

Privilege

fact in breach of either the Charter of Rights or the Canada Elections Act.

Some Hon. Members: Hear, hear!

Hon. Don Mazankowski (Deputy Prime Minister and President of the Privy Council): Mr. Speaker, I find this to be a very serious situation particularly when it is occurring in a Party which has as its slogan "Let the people decide".

Some Hon. Members: Hear, hear!

Mr. Speaker: I have to advise that that terminates Question Period. I wish to advise Hon. Members that at this time I wish to give a ruling with respect to a question of privilege that was raised some days ago. I want also to indicate to the Hon. Member for Skeena (Mr. Fulton) that I will hear the Hon. Member on a question of privilege, and the Hon. Member for Kamloops—Shuswap (Mr. Riis). We will then go to Routine Proceedings.

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[Translation]

PRIVILEGE

ALLEGED INTIMIDATION ATTEMPT WITH REGARD TO THE HON. MEMBER FOR GATINEAU—SPEAKER'S RULING

Mr. Speaker: On Thursday, July 14, 1988 the Parliamentary Secretary to the Minister of National Revenue claimed that her privileges as a member had been breached in relation to a press release prepared by the Public Service Alliance of Canada, the contents of which were subsequently published in the weekly newspaper "le Dimanche Outaouais". The press release, dated July 6, 1988, which was delivered to the Hon. Member's office on July 7, 1988, dealt with the strike of the federal Government language teachers and a demonstration in support of the teachers organized to take place on the 6th of July, 1988 at the Hon. Member's riding office. The press release, copies of which have been supplied to the Chair, states that the Hon. Member has not supported the teachers in their negotiations with the Treasury Board.

The Hon. Member explained that she had indeed supported the teachers' cause and had told them that she would intervene on their behalf with the President of the Treasury Board regarding their demands for preparation time and language of negotiations. The Hon. Member went on to assert that the information contained in the press release is false and that its distribution and subsequent publication in a local newspaper constitute an attempt to intimidate her as a Member of Parliament in the exercise of her duties and as such represents a breach of privilege.

The Hon. Member may indeed have a legitimate grievance and can certainly dispute the facts as they are reported. The

issue which the Chair must precisely decide is whether the preparation and publication of this information about a Member of Parliament constitutes a *prima facie* question of privilege in the traditional sense. Past precedents are highly restrictive in this regard and generally require that clear evidence of obstruction of interference with Member in the exercise of his or her duty be demonstrated in order to form the basis for a claim of a breach of privilege.

Speaker Jerome, in dealing with a similar case on June 23, 1977 ruled that "... the protection of an elected person against unwarranted or intemperate publicity, even abuses or defamatory publicity, is precisely that which is enjoyed by every citizen before our courts". He went on to add that "As elected people we can and do expect to be the targets of attack. "When those attacks seem offensive I think it is appropriate the Hon. Member is offered the courtesy of the House to extend to his hon. colleagues an explanation of the circumstances". He concluded that "... when these matters do take place, if they go beyond the point of being offensive to the point of being defamatory in a legal sense, certainly members ought to and will I am sure pursue matters through the courts."

Past Speakers have consistently argued that freedom of the press is one of the fundamental rights of our society which ought to be interfered with only if it is clearly in contempt of the House. Members who have complaints about reporting of their positions or activities should seek remedy in the courts.

In the case raised by the Hon. Member for Gatineau (Mme Maily), I must rule that the matter does not constitute a question of privilege but that she may avail herself of the appropriate legal procedures if she feels that her personal reputation has suffered damage. I thank the Honourable Member for raising this issue and trust that this ruling has been helpful to her and to other Honourable Members.

● (1210)

Mrs. Claudy Maily (Parliamentary Secretary to Minister of National Revenue): Mr. Speaker, I want to thank you for your customary kindness and competence and also for pointing out that, although this was not a question of privilege in the traditional sense because my privileges were not breached, the former Speaker Jérôme said that when statements were made that might damage the reputation of a Member, the Member in question ought to pursue the matter through the courts. I think that is an indication this matter was serious and important enough to warrant your attention.

I deplore the fact that the Public Service Alliance acted so irresponsibly in this campaign, but I am also very glad, Mr. Speaker, that the agreement was finally signed and that the teachers obtained the guarantees they sought for course preparation time. I am simply very sorry the union resorted to methods that are unacceptable in a civilized society like ours.