

I wish to refer to two other citations that are very pointed on this particular subject. In *Erskine May Parliamentary Practice*, Twentieth Edition, at page 159 it states:

Sending a letter to a Member threatening him with the possibility of a trial at some future time for asking a question in the House . . .

—is described or listed as being a clear case of privilege.

In this particular example there are two such letters which have been followed up by a third action between the lawyers for the Hon. Member for Athabasca and Mr. Hurtig.

There is a further citation in the Twentieth Edition of *Erskine May* which is applicable to this situation, found at page 162, which states:

To commence proceedings in a court of law against any person for his conduct in obedience to the orders of either House or in conformity with its practice, or to be concerned in commencing or conducting such proceedings, is a breach of privilege.

On the basis of those citations from *Beauchesne's* and *Erskine May*, based on the information put forward by the Hon. Member for Athabasca, I believe it is very clear that there is a *prima facie* case of privilege.

I would encourage you, Mr. Speaker, to check the references, and give this all serious thought, as I know you do and will do in this particular case. Not only are the concerns of the Hon. Member for Athabasca affected by this particular lawsuit, but also the concerns of all Members of Parliament. We have to function in an air of freedom where we are not concerned about threats of lawsuits or threats of violence, or any of those things that would very much infringe on our rights, actions, and statements in the House.

I believe from the evidence that has been put forward and from the arguments that can be made out of either *Beauchesne's* or *Erskine May*, our respected journals on procedure, there is no doubt that we have a *prima facie* case of privilege.

Mr. Jean-Robert Gauthier (Ottawa—Vanier): I wish to make a few comments. No doubt the Hon. Member for Peace River (Mr. Cooper) has had time to research the question, and I think that he has covered the territory very well. Indeed, I endorse his position, if the facts are as they were related to us by the Hon. Member for Athabasca (Mr. Shields). I believe, as do other Hon. Members, that nothing can impede the privilege of a Member to ask questions in the House, either by written deposition or orally during Question Period.

I do not have anything to add in terms of citations from *Beauchesne's* quoted by the Hon. Member for Peace River. Perhaps the most important one is Citation 56, which the Hon. Member quoted. Citation 55 is also important. It states:

The privilege of freedom of speech is both the least questioned and the most fundamental right of the Member of Parliament on the floor of the House and in committee. It is primarily guaranteed in the British Bill of Rights . . .

It goes on to explain that no one should be impeached or otherwise impeded in his work in asking questions of the Government.

Canadian Environmental Protection Act

I would like to ask the Speaker to take this matter under deliberation. If, in the opinion of the Speaker, there is a question of privilege, I take it the Hon. Member would be prepared to move the appropriate motion.

Mr. Speaker: The Hon. Member for Athabasca (Mr. Shields) indicated that he would be prepared to move the appropriate motion. In case there is any doubt, his colleague from the other side of the Chamber, the Hon. Member for Ottawa—Vanier (Mr. Gauthier), wants to assure that that is indeed on the record, and I ask the Hon. Member for Athabasca to do so.

Mr. Shields: Mr. Speaker, yes, I would be prepared to move the appropriate motion.

Mr. Speaker: As I indicated a few minutes ago, the Chair takes this particular matter with some deep concern. I want to thank the Hon. Member for Peace River (Mr. Cooper) for his contribution. I especially wish to thank the Hon. Member for Ottawa—Vanier who, despite the fact that there may be differences of opinion politically among the different Parties here, on a matter of this importance it is interesting to note that all Hon. Members on both sides of the House recognize what the issue is, and that is the absolute right of Hon. Members to proceed without fear and to be able to speak freely in this place.

The Chair will look carefully at the documentation that the Hon. Member for Athabasca has indicated he will bring to my attention. Assuming that the facts are as related, I will of course return as expeditiously as I can to the Chamber. If there is any need for any further assistance from Hon. Members, I will be in touch with them. I think I have the situation as it has been presented, and again I thank Hon. Members for their intervention. I will return to the Chamber as soon as it is possible.

GOVERNMENT ORDERS

[*English*]

CANADIAN ENVIRONMENTAL PROTECTION ACT

MEASURE TO ENACT

The House resumed from Monday, May 2, consideration of the motion of Mr. McMillan that Bill C-74, an Act respecting the protection of the environment and of human life and health, be read the third time and passed, and the motion of Mr. Hawkes:

That this question be now put.

Mr. Jim Manly (Cowichan—Malahat—The Islands): Mr. Speaker, I welcome the opportunity to speak on this very important issue. Unfortunately, the Bill is not as important as the issue. The Bill is a very weak and timid step in the direction of some type of environmental protection, although it has the very pretentious title "Canadian Environmental