

disputed my facts. However, as the Minister well knows, that has absolutely no bearing on my question of privilege and is absolutely irrelevant to the case. The Minister's opinion is very important and it will be vital during the committee's consideration of this matter, but not until then. The fact is that a phone call was made—and I think we have agreement on that much—a telephone call in which my office was threatened that it should behave or act in a certain way or it would be treated in a certain fashion.

Second, the Minister would say that because I did not take the call to my office personally, what I say is just hearsay. If that is the case, the same must, of course, apply to the Minister's argument that I have no question of privilege. Clearly only a committee, after hearing all of the evidence, can decide what is fact and what is hearsay.

Beauchesne's Fifth Edition, page 114, Citation 322, reads:

It has been formally ruled by Speakers that a statement by a Member respecting himself and particularly within his own knowledge must be accepted—

Therefore, the question of privilege remains valid. Erskine May, Twentieth Edition, page 158, makes the indirect attempt to influence a Member as much a breach of privilege as the direct attempt when it says under the headline "Acts tending indirectly to obstruct Members in the discharge of their duty," and I quote:

Conduct not amounting to a direct attempt to influence a Member in the discharge of his duties, but having a tendency to impair his independence in the future performance of his duty, will also be treated as a breach of privilege.

The definition of "prima facie" as stated in Black's Law Dictionary, Revised Fourth Edition, page 1,353 is as follows:

Prima Facie. Latin. At first sight; on the first appearance; on the face of it; so far as can be judged from the first disclosure;

It is that element of possibility that I believe adds up to a prima facie case of privilege. For clarity, I refer to Erskine May, Nineteenth Edition, page 347:

It has often been laid down that the Speaker's function in ruling on a claim of breach of privilege is limited to deciding the formal question whether the case conforms with conditions which alone entitle it to take precedence of the notices of motions and orders of the day standing on the order paper of public business; and does not extend to deciding the question of substance, whether a breach of privilege has in fact been committed—a question which can only be decided by the House itself.

Clearly it is only the House that can ultimately decide on privilege. *Jerome Decisions*, page 30, rules when there is a doubt, in other words a possibility, the question should be put to the House. In *Hansard* for March 27, 1969, page 7182, the Speaker's decision noted:

At first blush I would incline to the view that it is the Hon. Member's rights as a former civil servant which are at issue. He has, perhaps, a grievance against the government in that capacity rather than in his capacity as a Member of Parliament. On the other hand, Hon. Members know that the House has always exercised a great care in attempting to protect the rights and privileges of all its members. Since there is some doubt about the interpretation of the precedents in this situation, I would be inclined to resolve that doubt in favour of the Hon. Member.

When the project officer to the President of Canada Post called my office, clearly she intended to influence my actions, violating Beauchesne's Fifth Edition, Page 22, Citation 67:

Privilege—Mr. Cooper

It is generally accepted that any threat to a Member, attempting to influence his vote or his actions as a Member, is a breach of privilege.

When she expressed her anger at my office for not clearing my question, she was attempting to hamper my freedom of speech; Beauchesne's Fifth Edition, page 20, Citation 55:

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.

Finally, Beauchesne's Fifth Edition, page 23, Citation 72, reads:

Since 1867, the House has had a rule specifically forbidding the offer of money, or any other advantage to a Member.

I was offered an advantage to behave in a certain fashion or threatened with a disadvantage if I did not react in a certain way, a way that may well affect my ability to represent constituents. I cite Erskine May, Twentieth Edition, page 143:

It may be stated generally that any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence.

I believe this action from the office of the President of Canada Post was indeed an attempt to insult, threaten and influence my actions in this House.

The question here is not one of personalities but one of principles. It must, of course, be clearly understood by all Canadians that the independence of Parliament is paramount; freedom of speech in this House by a Member cannot be curtailed. I am prepared, if you find, Mr. Speaker, that there is in my case a breach of privilege, to move the appropriate motion to have this matter referred to the Standing Committee on Privileges and Elections.

● (1510)

Hon. Erik Nielsen (Yukon): Mr. Speaker, I wish very briefly to add one additional dimension to the principle of when or when not to find a prima facie case, which is all the Chair is required to decide at this point.

Given the circumstances and the conflict between the statement made by the Hon. Member for Peace River (Mr. Cooper), who raised the question of privilege, and that of the Minister who responded, I suggested that this is the position the Chair is in. In order for the Chair to come to the decision that there is no question of privilege, the Chair must make a judgment upon the acceptability of one or other of the positions taken. In my respectful submission, that is not the business of the Chair. If the Chair decides that there is a question of privilege to be dealt with, the Chair is not making that value judgment but is coming to the conclusion that the conflict between the two statements that have been made is a matter that must be put to the House. Quite frankly, I believe that is the position which the Chair is in and which the Chair should take.

The question that the Hon. Member for Peace River raises is the closest to the privilege bone that we have come, certainly in your tenure in the Chair, Mr. Speaker. Indeed, when