

Privilege—Mr. Crosbie

on this question. After having given the notice there was a debate in order to satisfy the Chair at that time that there existed a prima facie case of privilege.

At the conclusion of the submission by the hon. member for Durham-Northumberland he presented, as is the intention of the hon. member for St. John's West in this case, a motion which, if the Chair had found a prima facie case, would have been put to the House and the normal process would follow. That is precisely what we are doing here.

In that motion that was presented at the closing of his submission, the hon. member for Northumberland-Durham used the words "deliberately misleading". It was to that process that Mr. Speaker Jerome directed his attention in the precedent I am citing for the Chair today. It is clear from the preamble on page 3293 of *Hansard* that that is what took place on that occasion.

My submission is that we are following precisely that precedent in precisely that chronology.

The argument is an important one, Madam Speaker, and I should like to have the undivided attention of the Chair. I urge the Clerk to advise the Speaker, but in the meantime I want to be heard in an undivided way.

Some hon. Members: Oh, oh!

Some hon. Members: Hear, hear!

Mr. Nielsen: I thank you for the courtesy of giving me that undivided attention, Madam Speaker.

In my submission, the circumstances here are on all fours with that case, and the proper course to be followed would be for the hon. member for St. John's West to be heard on his question, as clearly Mr. Speaker Jerome considered that there is no alternative other than to endure the use of words used in the debate to support his argument which would otherwise, as he said, be prohibited. At the end of that submission he will be proposing that substantive motion and it will contain those words which would otherwise be considered unparliamentary.

I have no doubt that the Chair will want to hear other submissions on the substance of whether a prima facie case exists. The thought occurred to me in the meantime that if the Chair wishes to have my copy of—

Madam Speaker: I thank the hon. member. The Clerk was giving me a copy of that ruling so that I could follow the hon. member's argument. It would have been helpful if that process had not been disrupted. I do need the copy and I would ask the Clerk to give it to me now.

Mr. Nielsen: The thought occurred to me that a way to ease the difficulty would be to put the motion right now and subsequent submissions could be made to you on the basis of that motion. That clearly has to be found to be in order.

Madam Speaker: No, I do not think it is in order. Unparliamentary language cannot be used because, except under a certain procedure, members cannot be accused of having done

certain things to the House. Therefore, I submit that I think it is entirely possible to do otherwise. The hon. member for St. John's West could expose the facts that he wants to expose to the House in view of his question of privilege without using those words which I would have to consider to be unparliamentary. Once the motion is before the House, the situation might be different and I would examine it then on its merit.

If I could have the co-operation of the House to clear this matter up, I hope it will be possible for the hon. member to submit his question of privilege in this way. Unless the hon. member gives me time to read this whole judgment and the whole question of privilege that was presented at another time, I do not think in the first part of the presentation of the question of privilege by the hon. member for Durham-Northumberland in the precedent which the hon. member for Yukon has quoted that any kind of unparliamentary language was used. The matter discussed was very much related to the kind of allegation that we are looking into today, however.

Mr. Nielsen: Madam Speaker, I direct your attention specifically to page 3294 of *Hansard* for February 28, 1978. The Chair has the ruling now. On that page in the right-hand column, half-way through the second paragraph, Mr. Speaker Jerome had this to say:

My preliminary decision is that since the motion directs itself to that kind of criticism, obviously that language would have to be embodied in a motion—

Which it is.

—and certainly would have to be permitted during the course of the debate, because I cannot see how the House could address itself to a substantive motion making that kind of allegation and complaint unless it was prepared to deal with it in specific terms.

I have admired your position in the past, Madam Speaker, for not creating new precedents and for adhering religiously to precedents already on our books. I submit to you that those terms of Mr. Jerome's ruling, in such a specific fashion, would be very difficult to avoid in prohibiting now debate on language which he says is proper to debate in a motion which in this case stands on all fours with the question he had to deal with in 1978 and which we want to proceed with now.

Madam Speaker: I would certainly want to follow the precedents which were established in this House by previous Speakers because I think they are a wealth of wisdom that I should rely on when I make decisions. But precisely because I want to follow those precedents and those traditions, it seems to me that what the hon. member is referring to is language that was permitted once the motion was before the House. We are not yet at this point. I will stand corrected if I am not following the hon. member's argument properly, but it seems to me that was permitted once the motion was before the House and not at the preliminary stage of the examination of the question of privilege. That is to say, once the Speaker found a prima facie question of privilege, then some language had to be admitted so that hon. members could make their case.