

subject of action. It is on the extension of that law to Canada that the same rights prevail here.

That is all very well, Mr. Speaker, when it comes to the writing of *Hansard*, but this affects a number of people. If a newspaper publishes or republishes what is said in *Hansard* and garbles it in some way, there is a right of a member of the public who feels that he or she has been improperly dealt with to bring an action. There is then the defence available to the newspaper of saying that it was a fair comment about what was said in this House, and, it being fair and reasonable, that constitutes a good defence.

Through you, Mr. Speaker, I would ask members of this House to bear in mind that this was restricted to a comparatively small group of people. What happens in this age of the instant electronic media? Perhaps one of my colleagues might say that so and so is a thief, a liar and a scoundrel. Under the practice which exists today we can make comments such as that with no one to answer to but our own consciences and the belief that we may be speaking the truth. But if we go outside and speak out, subject to what I may say later, there may be a chance for an action then.

Let me point out, Mr. Speaker, the infinite damage and irreparable injury that may be done to some member of the public against whom an accusation is made, perhaps an improper and unjust accusation, in this House, free from the liability of prosecution, challenge or civil suit when instantly such an accusation reaches millions of people across Canada. We know in the profession in which we are engaged how long it takes the truth to catch up to the lie, if it is a lie. Under those circumstances what will be the remedies and where do we stand? What will be the position of members of this House who make statements of that kind?

The rights in the Parliamentary Papers Act of 1840 probably will not apply to what we say here, so what will be the rights of members of the public and what will be the rights of the media which is the conduit pipe through which is conducted these statements? What about the likelihood of republication? A statement made today would travel instantly across Canada and may reappear as a clipping in a Sunday week end paper. This is a very difficult and important problem.

Let me suggest, Mr. Speaker, that every country, particularly those which are under the parliamentary system, that has seen fit to introduce the use of the electronic media has found it essential to pass legislation, which is why the hon. member for Grenville-Carleton (Mr. Baker) found it necessary to bring forward this particular issue.

I am convinced that the committee which will be set up under the chairmanship of Mr. Speaker will probably have no alternative but to come back to this House and ask that there be legislation passed to deal with this problem. That will not be easy.

People have talked a lot about the constitution, but very few know that in Section 18 of the British North America Act there is a provision which provides:

Broadcasting House Proceedings

The privileges, immunities, and powers to be held, enjoyed and exercised by the . . . House of Commons . . . shall be such as are from time to time defined by Act of the Parliament of Canada, but so that any Act of the Parliament of Canada defining such privileges, immunities, and powers shall not confer any privileges, immunities, or powers exceeding those at the passing of such Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom—

● (2020)

There is a constitutional problem to consider here. I may be wrong, and some of my colleagues may know better than I, but I doubt whether there has been a constitutional case to decide the extent to which this parliament may legislate on privileges, immunities and powers which exceed those held by the parliament of the United Kingdom. That is a point which we will have to consider, so you can see, Mr. Speaker, that there was a pretty good reason for the members of this party to say: "Yes, many of us approve of the idea, but watch out and take care, there are problems". Certainly this is one of them.

I hope that the committee established under Mr. Speaker will permit access by members of this House. I am sure that it will. Mr. Speaker is a democratic person. He is the First Commoner. He has an obligation, and I think that he and his committee will be obligated to permit the members of this House to examine issues of this kind and to make representations. Although at the moment under the rules there is no provision for the committee to come back, I hope that they will.

Even so, there are problems beyond this. What is a proceeding of parliament? We have had cases on this. There was the case where Steve Roman sued the present Prime Minister (Mr. Trudeau) and the then minister of energy, who is now Senator Greene, for some millions of dollars arising out of a dispute regarding the sale of Denison Mines. Certain statements were made in the House of Commons by the Prime Minister and Senator Greene to the effect that the government would not tolerate an arrangement by which Denison Mines would sell to a foreign country. Subsequently the Prime Minister and Senator Greene went outside the House in the sense that they sent telegrams and made statements which carried into publication the things that they had said in the House. They were sued by Mr. Roman of Denison Mines, and the case went as far as the Court of Appeal of Ontario on several issues, one of the issues being whether what was said in the House could be extended outside the House and still constitute a proceeding in parliament.

Then we had a case not long ago where the Minister of State for Urban Affairs (Mr. Ouellet) made a statement about certain judges. A law case followed and went to the Supreme Court of Quebec. The judges in that province came to quite the opposite decision from the one arrived at by the Ontario judges, and so that issue remains to be decided. The Supreme Court of one province made one decision; the Supreme Court of another made another decision. I think that has to be settled before we proceed.

Then what about proceedings in committee? One hon. member talked today of the necessity of doing things to preserve confederation. I think there has been a lot of mawkish