

you find a prima facie breach of privilege, Mr. Speaker, I am prepared to move the appropriate motion.

Mr. Svend J. Robinson (Burnaby): Mr. Speaker, I rise on the question of privilege raised by the Hon. Member for Hamilton East. I think it is quite clear that while the Government certainly has the prerogative to name whomever they wish to positions which are Governor in Council positions, by linking an appointment, or in this case the termination of an appointment, to the actions or words of an Hon. Member of this House, the Government has overstepped the bounds of propriety. Indeed, Mr. Speaker, it has overstepped the long-standing rights of Hon. Members of this parliament to speak out without any fear of intimidation, whether that intimidation be direct or indirect.

It is not a question of dealing with the merits of any given appointment. Certainly the Minister himself has recognized that in this particular instance the appointee has served with distinction on the Citizenship Court. One can have one's own views with respect to the methods of appointment to that court but, Mr. Speaker, by linking, as the Minister has done, an appointment which is in the discretion of the Government, with the outspokenness of a particular individual, we in this caucus believe that the Government has potentially threatened the rights and privileges of all Hon. Members of Parliament. I support, therefore, the Hon. Member in calling for this matter to be referred to the Standing Committee on Privileges and Elections.

Hon. Walter McLean (Secretary of State): Mr. Speaker, in response to the question of privilege which has been raised, I would like to indicate that I have at no time, in any way, threatened the freedom of speech of the Hon. Member or made a threat against her. In the process of taking words which are said in a new context, I would indicate that with respect to the subject at hand there were many representations. In fact, there was great freedom of speech surrounding the subject. The news media had been filled with it. There were ample opportunities for freedom of speech, including those opportunities in the House of Commons, and these representations had been brought to the attention of the Government. I would subscribe, however, Mr. Speaker, that far from threatening, one was affirming the open process around the appointments and the fact that these were brought to the attention of the Government.

Hon. Herb Gray (Windsor West): Mr. Speaker, I rise to support the request for a ruling that there is a prima facie case of privilege which was raised by the Hon. Member for Hamilton East (Ms. Copps). I quote from the article in question which appears in today's *Ottawa Citizen*:

Asked in an interview whether the Cabinet decision to not reappoint Copps—

That is Mrs. Geraldine Copps.

—was politically motivated, McLean—

That is the Secretary of State.

—replied, "You check the record. What her daughter's had to say about the Government".

Privilege—Ms. Copps

Mr. Speaker, in rising a few moments ago to comment on the request by the Hon. Member for Hamilton East that you rule that this matter involves a prima facie breach of privilege, the Secretary of State (Mr. McLean) was very careful not to deny the accuracy of the press report in question. If that is the case, Mr. Speaker, I submit that privilege is involved in this matter, but not as a result of the Government's decision as such not to reappoint Mrs. Geraldine Copps. As the Secretary of State has suggested, he received a lot of advice on the matter, including advice from the Mayor of Hamilton and the senior Member of Parliament from the area, the Hon. Member for Hamilton Wentworth (Mr. Scott). It arises from the statement of the Secretary of State—which he has not denied—to the effect that the decision not to reappoint Judge Copps was as a result of the judge's daughter's attempts to fulfil her responsibilities as she sees them as an Hon. Member of the House of Commons. In other words, Mr. Speaker, the Government has decided to punish the Hon. Member for Hamilton East for her criticism of it in Parliament and has given this as a reason for her and others to avoid the same mistake in the future.

I submit, Mr. Speaker, that this is a clear intimidation of the House, not of just one Hon. Member, but an intimidation of any Hon. Member whose relatives may have dealings with this Government, in other words, every Hon. Member of this House.

I would again like to draw to your attention, Mr. Speaker, Beauchesne's Fifth Edition, Citation 71. It is very clear, and I quote:

Direct threats which attempt to influence a Member's actions in the House are undoubtedly breaches of privileges.

Mr. Tobin: I rise on a point of order, Mr. Speaker. It is important that all Hon. Members listen to the point of privilege being raised.

Some Hon. Members: Oh, oh!

● (1510)

Mr. Gray (Windsor West): Mr. Speaker, Redlich and Ilbert's *Procedure of the House of Commons* gives the accepted definition of privilege. It reads:

The sum of the fundamental rights of the House and of its individual Members as against the prerogatives of the Crown, the authority of the ordinary courts of law and the special rights of the House of Lords.

Erskine May's Twentieth Edition goes on from this point at length to establish the ancillary nature of privilege and to develop the meaning of immunities.

Freedom of speech is clearly established as one of the privileges assigned through the House to its Members. Any attempt to punish or harm a Member for using this freedom of speech or to intimidate a Member from using it is a breach of privilege.

So I say, in conclusion, that the action of the Government, through the Secretary of State (Mr. McLean), taken on its own, may not look like a retribution regarding any activities in Parliament by the Hon. Member for Hamilton East (Ms.