

Privilege—Mr. Cooper

the President's office. As reported at page 1103 of *Hansard*, the Hon. Member said, *inter alia*:

I was very definitely offered an advantage if I behaved in a manner acceptable to Canada Post and conversely threatened with a disadvantage if my office failed to co-operate.

● (1510)

A threat emanating from any government department or public corporation to withhold information or co-operation from a Member of Parliament would undoubtedly hinder that Member in the fulfilment of his or her parliamentary duties and therefore constitute a breach of privilege. By the same token, an offer of favourable treatment on condition that questions are first cleared with the office concerned would also violate privilege in an equally fundamental way.

The Hon. Minister of Labour (Mr. Ouellet) undertook to investigate the incident and on February 9 reported to the House that there was no foundation to the allegations of the Hon. Member for Peace River. He asserted that the Hon. Member's complaint was based on hearsay and stated:

I have personally been in communication with this officer and have been assured that at no time during the conversation were any threats made which could have conceivably inhibited the Hon. Member from performing his role as a spokesman of the Official Opposition or which could deny co-operation from Canada Post.

On February 14 the Hon. Member for Peace River, replying to the statement made by the Hon. Minister of Labour on February 9, reiterated the facts as he had stated them on February 6. We are therefore faced with a conflict of opinion as to what actually happened.

Before dealing further with this conflict as to facts, I should like to deal with the hearsay aspect of this question. On September 4, 1973, the Hon. Member for Kingston and the Islands (Miss MacDonald) complained that police officers had entered her office in her absence and interrogated her staff without her permission. The Hon. Member for Kingston and the Islands was not in her office at the time, yet the Chair found that a *prima facie* case of privilege existed and the matter was referred to the Standing Committee on Privileges and Elections. The committee concluded in its report of September 21, 1973 that the question of privilege was well founded. It is therefore the view of the Chair that an action which amounts to a form of intimidation does not need to be directed at the Member in person in order to constitute an offence in terms of privilege. As the Hon. Member pointed out in his submission, and as stated at page 158 of *Erskine May's Twentieth Edition*:

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.

We all know that the word of an Hon. Member may not be questioned. Therefore, the Chair accepts that both the Hon. Member for Peace River and the Hon. Minister of Labour are stating the facts as they honestly believe them to be. As the Hon. Member for Yukon (Mr. Nielsen) quite rightly pointed out, it is not for the Chair to pronounce on which of the versions as to what occurred is the correct one. However, in a

case where an Hon. Member claims that his ability to function is being undermined, the Chair must take full account of the evidence presented, in this case the categorical assurance of the Hon. Member for Peace River that the events took place as he related them. The circumstances leave the Chair with no choice but to find that a *prima facie* question of privilege has been established so that the House can determine whether or not the matter should be referred to the Committee on Privileges and Elections for investigation. The Committee would have the opportunity of examining all parties involved in this matter and reporting its findings to the House.

I suggest that this is the only course which would enable the House to determine exactly what happened. I therefore call on the Hon. Member for Peace River to move his motion.

Some Hon. Members: Hear, hear!

Mr. Albert Cooper (Peace River): Mr. Speaker, first may I thank you for your ruling.

I move, seconded by the Hon. Member for Yukon (Mr. Nielsen):

That the matters raised as a question of privilege on February 6, 1984 by the Hon. Member for Peace River and the responses made thereto by the Minister of Labour on February 9, 1984 be referred to the Standing Committee on Privileges and Elections and that the committee submit its report not later than June 25, 1984.

Mr. Speaker: The Chair has reservations about the condition concerning the time when a report is to be made. The Chair has a motion before it. The Chair has no difficulty accepting the motion, but the condition attached to it to the effect that the Committee submit its report not later than June 25 does raise a question in the mind of the Chair. If the Hon. Member will delete that portion of the motion, the Chair will find it in order.

Mr. Cooper: I am prepared to delete that, Mr. Speaker.

Hon. Erik Nielsen (Yukon): Mr. Speaker, I understand the reservations the Chair has. Perhaps the reference to the date of limitation could be deleted, leaving the requirement to report.

Hon. Yvon Pinard (President of the Privy Council): Mr. Speaker, on the same point, the Hon. Member is free to move the motion he wants. We are free to support it or not. If he wants to withdraw what he has moved, he needs unanimous consent, with respect, Mr. Speaker. Therefore, I would like to know whether it is in order to move in a motion that there is a limit for debate of a report. That I would like to know. Maybe you would want to take this matter under advisement and report tomorrow. If not, Mr. Speaker, we will have no other choice but to vote against the motion.

Mr. Speaker: The Chair has not accepted the motion as presented. Therefore, the Hon. Member does not have anything to withdraw. The Chair did not accept the motion in the form in which it was presented. The Chair invited the Hon. Member to present a motion. The form in which it was presented originally was not acceptable to the Chair. Now the Hon. Member is presenting a motion in a form that will be