

Mr. Basford: I quote:

It is fundamental to the operation of the rule of law and the protection of our civil liberties that all people in a country, whether they hold public office or not, whether they be civilians or be policemen, that they operate under and within the law. And if there are any changes that are needed in the law to accomplish that first purpose of effective police protection of our society and of ourselves—if there are any changes in the law required, they should only be undertaken after the most careful and deliberate discussion and debate in parliament and they should only be undertaken after the most careful and deliberate designing of the proper safeguards and checks to assure that our individual liberties and freedoms are in fact protected.

That is the position of this government in and out of the House. That statement in no way affects the position of the privileges of this House or of the House itself. Surely, it is a statement of faith in the rule of law and a statement of faith in this institution to write the law properly.

Some hon. Members: Hear, hear!

Mr. Speaker: Order, please. The hon. member for Oshawa-Whitby gave me notice of a question of privilege. I indicated to him earlier in his remarks that I had some very serious doubts as to his ability to relate the remarks he was beginning with to the classic definition of privilege upon which we have operated in this House for many, many years. As the hon. member went on, he endeavoured to develop that some failure to respect the political science precepts with regard to responsible cabinet parliamentary government related to a question of privilege because it kept members otherwise occupied for several days when their attention could be on other matters.

That has no resemblance to the question of privilege within the definition as we know it. It is not an argument that has ever been held to be valid. To do so, surely, would be to call into a question of privilege every debate that takes place extensively on any piece of legislation that keeps the attention of the House on one matter obviously to the exclusion of other matters. To accept that argument would be to destroy that very basis of operation of this House.

The second argument put forward by the hon. member for Oshawa-Whitby related to some alleged statements made outside the House by the right hon. Prime Minister. He indicated that if his statements were properly quoted, his disrespect for the law thereby undermined the very operation of the House and therefore affected the privileges of members of the House. I will not go on to determine whether there is any merit, in theory, in that respect.

The counter-argument put forward by the Minister of Justice seems to be substantiated—in my memory, in any case—in that when the Prime Minister was questioned today about this incident he reaffirmed, on every occasion that he could, respect for the rule of law. These are the difficulties we face in attempting to use this kind of evidence. The Prime Minister indicated that what had been put to him on the radio program was a quote by someone else which he agreed with as an assessment of the accuracy of current opinion but not as the accuracy of his position. How do I know that from the indirect way it has been put forward here today? I say that is simply

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the danger of attempting to establish privilege on the basis of something that members do outside the House.

I want to clarify the ruling. It does not indicate that actions or words by members outside this House are not the subject of consideration in respect of privilege on certain occasions. I only say that as an indication of the difficulty which we face if we are attempting to establish something of this important nature on the basis of indirect evidence. In any case, on neither ground do I recognize an argument in principle.

MR. WALTER BAKER—JUDGMENT OF SUPREME COURT OF ONTARIO RESPECTING PRIVILEGES OF MEMBERS

Mr. Walter Baker (Grenville-Carleton): Mr. Speaker, I rise on a question of privilege. It is very short. It is really to reserve a question of privilege. It arises out of the judgment of Mr. Justice Evans of the Supreme Court of Ontario. Quite frankly, we have not yet had an opportunity to see the reasons for judgment in the case and how the judgment of His Lordship might affect the privileges of members of the House with respect to public comment and the things that flow therefrom. I wonder if I might for the moment reserve the right to peruse the judgment and perhaps raise a question of privilege with Your Honour at some other time.

Hon. Ron Basford (Minister of Justice): Mr. Speaker, I would agree with the House leader of the opposition because we, too, have not had a chance to review the judgment in any detail. Very careful perusal is required before there are any questions of privilege in connection with it.

Mr. Speaker: I always accept without hesitation the action by any member to reserve the right about any question of privilege in this way; that is to say, simply to avoid being disqualified on the basis of raising the matter at the earliest possible time. However, I do recognize that it has been raised and needs further examination.

● (1552)

MR. CAFIK—PRESS REPORTS ON ALLEGED ILLEGAL ACTIVITIES BY RCMP

Hon. Norman A. Cafik (Minister of State (Multiculturalism)): Mr. Speaker, I rise on a question of privilege. During the weekend I was in Vancouver, Thunder Bay and Windsor, and during the course of speaking engagements made some comments relating to the RCMP affair, if I may use that term. I note from press reports covering some of my comments that it is quite possible for members of the House to be misled or even to feel aggrieved. There is one particular headline in the Toronto *Daily Star* on the 13th of this month which reads: "Mounties are Right to Break the Law, Norm Cafik says".

I raise this question of privilege because, first of all, this is a very misleading headline. I always made clear in my speeches, not only this weekend but prior thereto, that in fact no authority ought really to violate the law, and certainly no police authority. However, having stated that, I made one other point which I think is self-evident, namely, that there is