

about ministerial responsibilities is that under the rules of this place, those Ministers are protected from similar actions undertaken by private Members. A Member cannot, for example, stand in the House and pose a question to a Minister about matters not falling within his administrative responsibilities in a portfolio currently held by that Minister. All other questions are out of order and they would be ruled out of order by you, Sir.

Ministers of the Crown cannot be allowed to use their privileged access to information, the resources of the Government paid for at the taxpayers' expense, and the immunities that they enjoy in this place in an unfair or unjust manner. It is fundamental to the rules of Parliament that the rules exist to protect the minority from the tyranny of the majority. Individual Members of the House should not be subject to attacks on their personal integrity and invasion of privacy simply because the Government finds it expedient to engage in such practices.

**Some Hon. Members:** Hear, hear!

**Mr. Nielsen:** Furthermore, politicized Government employees operating out of the PMO should not be given the authority to scour Government files and create dossiers for the purpose of arming Ministers to enter into character assassination in the House. The very fact that such an action was contemplated by Government officials is a breach of the privileges of the House and of Members of this place. That Ministers have the intention of proceeding to use this information is a far graver offence against Parliament.

To support my contention that the threat against Members could be made either explicitly or implicitly, I would like to draw your attention to the following observation drawn from page 162 of the Twentieth Edition of Erskine May:

Both Houses will treat as breaches of their privileges, not only acts directly tending to obstruct their officers in the execution of their duty, but also any conduct which may tend to deter them from doing their duty in the future.

● (1530)

There can be no doubt that the intended effect of the campaign against the Leader of the Opposition was to counter the questions that he was raising in Question Period. By revealing private information when the Leader of the Opposition asked them a question to which they did not wish to reply it was the hope of the Ministers of the Government that the Leader of the Opposition would be deterred from asking further questions. Unfortunately for the Government, it was unable to find the damaging information that it had hoped for, and the Leader of the Opposition is not easily deterred from doing his duty in the House and holding Ministers to account for the actions of their Departments. Nonetheless, the very attempt to restrict the Leader of the Opposition's freedom of speech in this place is a contempt of the House.

My contention as to the seriousness of this contempt is further supported by the following observations found at pages 158 and 159 of Erskine May's Twentieth Edition and which speak to this issue of reprisal against Members' actions in the

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House and acts which reflect upon or obstruct Members in the conduct of their duties in the House. The heading and text read as follows:

Acts tending indirectly to obstruct Members in the discharge of their duty.

Conduct not amounting to a direct attempt to influence a Member in the discharge of his duties, but having a tendency to impair his independence in the future performance of his duty, will also be treated as a breach of privilege.

On the same page appears the following:

Molestation of Members on account of their conduct in Parliament. It is a breach of privilege to molest any Member of either House on account of his conduct in Parliament.

In the middle of page 158 is the heading "Reflections upon Members", which is also regarded by that authority as a breach of privilege. The actions undertaken by the Prime Minister's Office and thus on his behalf, are a gross breach of parliamentary privilege, Mr. Speaker.

This question of privilege relates not solely to the rights of the Leader of the Opposition. If the Government is allowed to get away with this practice in the case of the Leader of the Opposition, then no Member of Parliament is safe from this form of public trial with no charge laid against him. Every Member rises in the House to ask a question knowing that a Minister may leak information about the Member in retaliation for his or her question. Mr. Speaker, we cannot, under the rules, require Ministers to answer questions, but it seems that by asking questions we open ourselves to a personal attack upon our freedom of speech by the Government. If ever there were a question of privilege, this is it.

The heart of the issue rests in the age old principle that the publishing of statements impugning Members and threatening them with further exposure if they take part in the debate of the House, is a breach of privilege. This principle was set out in the famous Plimsoll's case in 1873, found in May's Twentieth Edition, at page 157, and continues to be valid today.

What is of great concern is the fact that this has become, as *The Globe and Mail* reports, a cottage industry. It would seem that the assault on Members' freedom is widespread among government Departments and the responsibility is thus shared by the Prime Minister with other of his Cabinet colleagues.

In closing, Mr. Speaker, if you find that I have a prima facie question of privilege — that I have raised a matter of sufficient substance that the House should be permitted to examine and decide the issue — I would be prepared to move the appropriate motion that the subject matter of the article and the circumstances surrounding it be referred to the Standing Committee on Privileges and Elections.

I know that you regard this matter as serious, Mr. Speaker. I know that brief as your tenure in the Chair has been, you have been a Member of Parliament long enough to realize —

The President of the Privy Council (Mr. Pinard) treats the matter with such frivolity that he plays an imaginary violin.

**Mr. Pinard:** You are wasting the time of the House.

**Mr. Nielsen:** We take it as serious, Mr. Speaker. The Minister accuses me of wasting the time of the House. It was