

Privilege

way to prejudice the right of the accused to a fair and unbiased trial.

The House leader of the Liberal party made very similar arguments, that it would not affect the accused and that the purpose of the *sub judice* convention was to protect the accused.

I think in looking at that we have to take a couple of tracks. We first of all have to look at the rules and conventions that apply.

First, this is a case in a criminal court that is on trial at the moment. Therefore it receives very special attention in both Erskine May and Beauchesne's.

Second, it is criminal; it is not civil.

Third, we have to ask ourselves: Would these questions in any way impact on the trial before this court? I would like to argue that in fact it would. What is going to be happening through these questions is: in essence we will be questioning the integrity, honesty and veracity of the statements of a witness before this court. What could be more germane? What could have more impact on a trial than to have the credibility of a witness before a trial questioned?

This I believe would prejudice that trial and would have an impact on that trial in some way that would result in making a difference to that court case.

I would argue, as the government House leader has said, that the questions themselves are important, not ones that we as the government want to shirk away from in any way. But we do not want to be seen in any way influencing or having an impact on a criminal trial that is presently in process before a court. We believe that the answers to these questions were they to be put before this House would well impact on the credibility of a witness, would well impact possibly on that trial, and could make a significant difference.

We would argue, as has been argued previously, that the *sub judice* convention should apply here. We would be quite happy to deal with these questions because they are in some sense of a philosophical nature, as was described by the member for Churchill. We are prepared to deal with those questions at a time when they would not in any way impact on a criminal trial that is presently under way.

Mr. Speaker: I have listened very carefully to arguments which arise from a question that was put by the

hon. member for York Centre during Question Period. Those who were in the chamber at that time and those who were watching will remember that I intervened reading certain procedural precedents which set out the general rule that there should not be reference in this chamber to criminal proceedings that are in process, as is the case in this particular matter.

I think it was appropriate—and I hope members will agree—to adjourn the matter until now. I have now listened to argument from a number of members and from both sides of the House.

Hon. members on both sides have said that this is a serious matter and does create difficulty, not just for Speakers but for the chamber.

I am going to ask the hon. member for York Centre if as quickly as he can he would bring to my chambers, perhaps later on today but certainly not later than tomorrow morning, a complete transcript of this morning's proceedings in the court room, or at least a transcript that covers on both sides the particular statement to which the hon. member for York Centre referred.

I will examine the precedents and the rulings of other Speakers very carefully. I shall report back to the House at the very earliest convenience.

• (1540)

Mr. Cooper: Mr. Speaker, may I just ask a question for a point of clarification. I am wondering if the documents that you have asked for from the member for York Centre will have a bearing on your ruling. I am wondering if we on this side of the House may not also have access to those documents and possibly a chance to make some arguments if it is necessary.

Mr. Speaker: The documents I am referring to would be the transcript of evidence in the criminal proceedings today. It is an open court proceeding and is available to any citizen. I am sure that hon. members can arrange to get me a copy. I would expect the hon. member for York Centre, of course, to supply his friends on the other side with a copy.

Mr. Kaplan: Mr. Speaker, we tend to be spoiled in this House by the immediacy with which transcripts are available. I know in court cases where I have been counsel it is difficult to have transcripts for the next day, but I will do my best and furnish the House with whatever I can by tomorrow morning.