

we want to ask questions about are the decision-making processes within the RCMP, and whether or not there was political interference with relation to that.

• (1530)

In addition, the line of questions that we had today, if we were allowed to pursue them, dealt with the answers that members of cabinet gave to this House. Again, I believe that that is the proper role of this House. We must have the ability to confront the contradictory statements made by ministers in this House. We must have the ability in a democracy to make ministers responsible to this House.

We also have to be in a position to be able to ask questions with regard to whether or not the RCMP is making its decision whether or not to charge an individual based on "the intention of pleasing elected officials". That is something completely separate from the court case. I believe that we must have that ability. We must be able to ask those questions, otherwise justice will not be served.

**Mr. Albert Cooper (Parliamentary Secretary to Government House Leader):** I want to take a couple of moments to comment on this question of privilege before you, Mr. Speaker, because it is an important one.

Obviously, if we look back in parliamentary tradition and history, we can see that this issue is one that has been before all Commonwealth Parliaments. It is one that has always presented some difficulty for the Chair and for the House.

The reason for that is that we are dealing with an issue that goes to the fundamental rights and justice process that we want exercised in this country and in other countries as well. It has always been a very difficult issue.

If you look at the quotations in Beauchesne's that have already been referred to it would seem to be fairly straightforward, but we know by looking at precedents that there is always some discussion and debate around this issue.

If you go to Erskine May you find there are a lot of different ways in which the *sub judice* questions are looked at. There are some real distinctions made through there. At page 378 of Erskine May there are references stating that Parliament must always be allowed to proceed on legislation.

### *Privilege*

Therefore Parliament should be able to legislate on an issue that is before the courts. Otherwise, Parliament's hands would be tied by any issues that may be before the courts, and Parliament would not be able to act. Therefore Erskine May argues that in fact the *sub judice* provisions should not apply to legislation before the House.

It states the same sort of thing at page 429 of Erskine May as well.

One of the things that seems to come out quite regularly, if a person starts to read up on this subject, is that there are clear distinctions made concerning issues that are the subject of legislation, issues that are the subject of a civil court action, and issues that are part of a criminal court action. What we are dealing with here today is an issue that is before a criminal court.

I refer to page 214 of *The Parliamentarian*. It is an article by Philip Laundry who has long served this House and who recently took some time to work on a book which was recently published. At page 214 of that particular issue it states: "On the following day the Speaker ruled that no restriction ought to exist on the right of any member to put questions respecting any matter before the courts, particularly those relating to a civil matter unless and until that matter is at trial".

There is a distinct difference drawn in much of the discussion on this subject between an issue that is before the courts in the process of trial and an issue that is not in the courts in the process of trial. I would argue that in this case we have, first, a criminal case which is very much delineated in the various arguments on this issue. It is also before the courts at the moment and therefore comes under the jurisdiction of this particular *sub judice* convention.

I listened carefully to the arguments of the members who have spoken in favour of allowing those questions. As I look back to them the hon. member for York Centre said that the questions he wants to address are questions, not material to the court case, but rather material to the House and to the ministers.

The leader of the NDP argued much the same thing, saying that the real question they want to get at in the House of Commons is the question of whether or not there was political interference but not wanting in any