

weight to the interpretation that he was not trying to threaten or intimidate the hon. member.

However, I am also concerned about a few other consequences of finding privilege here. While I say that they do not render it impossible to find privilege, I do say they render it very risky to find privilege. I stress that depending on what interpretation we follow—because we are dealing here with the interpretation of language and not with agreed circumstances of fact—it is possible to go either way. But I do bear in mind that the threat, if it is here, is an implied threat, not a stated threat, and the first risk would be, therefore, to extend the precedents from those cases in which a threat by language was clearly stated into that area where it was not clearly stated but implied. I think that would be dangerous. I do not say it is not possible but I think it would be dangerous, unless absolutely necessary in protection of our freedoms.

Second, in this case and in other cases we have vigorously defended the right of the hon. member for Peace River, and of all other hon. members, to speak freely in this House, to be free to speak critically of our institutions, and we will always defend that right. I want to stress here, in case I leave it in any doubt, and I want to reaffirm here, as I know all hon. members do regardless of their position on this argument, the right of the hon. member for Peace River to speak freely in the House at all times and to be free to speak critically of these kinds of proceedings.

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

**Mr. Speaker:** The risk that might be encountered on the other side of the argument is that if we are to defend so vigorously the right of any hon. member to stand in the House and criticize any proceedings where we see the danger of injustice, or the appearance of injustice even, then I would not want, unless absolutely necessary to defend those rights, to circumscribe or restrict the freedom of the judge in these circumstances to defend his court against that criticism.

For us to defend to the death our right to speak freely here, and yet be terribly tender about the freedom of those who speak back to us, would be unseemly and unfortunate for the House of Commons, and again I say it is risky. But it could be necessary to defend our freedom of speech and, if it were, I think we could move to it. However, I want to recognize the risk.

Finally, I think parliament must always be on guard to defend our own privileges and our right to criticize the courts or any other institution. However, there is a danger here of the appearance of putting the courts of the land under parliament's scrutiny. That can be done if it is necessary to protect our freedoms, and we will do it if it is necessary to protect our freedom, but I say that in this particular circumstance, unless it is absolutely necessary to do so, I think it would be risky for the House of Commons to move in that direction.

Therefore, while I think that the judge, in the circumstances, might have either misunderstood or misinterpreted the actions of the hon. member for Peace River, also in the circumstances I think the House should not use its power

*Privilege—Mr. Dinsdale*

under privilege in this case where the judge's remarks are open to more than one interpretation and, in any case, contain an implied threat as opposed to a specific one.

I do want to stress again that this kind of intervention by a judge in public was an extraordinary intervention, and I do not think the judge would have to do much more than he did to offend the privileges of the House. I think it is a very dangerous situation, and I hope it will be noted. Again I say I want to reaffirm the right of any hon. member to criticize whatever injustice he may see, and I am sure we will always follow that course.

Finally, I want to return to an observation which I made at the beginning. The hon. member has moved the motion that this matter be referred to the Standing Committee on Rights and Immunities. That committee is continuing its study and has endeavoured to hold a meeting recently on this and other matters. Its original mandate is to examine, at the initiative of the hon. member for Peace River, the whole question of rights and immunities of members, and to report to the House. Subsequently, the House agreed to an additional reference, although not in specific terms, on the subject matter of the Official Secrets Act raised, in its relation with rights and immunities, by the hon. member for Yukon (Mr. Nielsen). It seems to me that the combination of those references would not only permit that committee, but in fact direct it, to examine the Treu trial, and the Official Secrets Act, and its application thereto, and indeed to examine the whole sequence of events on which so many members have contributed their arguments. I am quite certain that this committee, in carrying on its work, with the assistance of the hon. member for Peace River, will do a very detailed analysis of these events and, I hope, will present a meaningful report to the House in due course.

MR. DINSDALE—DELAY IN TABLING POST OFFICE ANNUAL REPORT

**Hon. W. G. Dinsdale (Brandon-Souris):** Mr. Speaker, I have given you notice of my intention to raise a question of privilege with respect to the delayed tabling of the report of the Canada Post Office for the fiscal year ended March 31, 1977. I have decided to raise it as a question of privilege because it seems to be part of a pattern that has developed with respect to the actions of the Postmaster General (Mr. Lamontagne).

You will recall, sir, that a short time ago we were discussing in the House the question of the illegal raising of postal rates by circumventing the requirements of the Post Office Act and proceeding by means of order in council under the Financial Administrative Act, this in spite of the fact that section 10 of the Post Office Act quite clearly directs that there will be no rate increases other than by amendments to the Post Office Act, and furthermore, the endorsement of the Standing Committee on Regulations and Other Statutory Instruments which unanimously condemned the actions of the Postmaster General.