

Privilege—Mr. Milliken

That is really the immediate issue that we are bringing to you attention, Mr. Speaker. It is the use or misuse of the Financial Administration Act in a way which is contrary to rights and privileges as parliamentarians.

Mr. Milliken: Mr. Speaker, to answer the question quite directly on a specific means by which the Government can obtain Supply, I would suggest that it would be open to the Government if it had not scooped the money out of the Treasury already to introduce an interim Supply Bill. In this House this used to be the standard practice. The Government could have done it by calling us last week asking for an interim Supply Bill even before the Speech from the Throne had been dealt with and got it through in a day. Instead of that, the Government chose to wait until after the financial year had begun, called Parliament then and, in effect, trampled on the rights and privileges of the Members of the House.

Hon. Doug Lewis (Minister of Justice and Attorney General of Canada): Mr. Speaker, I realize there are Members who wish to speak in the Throne Speech debate, I will be very brief and stick to the rules.

Mr. Speaker: Perhaps I can help the Minister because I have taken a little time myself in asking some questions. I think I have the point.

I would be very pleased to hear the Minister but I do not think he has to go on overly long.

Some Hon. Members: Oh, oh!

Some Hon. Members: Hear, hear!

Mr. Lewis: I got so wrapped up in this, I actually started reading into the books, Mr. Speaker. Let me do this very quickly. Now that we have decided what the burning issue in Kamloops was during the recess, Governor General warrants, let me say this. I think that we have had an interesting debate in the wrong place. First, privilege has to be raised at the first opportunity available. Since this is day four, let us rule out day one. The matter should have been raised on either Tuesday or Wednesday.

Mr. Milliken: It was.

Mr. Lewis: It was not raised on either of those days.

Mr. Milliken: I gave notice.

Mr. Lewis: It was not raised in the House. The Hon. Member simply waited for an appropriate time or perhaps time to get his act together. Two, as I read the *Annotated Orders* at page 160, it is usually a brief, presentation as to why the Speaker should rule that a *prima facie* case exists.

I would like to refer hon. friends to *Hansard* of April 5, 1989, in which a motion was passed with the consent of all members of the House which said "that the Supply proceedings for the 1988 calendar year be subject to the following provisions".

Surely if my hon. friends had a dispute with the way Supply was being dealt with, that was the time to raise this very burning question of privilege, not two days later. First, they were late in submitting it and my hon. friends participated in the unanimous consent in the House for that particular motion.

I submit, and this has nothing to do with the question of privilege, but it was the argument raised during the question of privilege that the Financial Administration Act has three requirements for the issuing of warrants, and all of those requirements have been met. One, Parliament was not in session when they were issued. Two, a payment was urgently required for the public good. Three, there was no other appropriation from which the payment may be made.

I submit to you, Mr. Speaker, that there is no case of privilege. Even if there were it was too late. It was too late because my hon. friends participated in the House order which decided the matter.

In view of your very interesting admonition, I think that will close my argument.

Mr. Speaker: I thank the Hon. Minister of Justice. The Hon. Member for Windsor West (Mr. Gray).

Hon. Herb Gray (Windsor West): Mr. Speaker, I want to deal very briefly with the point that I understand the Government House Leader to be trying to make that the question of privilege has been raised too late.

Let us look very quickly at the sequence. The Throne Speech was read Monday. It was published in *Hansard* Tuesday. Notice was given yesterday. Under those circumstances I think it could well be argued that we have raised the matter in a very timely fashion. Furthermore, if it had been possible to raise the matter earlier, the effect would have been to act in a rather discourteous manner, first, to members of the government Party who moved and seconded the Address and Reply to the Speech from the Throne, and, second, the House Leader's own Party Leader, the Prime Minister (Mr. Mulroney). I do not think that our ability to argue and to have considered the point of privilege in question should be prejudiced in any way through our willingness to deal in a courteous manner with the Prime Minister and Members of his Party.