

Mr. Knowles (Winnipeg North Centre): Is he saying to this House that if the hon. member for York-Simcoe gets up and starts to talk about the uranium cartel, the cameras over there must be turned off.

An hon. Member: Or turn him off.

Mr. Knowles (Winnipeg North Centre): It is just about that ridiculous.

Some hon. Members: Hear, hear!

Mr. Knowles (Winnipeg North Centre): Let me say, Mr. Speaker, even though I take that position very strongly, that I have done some reading in this area and that there are citations in the book even on page 80 which the hon. member for Grenville-Carleton read from. That must confuse the learned judge. Even though sentences in May and in other books dealing with the matter seem to confuse, I think they make the position clear if you read them closely. May says although there is the unquestioned right that the papers and the documents of this House can be made public and distributed, and although there is the unquestioned right of the press and other media—even if I am adding that phrase—to report fairly and honestly what goes on here, there are still certain limitations which members must face.

For example, if a member of this House makes a speech which includes libel of a citizen outside the House, he can make that speech in the House, and I think it is still fairly clear that the press can report the speech that was made. But May says that if the member reprints that speech and publishes it by itself, particularly if he publishes it by itself rather than as part of the whole debate, and distributes it outside the House, he must face the fact that an action could be taken against him for libel. He can say it in the House, and there can be no libel charge against him. If he publishes outside what he has said here, there is the possibility of a libel action being taken against him.

This is part of the confusing law we have. But today we are not dealing with a case of members making statements that seem to be libellous: we are dealing with an order in council passed by the government which says we must not discuss a certain subject. This is a subject declared by the government to be forbidden. I suggest that is a totally different thing. If speeches are made on that subject, *Hansard* is circulated or the newspapers report it—and who is offended? Who is going to lay a charge? Who is going to prosecute? It will be the government which passed the order in council.

You can see the kind of Pandora's box which the learned judge has opened up. He has suggested to the government that its order in council was valid—some of us do not think so, but the judge says it is. He now says not only is that order in council valid, but if members debate the issue in the House and then report it outside, the government can take the members to court, not for what they said in here but what they published outside. Well, this government does some ridiculous things, but I cannot imagine it would do that.

An hon. Member: You do not know this Minister of Justice.

Privilege—Mr. W. Baker

Mr. Knowles (Winnipeg North Centre): It is a totally different category from the libellous things, the defamation of character that might be uttered in this House which lead May and other authorities to warn members there are some things about which we should be careful. In terms of discussing a policy of the government, particularly this whole area of the uranium cartel, I do not think the judge did all the homework that he should have done. First of all, I think his judgment, that the order in council was valid, is questionable. Even on that basis, he has gone on to say it is still within the privilege of parliament to discuss the matter here. Well, if it is all right to discuss it, and if that discussion does not involve defaming the characters of individuals out there but involves offending the sensitivities of the government that did not want its policy to be talked about, I see no reason why there should be any limitation on the fair reporting of what took place in parliament.

These things are pretty basic: they go back for centuries—the right of the country to know what is going on. It is not enough for us to have free speech in parliament. If the country does not know, it does not have full access to what is going on here. That would not be in tune with the whole democratic process. I do not think the learned judge was as learned as we call him when he made this pronouncement. I hope that when this discussion ends, whether tomorrow or some other day, there will be a clear ruling from the Chair or an agreement to refer the matter to a committee so that the House can make a decision.

I think it important that we affirm our right to freedom of discussion in this House of Commons and that we affirm the freedom of the press and the media to report to the country what is going on here. So, Mr. Speaker, I commend the hon. member for Grenville-Carleton on raising this issue today. I hope that by the time the discussion is over, the apparent unanimity that is already here will be solid and complete.

Mr. Sinclair Stevens (York-Simcoe): I would like to make a few brief comments on the question raised by my colleague, the hon. member for Grenville-Carleton partly in response to two of the suggestions put forth by the Minister of Justice. As I understood the Minister of Justice, he said, first of all, that in effect he did not know there was too much urgency with respect to a ruling on the question raised by my colleague. He had asked for some time so that his House leader could review the situation with a view to making a fuller statement at a later date. He raised the question that perhaps a ruling is not needed in any event.

Speaking first on the question, I think there is a very high degree of urgency. If we read the full judgment of Chief Justice Evans, I agree with my colleague, the right hon. member for Prince Albert, that much of what was said was probably obiter dicta. He has put us in a very awkward position. The Chief Justice makes it very clear that while we have certain privileges as members of parliament, those privileges clearly do not extend to the general public with respect to anybody in that class who has first-hand knowledge of what transpired within the cartel and the activities between January