

**Date: 20071204**

**Docket: A-50-07**

**Citation: 2007 FCA 386**

**CORAM: DÉCARY J.A.  
LINDEN J.A.  
NADON J.A.**

**BETWEEN:**

**JIM PANKIW and SPEAKER OF THE HOUSE OF COMMONS**

**Appellants**

**and**

**CANADIAN HUMAN RIGHTS COMMISSION**

**Respondent**

**and**

**KEITH DREAVER, NORMA FAIRBAIRN, SUSAN GINGELL, PAMELA IRVINE,  
JOHN MELENCHUK, RICHARD ROSS, AILSA WATKINSON,  
HARLAN WEIDENHAMMER and CARMAN WILLET**

**Respondents**

Heard at Ottawa, Ontario, on December 4, 2007.

Judgment delivered from the Bench at Ottawa, Ontario, on December 4, 2007.

REASONS FOR JUDGMENT OF THE COURT BY:

NADON J.A.

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**REASONS FOR JUDGMENT OF THE COURT**

**(Delivered from the Bench at Ottawa, Ontario, on December 4, 2007)**

**NADON J.A.**

[1] We are all agreed that Mr. Justice Lemieux made no error in dismissing the appellant's judicial review application from a decision of a Canadian Human Rights Tribunal (the "Tribunal") dated July 21, 2005.

[2] Substantially for the reasons given by Mr. Justice Lemieux, we conclude that the Tribunal can hear and determine the nine complaints against Dr. Pankiw referred to it by the Canadian Human Rights Commission. We note, in support of the Judge's reasons, that Joseph Maingot, Q.C., in his *Parliamentary Privilege in Canada*, 2d ed. (House of Commons and McGill-Queen University Press, 1997), at page 9, takes the position that in respect of the contents of "householder mailings" sent to their constituents, Members of the House of Commons cannot claim parliamentary privilege. Mr. Maingot takes the further view that "householder mailings" are not protected by the *Parliament of Canada Act*, R.S.C. 1985, c. P-1.

[3] In concluding as we do, we, of course, express no opinion as to whether the contents of the "householder" sent by Dr. Pankiw to his constituents constitutes a discriminatory practice under the relevant provisions of the *Canadian Human Rights Act*, R.S.C. 1985, c. H-6.

[4] Accordingly, the appeal will be dismissed with costs.

"M. Nadon"

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-50-07

**STYLE OF CAUSE:** JIM PANKIW et al v. CANADIAN HUMAN RIGHTS COMMISSION et al.

**PLACE OF HEARING:** Ottawa, Ontario

**DATE OF HEARING:** December 4, 2007

**REASONS FOR JUDGMENT OF THE COURT BY:** Décary, Linden, Nadon JJ.A.

**DELIVERED FROM THE BENCH BY:** Nadon J.A.

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Kevin Shaar

FOR THE RESPONDENT (Canadian Human Rights Commission)

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(Canadian Human Rights Commission)