

*Privilege—Mr. Crosbie*

[Translation]

**Hon. Yvon Pinard (President of the Privy Council):** Madam Speaker, you are absolutely right. In fact, the member for Yukon (Mr. Nielsen) quoted, out of context, part of the second paragraph of *Hansard* which I have here before me. It is important to remember that in this particular case, as you yourself said earlier, the Speaker of the House had ordered unparliamentary expressions to be removed from the notice of the question of privilege. Subsequently, the Speaker had second thoughts and said that he would accept unparliamentary language in a motion, provided the motion was before the House. However, today's situation is different. In fact, the onus is on the member for St. John's West (Mr. Crosbie) to prove to the Chair that there is a *prima facie* case for a question of privilege, and a motion can be presented only if the Chair decides that such is the case. Therefore, as long as the motion is not before the House, the issue of whether or not a motion may contain an expression that otherwise would be unparliamentary does not exist.

In the circumstances, I fail to understand the point the member for Yukon is trying to make, because there is no motion before the House, and if the member for St. John's West had wished to put a substantive motion before the House, under the provisions of Standing Order 42, 48 hours' notice would have had to be given, which was not done.

[English]

**Hon. Ray Hnatyshyn (Saskatoon West):** Madam Speaker, I should like to make a brief contribution to this question, if I may. I want to participate in the argument. As I see it, we have to face a simple, pragmatic problem. I ask you how the hon. member for St. John's West (Mr. Crosbie) can establish a *prima facie* case of somebody wilfully misleading the House if he is not able to use those terms in the course of his discussion? That is the question we have to decide. If we want to make a *prima facie* case that there was deliberate misleading of this House, then I think it is almost impossible to do so unless we use euphemisms. Are we to say "dm" for "deliberately misleading", or use some other euphemism? We have to be able to use those terms, not in any unparliamentary sense, but simply to establish on a reasonable basis our *prima facie* case.

● (1520)

**Madam Speaker:** There is a difference, depending on the way in which hon. members choose to present a problem to the House. If hon. members wanted to have the latitude of formally accusing another member of this House of doing a certain thing, then they could have followed the route of presenting a substantive motion before the House which could be debated in those terms. That substantive motion could have been worded so as to contain the kind of accusations which some hon. members would now like me to consider as having been made.

A question of privilege is being raised, which is quite different from a substantive motion where an hon. member exercises a very serious sense of responsibility in making his

accusations about an hon. member. That is a different procedure. If hon. members want to follow that procedure, I am in their hands. Under that procedure I can allow them to conduct themselves in a different way. However, since the hon. member for St. John's West chose to raise a question of privilege, I must rigorously follow the procedures which govern a question of privilege; that is to say, allow him to expose his question of privilege and warn him, as I did a few minutes ago, that since he was acting under this particular procedure he could not use unparliamentary language because I would then have to ask him to withdraw.

Therefore, I think the hon. member can, as some hon. members have done before in quite similar situations, expose the facts. That is what I need. The facts are needed in order to determine whether there is a *prima facie* case of privilege. A motion could then come before the House and I would judge that particular situation according to the circumstances. But for the time being it is either one route or the other. I am governed by our rules, which are quite clear on that, and I have to adhere to them or there will not be order in the House. I am sure the hon. member for St. John's West can expose his question of privilege in this manner and we can go on with the business of hearing him.

**Mr. Mark Rose (Mission-Port Moody):** Madam Speaker, I hesitate to become embroiled in this matter because my party supported the hon. member for St. John's West (Mr. Crosbie) yesterday in the vote. However, the opposition House leader invited other members to make submissions to Madam Speaker and I thank the hon. member for his *Hansard* reference of February 28, 1978. The whole text of Speaker Jerome's ruling was not revealed and I would just like to quote a couple of paragraphs, where he says:

My first reference is to the nineteenth edition of Erskine May at pages 367 and 428. At page 367, under the heading "Rules Governing Subject-Matter of Motions", it is stated that certain matters cannot be debated save upon a substantive motion which admits of a distinct vote of the House. Among these is the conduct of members of either House of Parliament. I am summarizing that slightly, but the reference is there.

At page 428 of May's nineteenth edition, under the heading "Reflections on the Sovereign, etc.", it is stated that unless the discussion is based upon a substantive motion, drawn in proper terms, reflections must not be cast in debate upon the conduct of the sovereign, etc, and among those enumerated are members of either House of Parliament.

Speaker Jerome goes on to cite a number of other references, but I will let the expanded text speak for itself.

**Hon. Allan Lawrence (Durham-Northumberland):** Madam Speaker, I would like to clarify a misunderstanding which exists in my mind regarding the practices and traditions of the House. Perhaps you can clarify them for me.

As I understand the situation, whenever one complains about a breach of privilege in the House—it does not matter whether it is unparliamentary language or whatever—one has to give a notice of motion to the Chair. It has been the tradition and practice for as long as I can remember, both in the British House of Commons and in this House of Commons,