

Privilege—Mr. MacKay

● (1530)

In the same context, there was a debate on a somewhat different but related issue in this House when Mr. Reg Stackhouse, at that time the hon. member for Scarborough East, participated in an adjournment debate and asked the present Minister of Justice (Mr. Basford), then minister of state for urban affairs, to deal with the question of foreclosure proceedings then pending against Rochdale College. I think it is rather fascinating to read the reply made by the present Minister of Justice because, after all, I assume he was made Minister of Justice because he has some knowledge of the law. The minister was then dealing with the question of foreclosure which was the subject before the courts and he said this as recorded at page 3991 of *Hansard* for May 22, 1973:

I hope the Chief Justice of Ontario, who is responsible for placing matters on the trial list, will see that the action of Central Mortgage and Housing on foreclosure receives an early trial and is handled expeditiously in the Supreme Court of Ontario. That is not under my control. As the hon. member knows, the setting of the trial date is a court proceeding in itself. However, I hope it would not be improper of me to suggest, in regard to these proceedings, that the Chief Justice take note of their special nature and the need for the protection of the interests of the taxpayer and give this matter an early trial.

In that case there was an action commenced in the Supreme Court of Ontario for foreclosure in respect of which the present Minister of Justice made a comment, in effect inviting the Chief Justice to render an early decision. No objection was taken to that, as I do not think any objection could well have been taken, and this was infinitely more flagrant, of course, than the situation which we are now considering, namely, the question asked by the hon. member for Central Nova. Under those conditions, I submit it would be wrong to inhibit the hon. member in asking this and other questions which are related unless they come squarely within the four corners of the style of cause in the action in which he is a co-defendant and the matter which is involved in that style of cause. Outside of that, I submit with great deference that the hon. member should have full leave to pursue his inquiries.

Before I sit down, Your Honour invited some study and I have one more brief comment to make as I think this is an issue we should face in this House before too long. About 18 years ago in the United Kingdom a Mr. Strauss, a member of the Liberal party, had occasion to write a letter to one of the ministers, I think of the then Conservative government, in which he alleged certain irregular practices on the part of the London Electricity Board, an independent board which sits with all the powers of a corporation sole. The minister passed the letter on to the London Electricity Board which, after considering it, wrote to Mr. Strauss and said that if he persisted in this course of conduct in challenging its practices, it proposed to take libel action against him. Mr. Strauss then brought the matter into the House of Commons and alleged, on a question of privilege, that there was intimidation and an attempt by the London Electricity Board to prohibit him in the proper discharge of his duties as a member of the House of Commons.

The matter was debated in committee, it went to the House and ultimately there was a further committee report in 1967, I think it was. That committee reported to the House that, in its opinion, when people in a position such

[Mr. Baldwin.]

as Mr. Strauss received letters of the kind he had received from the London Electricity Board, it constituted an interference with the rights and immunities of a member of the House of Commons.

I suggest and argue, from that basis, that if it is wrong to write a letter threatening libel, it is an infinitely far more dangerous practice to try to inhibit a member in the discharge of his duties as a member of this House of Commons by bringing a libel action against him.

I should like to think that before we have lost sight of this matter, irrespective of the decision made, this House will consider setting up a small select committee to deal with this whole problem. With the possible introduction of television facilities, we are getting into an area surrounding what are the rights of members, what are the precincts of parliament, and what are the proceedings of parliament. Your Honour has probably discovered that not only are there debates of parliament, but also proceedings of parliament which are areas in which a member is free to disclose, make statements and write letters. This dates back to the time of William and Mary, some hundreds of years ago. When heading into this area, as we are, with some of the problems we face in respect of some of those matters which have received some notoriety, I think it would be very wise for us to review this whole question. Your Honour might agree with this. I have spoken to my friend opposite, the government House leader, and to the hon. member for Winnipeg North Centre, and I think this is an area to which we should devote some attention, not only for our sake but for the sake of the proceedings of this House and the people involved.

I conclude on that note, because there is a broader issue raised here than the one which involves the hon. member for Central Nova. I conclude, in respect of that branch of the argument as it affects him, by saying that it would be invidious and a great disservice to the political life of this country and to the affairs of this parliament if it were possible to prevent an hon. member from discharging his duty and continuing an inquiry into a matter which needs inquiry merely by issuing a statement of claim against him.

I rest my case on that and suggest to Your Honour that the hon. member for Central Nova, rather than being prohibited from asking his questions, should be entitled to the approbation of members of this House.

Some hon. Members: Hear, hear!

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, I appreciate the suggestion Your Honour made to the effect that we might deal with this matter as briefly as possible. But as Your Honour knows, research into a matter of this kind can be far more intriguing than reading James Bond, and surely we should share with other members what we have discovered.

Mr. Broadbent: There may be some dispute about that.

Mr. Knowles (Winnipeg North Centre): There are quite a few things the hon. member for Peace River (Mr. Baldwin) has said which I had planned to include in my argument, most of which I will not repeat because he has said them very well. However, there are a couple of things