

a Member of the House of Commons and my capacity and responsibility to represent my constituents.

In conclusion, I must say that I am well aware, as are all Members of the House, that criticism in itself does not constitute a breach of parliamentary privilege. It is in answer to such criticism that I continually respond to Mr. Mowers' numerous editorials on mandatory metrication. A difference of opinion regarding Government policy is not uncommon, and in fact, through the media, allows Canadians, the opportunity to consider opposing views and analyse new alternatives. However, Mr. Mowers' criticism goes well beyond objective criticism and is directly intended to bring my duties in the House generally into disrepute. In fact, that criticism has had the effect of questioning the very integrity of this venerable institution and the entire democratic process. It therefore seriously impedes the privileges and rights of all Members of Parliament which are absolutely necessary for the proper execution of their Parliamentary powers.

If you find, Madam Speaker, for the reasons stated above, that I have a *prima facie* case, I am fully prepared to move a motion which would have the effect of calling Mr. Cleo Mowers to the bar of the House where he would be asked to submit a formal apology.

Might I conclude by reading the oath Mr. Mowers took when he accepted the job as metric commissioner. I claim that he has violated that oath to the Canadian people. That oath reads:

I, Cleo Mowers, solemnly and sincerely swear (or affirm) that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my appointment as a member of the Preparatory Commission for Metric Conversion and that I will not, without due authority in that behalf, disclose or make known any matter that comes to my knowledge by reason of such appointment.

In his capacity as a member of the Metric Commission, Mr. Mowers has available to him a full national clipping service paid for by the people of Canada which is not available to me although I, as a Member of Parliament, requested it from Consumer and Corporate Affairs. That clipping service is made available by the Minister of Consumer and Corporate Affairs (Mrs. Erola) to Cleo Mowers who then in turn uses against his oath, in his capacity as a Metric Commissioner, that material supplied to him by virtue of his appointment as a Metric Commissioner. That material is then used to commit a character assassination which is clearly a question of privilege in the House, Madam Speaker.

I hope, given the material that I will supply to the Chair, that you will rule in support of my motion, which will not call for him to be replaced. I have since learned that he has been given his termination. I would hope that you would support a motion calling for his public apology for statements made against the Prime Minister, the Cabinet Ministers of the House and myself as a Member of Parliament speaking on behalf of the Conservative Party in opposition against mandatory metric, Madam Speaker.

Hon. Erik Nielsen (Yukon): Madam Speaker, you are undoubtedly going to be taking this question under advisement. I will not be speaking to the facts that have been raised

Privilege—Mr. Domm

in support of the request made by the Hon. Member for Peterborough (Mr. Domm) that you do find that there is a question of privilege. I do ask the House to take the matter seriously and dispense with interventions like that of the Parliamentary Secretary to the Government House Leader (Mr. Evans) who encouraged the Hon. Member to sue.

Nothing goes more directly to the roots of the functioning of this place and the exercise of its authority than the ability of Members to carry on their functions in the House free from wrongful and libellous charges of untruthfulness, particularly when made by a civil servant. The Government has its remedy, which it exercised very quickly in the Neil Fraser case; but here, quite apart from statements made with respect to the Government, there is a direct accusation made by the civil servant in question calling into question the truthfulness of an Hon. Member of this House. That Hon. Member has stated in his assertion that that has lessened his effectiveness as a Member of Parliament.

Nothing could go to the root of the rights, duties and authority of Parliament any deeper than this, notwithstanding the fact that it occurred in the case of only one Member. What happens to one Member can happen to any Member. It goes to the roots of the privileges of all Members when something like this happens.

Our understanding of privilege, Madam Speaker, must be constrained by what has already been pointed out by the Hon. Member for Peterborough. It is not mere criticism that causes a question of privilege to arise; but if that criticism goes to the extent that has been described here, and there is a *prima facie* case that it has, I suggest the Chair has an obligation to act. When that criticism impedes the Member in the performance of his duties, then in my submission, Madam Speaker, there is clearly a question of privilege.

● (1520)

I should like to read, for the consideration of the Chair, Citation 108.(1) of Beauchesne's Fourth Edition, which reads as follows:

Anything which may be considered a contempt of court by a tribunal, is a breach of privilege if perpetrated against Parliament, such as wilful disobedience to, or open disrespect of, the valid Rules, Orders or Process, or the dignity and authority of the House, whether by disorderly, contemptuous, or insolent language, or behaviour, or other disturbing conduct, or by a mere failure to obey its Orders.

Given the *prima facie* establishment of the fact of the letter read by the Hon. Member for Peterborough, the very least that those statements and the letter constitute with respect to the Hon. Member is insolence. I am in accord with the Hon. Member that they amount to libel because they have been published, and libel against an Hon. Member, in my submission, is clearly a contempt of Parliament.

I should like to refer the Chair to Citation 108.(3) of Beauchesne's Fourth Edition, which extends this point by adding the following:

Libels on members have also been constantly punished; but to constitute a breach of privilege they must concern the character or conduct of members in that capacity—