

*Privilege—Mr. Huntington*

decision of the Judicial Committee of the Privy Council which reads as follows:

The most, perhaps, that can be said is that, despite reluctance to treat a member's privilege as going beyond anything that is essential, it is generally recognized that it is impossible to regard his only proper functions as a member as being confined to what he does on the floor of the House itself.

I realize that against this judgment there are others where the decision has been that words spoken in the House when repeated outside the Chamber were not protected by privilege. I submit, nevertheless, that the judgment in the Denison Mines case is an important one and established beyond doubt that in certain situations a matter arising outside parliament can constitute a proceeding in parliament.

In relation to this aspect of the matter, I should also like to cite a British case of 1957 in which a member of the House of Commons wrote a letter to a minister criticizing certain alleged practices of the London Electricity Board. The minister referred the letter to the Board for their comments, whereupon the Board threatened to take libel action against the member if he did not withdraw the allegations made in the letter. The member concerned, Mr. George Strauss, raised a complaint of privilege and the matter was referred to the committee of privileges. The finding of the committee was that Mr. Strauss's letter to the minister constituted a proceeding in parliament and that the Board's threat of libel action against Mr. Strauss constituted a breach of privilege. However, when the House came to debate the report it took the unusual step of rejecting its committee's recommendation by the narrow vote of 219 to 196.

The Select Committee on Parliamentary Privilege of 1967, to which I have already referred, made some highly significant observations with regard to this case. It referred to it as:

A classic case in which the House acted upon principles contrary to those which, if your committee's recommendations are accepted, will in future be followed.

It continued:

If the House had acted upon the principles which, in your committee's view, ought in future to be followed, it would have asked itself the question "Is this threat, maintained as it has been, a contempt of parliament, that is, an improper obstruction which is likely substantially to interfere with the parliamentary duty of the member affected?"

In fact, however, the committee of privileges to which the matter was referred did not ask this question at all. Instead it asked itself three questions. The decisive one was:

● (1652)

Was Mr. Strauss's letter to the minister a "proceeding in parliament" within the meaning of the Bill of Rights? The committee concluded that it was a "proceeding in parliament" and "therefore" recommended to the House that the action of the Board in threatening proceeding for libel constituted a "breach of privilege". . . . The sole basis of controversy before the House was whether or not the letter was a "proceeding in parliament".

Accordingly, as it appears to your committee, the House in that case failed to ask itself a question which was material to its powers and which might possibly have been answered in a manner favourable to the member's complaint. It would have been open to the House to hold that the threat by the Board to institute proceedings for libel against Mr. Strauss if he did not withdraw the allegations contained in his letter to the minister was so improper an attempt to obstruct the member in his parliamentary duty as to amount to a contempt of the House.

[Mr. Huntington.]

The paragraphs of the committee's report relevant to this case are numbered 80 to 83. It is also of interest to note that on February 6, 1978, the British House of Commons resolved to bring into immediate effect all the recommendations of this committee which did not require legislation. This resolution followed upon third report from the Standing Committee of Privileges which reviewed the recommendations of the select Committee on Parliamentary Privilege and was published on June 14, 1977.

The remarks I made at the meeting of the Standing Committee on Transport and Communications on May 5, 1977, were obviously a proceeding in parliament. My remarks in the talk shows which followed arose directly out of what I had said in committee. They were made in good faith, and in the national interest, as I saw it. The subsequent actions against me of the Canadian Union of Postal Workers amount, in my opinion, to harassment. They have certainly obstructed me in the performance of my parliamentary duties by causing me the difficulties I have already described.

People in sensitive areas often seek the aid of their member of parliament. The member must be trusted and must protect the confidence given if effective use is to be made of his position. This is the condition that exists between myself and postal workers who found need to use my office.

What I am seeking is the opportunity to have my peers on the Standing Committee on Privileges and Elections assess the general situation as it may be distinguished from some of the existing precedents. There could well be an opportunity for the Committee on Privileges to go into this matter in more detail and to develop jurisprudence, particularly since TV is now in the House and an instant electronic *Hansard* is now on the airwaves. We have already heard today about new problems.

Such matters of concern, in my opinion, should be referred to the committee almost as a matter of right. If the committee is not to atrophy, it should be given some substantive work, particularly in this era of change in the extension of the proceedings of the House.

I know, Mr. Speaker, that it is no part of your duty to judge whether a breach of privilege has been committed. I realize that your responsibility is limited to deciding whether or not a complaint should be given precedence over other parliamentary business. What I seek is to have my submission considered by the Standing Committee on Privileges and Elections. I am content to let that committee and the House decide whether or not I have a valid case. It is therefore my hope, Mr. Speaker, that you will allow me to move that the matter be referred to the Standing Committee on Privileges and Elections.

**Hon. W. G. Dinsdale (Brandon-Souris):** Mr. Speaker, I would like this opportunity to speak briefly to this point. I was present at the meeting of the committee where the incident occurred. The events that have been described were exactly as they took place there. That is not the first time the suggestion has been made that there were activists in the postal union who were making it difficult to bring about a reconciliation of viewpoint between post office management and post office