

● (1500)

**PRIVILEGE**

ADVERTISEMENT IN UKRAINIAN NEWSPAPER BY FORMER MEMBER—RULING BY MR. SPEAKER

**Mr. Speaker:** I am now ready to rule on the question of privilege raised by the Hon. Member for Parkdale-High Park (Mr. Witer) on April 25. Let me emphasize, if I may, that the function of the Speaker is to determine, on the basis of the evidence presented, whether or not the matter raised should be given priority over all other business. It is not for the Speaker to determine the question of privilege itself; that is for the House to decide.

On April 25, the Hon. Member for Parkdale-High Park drew attention to an advertisement which appeared in the April 6 to 13 issue of *Vilne Slovo*, the Ukrainian newspaper circulated in Toronto. The advertisement was in Ukrainian, and the translation provided to the Chair by the Hon. Member reads as follows:

Christ has risen—With the Holy Holiday of the resurrection of Christ, sincere best wishes to all Ukrainians in Canada and specially to the readers of the "Free Word" from: Jesse P. Flis, (Member of Parliament for Parkdale-High Park).

Mr. Flis is in fact the former Member for Parkdale-High Park. The address given in the advertisement of the constituency office, which is given in English, is the same address of the constituency office Mr. Flis had when he was a Member.

It should go without saying that a Member of Parliament needs to perform his functions effectively and that anything tending to cause confusion as to a Member's identity creates the possibility of an impediment to the fulfilment of that Member's functions. Any action which impedes or tends to impede a Member in the discharge of his duties is a breach of privilege. There are ample citations and precedents to bear this out.

The House will remember that at the time I undertook to delay. I have now delayed for some days. I can tell the House that I have had a verbal conversation with Mr. Flis in which I indicated that I would be able to take matters into consideration only if they were sent to me in writing by those involved. I will say to the House that Mr. Flis indicated verbally to me that he had no personal knowledge of the matter, and I see no reason to distrust or not to believe his verbal view. I indicated that the Speaker could deal only with those matters which are produced for him in an evidentiary way and that therefore I needed more than a verbal conversation. Having received no correspondence from Mr. Flis or from any other source which might shed light on how the advertisement came to appear in *Vilne Slovo*, I feel in the circumstances that I am restricted and can only act on the evidence with which I have been furnished. In this case that evidence comes from the Hon. Member for Parkdale-High Park.

I have concluded, after long thought and a delay which I hoped would make the matter to some degree resolve itself, that I can wait no longer to rule, that it would be improper to wait any longer. Given the importance of questions of privilege, and given that I have only received the evidence I have

*Petitions*

received in writing, I believe I have no choice but to find that I must rule on the evidence which has been presented. I must therefore rule that a prime facie case has been established, and I invite the Hon. Member to move a motion.

**Mr. Andrew Witer (Parkdale-High Park):** Mr. Speaker, in light of Your Honour's finding, I move, seconded by the Hon. Member for Lanark-Renfrew-Carleton (Mr. Dick):

That all matters relating to the question of privilege raised by the Hon. Member for Parkdale-High Park on Thursday, April 25, 1985, with respect to an advertisement published in *Vilne Slovo* of the week of April 6 to 13, 1985, be referred to the Standing Committee on Privileges and Elections for investigation and reporting.

**Mr. Speaker:** The motion is debatable. There being no debate, I shall put the question. Shall the motion carry?

**Some Hon. Members:** Agreed.

Motion agreed to.

**ROUTINE PROCEEDINGS**[*English*]**COMMITTEES OF THE HOUSE**

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT—FIRST REPORT OF STANDING COMMITTEE

**Mr. John A. MacDougall (Timiskaming):** Mr. Speaker, on behalf of the chairman, I have the honour to present the first report of the Standing Committee on Indian Affairs and Northern Development, in both official languages.

FISHERIES AND FORESTRY—FOURTH REPORT OF STANDING COMMITTEE

**Mr. Lorne Greenaway (Cariboo-Chilcotin):** Mr. Speaker, I have the honour to present the fourth report of the Standing Committee on Fisheries and Forestry, in both official languages.

[*Editor's Note: For above reports, see today's Votes and Proceedings.*]

\* \* \*

**PETITIONS**

CALL FOR REINSTATEMENT OF CAPITAL PUNISHMENT

**Mr. Gerry St. Germain (Mission-Port Moody):** Mr. Speaker, just last month in the riding of Mission-Port Moody we lost one of our great clergymen who was brutally murdered within his own church. I urge the House to reconsider its position on dealing with murders in this country.

It is my duty to present to the House a petition signed by approximately 5,400 Canadians calling for the reinstatement of the death penalty for capital murder. This petition, spon-