some on the other side of the House, will take a very strong opposing position on attempts to use that rule too broadly.

Two very important conflicting interests are at issue when the *sub judice* rule is invoked. On the one hand, we want courts to be able to proceed without undue influence from debate in the Parliament of Canada characterizing witnesses or commenting on the guilt or innocence of the accused, the situation of the victim, or the dastardly nature of the alleged crime. That is a very important consideration. The right to a trial in which the evidence is presented before the presiding authority without pressure and influence from outside is a very important consideration.

On the other hand stands the importance of debate in this place. It is important that the Government be fully accountable to the Canadian people for Government activities and matters for which Ministers are responsible. It is totally unsatisfactory for Ministers to invoke the *sub judice* rule in order to avoid their responsibilities for answering questions about ongoing police investigations or other areas such as this in which the Government is responsible for bringing forward