

—I cannot conceive that there is any one of us who would accept the argument that this House of Commons has no recourse in the face of such an attempt to obstruct by offering admittedly misleading information.

These two precedents are clear and unequivocal. In each case there had been evidence, an admission in fact, that a deliberate attempt had been made to mislead and that this was the condition precedent to the *prima facie* finding of privilege. In the Profumo case, the member himself admitted that he had attempted to mislead the House; in the RCMP case, the admission was made by the then Commissioner in evidence before a Royal Commission.

Having reviewed precedents relating to the matter, namely the deliberate misleading of the House, let me take a little time to review the precedents relating to the procedure being followed.

In the course of debate on the evening of February 22, 1978, the hon. member for Northumberland-Durham (Mr. Lawrence) stated that the then Minister of Finance (Mr. Chrétien) had “intentionally, deliberately, overtly and openly” misled the House. The next day he gave the Speaker a notice of his intention to raise a question of privilege “respecting the manner in which the Minister of Finance deliberately misled the House . . .”. During the discussion of the question of privilege the hon. member for Northumberland-Durham withdrew unequivocally the unparliamentary language he had used the night before.

Later, on February 23, 1978, at page 3295 of *Hansard*, Mr. Speaker, Jerome struck down the notice of privilege given earlier by the hon. member for Northumberland-Durham because it contained the word “deliberately”, and he did so without prejudice to the hon. member to raise the matter again in a substantive motion. The congruity of this case with the present one is clear but one ought not to draw the wrong conclusions from either. We are precisely following the procedure which emerged from the precedent my predecessor so clearly established.

The use of unparliamentary language in debate was dealt with in both cases in accordance with the practices of the House. The notice of privilege was drafted in such a way as to avoid the use of unparliamentary language. The House insisted in both cases 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 members. These principles are at the very heart of Speaker Jerome’s approach to the problem which confronted him in February, 1978. They are the principles by which the Chair was guided last week in the preliminary discussion of the present question of privilege.

Let me deal for a few moments with the issue before the House. Members will appreciate that the Speaker is not called upon to determine the substance of the case. The Speaker, in other words, does not sit in judgment upon hon. members. To do so would be to usurp a power which only the House enjoys. The role of the Chair is to determine the narrow procedural issue of whether or not the complaint meets the conditions which justify its taking precedence over all other business. That is, was it raised at the earliest opportunity and does it, on

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its face, appear that privilege is involved? I refer to Beauchesne’s fifth edition, Citation 84.

Citation 84(2) is clearly drawn from a passage in May’s nineteenth edition at page 347, which reads as follows:

• (1510)

It has often been laid down that the Speaker’s function in ruling on a claim of breach of privilege is limited to deciding the formal question whether the case conforms with the conditions which alone entitle it to take precedence of the notices of motions and orders of the day standing on the order paper of public business; and does not extend to deciding the question of substance, whether a breach of privilege has in fact been committed—a question which can only be decided by the House itself. The conditions with which a claim of privilege must comply in order to be accorded precedence are those mentioned above, that is, (1) a *prima facie* case of breach of privilege must be made out and (2) the matter must be raised, of course, at the earliest opportunity.

It should be quite clear that the Speaker does not decide, in substance, whether or not a matter shall be debated in the House. Provided a proposition meets the procedural requirements established by the House, the House disposes of the matter as it sees fit, and on this point may I offer for the consideration of hon. members another passage from May’s Nineteenth Edition at page 349.

Many motions, more or less affecting privilege, have been brought on in their turn, with other notices of motions; and on occasions matters to which the Speaker has refused precedence as a matter of privilege, have been raised on a motion moved at a later date.

Therefore, I am satisfied that the Chair ought not to interfere in the substantive issue which has been raised by the hon. member for St. John’s West but only in the procedural elements: was it raised at the earliest opportunity, and does it appear, on the face of it, to involve privilege? If the answer to both questions is yes, the motion will be given priority and the House will decide. If the answer to either question is no, the motion can, of course, still be offered to the House at some other time, but it will not enjoy the priority with which a *prima facie* finding of privilege would endow it.

Setting aside, then, the substance of the issue which does not fall within my purview, I can easily dispose of the first of the procedural elements. The matter was raised at the earliest opportunity.

I have somewhat greater difficulty with the second, for I have before me two contradictory assertions made by hon. members. The hon. member for St. John’s West in his motion asserts that the minister misled the House deliberately. The minister says he did not. Hon. members know that the House must accept the word of an hon. member, as stated in Beauchesne’s fifth edition, Citation 322, and I quote:

It has been formally ruled by Speakers that a statement by a member respecting himself and particularly within his own knowledge must be accepted, but it is not unparliamentary temperately to criticize statements made by a member as being contrary to the facts; but no imputation of intentional falsehood is permissible. On rare occasions this may result in the House having to accept two contradictory accounts of the same incident.

I cannot attach greater credibility to the word of one hon. member over another. The Speaker cannot interpret statements made by hon. members which must be accepted at face value. The hon. member for St. John’s West claims he had been misled. I accept that. He claims he has been deliberately