

*Privilege—Mr. Crosbie*

puts the Chair in a very difficult position, the Chair wanting to hear the case on the one hand but, on the other hand, not being able to accept unparliamentary language.

I am just warning the hon. member because he used those words in reference to a document. I am not saying he intends to use them during the remainder of his intervention, but it would be easier if everyone kept in mind that it would be difficult for the Chair to accept any unparliamentary language in the course of this question of privilege.

**Hon. Erik Nielsen (Yukon):** Madam Speaker, I must rise and speak to that point because it is my submission—

**Mr. Breau:** You can't speak on that point.

**Some hon. Members:** Order.

**Mr. Crosbie:** Sit down.

**Mr. Nielsen:** It is my submission, Madam Speaker, based on a very recent precedent of this House, that the course to be followed by the hon. member for St. John's West (Mr. Crosbie) is quite in order.

Mr. Speaker Jerome gave a very lengthy and well reasoned ruling on February 28, 1978 on a similar question of privilege raised at that time by the then hon. member for Durham-Northumberland, and that is to be found at page 3293 of *Hansard* for February 28, 1978.

**Mr. Lawrence:** And 3294.

**Mr. Nielsen:** The ruling commences at pages 3293, but on page 3294, in an extremely well reasoned judgment, Mr. Speaker Jerome very carefully and in some depth went into the history of what to him appeared to be a Catch-22 situation.

It is not reasonable to expect a question of privilege, based as this one is on an accusation of deliberately misleading the House, to avoid the very pith and substance of the question of privilege, and that is the problem which confronted Mr. Speaker Jerome. As recorded in the left-hand column at the bottom of page 3294, Mr. Speaker Jerome said:

There are two other rather important precedents to which I would like to refer for the benefit of hon. members. I have them here and would be glad to have them copied and distributed to any members who might be interested in the discussion. One of them refers to a case in our own *Journals* which is reported on March 11, 1890, when Sir Richard J. Cartwright moved a motion of criticism of another member of the House which contained in it, first of all, an allegation of directly misleading the House and, finally, concluded by saying that the conduct of a certain member in the premises was and had been discreditable, corrupt and scandalous. That matter was debated by the House as a substantive motion—

And there will be a substantive motion moved here today by the hon. member for St. John's West.

—and after debate the decision was taken that the matter would be referred to a committee for further examination.

Mr. Speaker Jerome went on to consider a further precedent in the British House which occurred on June 15, 1965, and he briefly described it. The charge in that case involved racist propaganda. In the substance of his ruling Mr. Speaker Jerome said, as recorded in the right-hand column:

This does raise a very slight question as to whether or not in a substantive motion, since it is the very intention of the motion, language can be used which

appears otherwise to be prohibited. 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 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. That question seems to remain—

**Madam Speaker:** Order, please. I would like to ask a question of the hon. member for Yukon (Mr. Nielsen) so that I can follow his argument.

I have looked at that particular ruling of Mr. Speaker Jerome, and it seems to me that the hon. member is now saying that he was referring to a substantive motion. If I remember that precedent, there was a substantive motion under another type of procedure which can be used in this House whereby the allegations or accusations made were quite clearly written out and spelled out.

We have a different situation just now whereby the hon. member for St. John's West (Mr. Crosbie) is raising a question of privilege. That is why I cannot allow a reference to "deliberately misleading" because to the present time no one has found a prima facie case of deliberate misleading. If the Chair does find that, obviously some kind of motion will come forward and the language allowed to be used might be different. I am not saying it will without looking into the circumstances, but it might be different. I will now ask the hon. member for Yukon to answer my question because I do not have the ruling under my eyes at this moment.

The hon. member is referring to a substantive motion in which a clear accusation had been made about an hon. member. Therefore, since the accusation might have been that of deliberately misleading, then in the presentation of the accusation or in the defence thereof it is quite obvious that some of these words had to be used.

I refer the hon. member to the question raised by the then hon. member for Durham-Northumberland. He debated his question of privilege without using any of the words the Chair could not allow. He exposed the facts, which I am asking the hon. member to do now.

**Mr. Nielsen:** Madam Speaker, the case is on all fours with that which was raised by the then hon. member for Durham-Northumberland in 1978. If Mr. Speaker Jerome's ruling is very carefully examined, it is obvious that the process we are embarked upon here today is precisely the process involved then, and I was present in the House at the time the then hon. member for Durham-Northumberland raised that question of privilege. Indeed, I participated in the debate on that occasion. What happened was that a notice of intention to raise a question of privilege was given by the then hon. member for Northumberland-Durham. In that notice, the words "deliberately misleading" were used.

• (1510)

The hon. member for St. John's West has meticulously avoided the use of those words in the notice given to the Chair