

Privilege—Mr. Stevens

Intervention of the House," Erskine May, in dealing with the bringing forward of a question of privilege, points out that before a substantive motion on a question of privilege is moved, the member must first make a prima facie case.

So, Madam Speaker, I am caught in what is colloquially called a Catch-22 situation. However, I think I have some help for you because I was able to find precedents which, I think, will show clearly my approach is quite in order, and if you will permit me to make what, I believe, is a prima facie case, I would then move my substantive motion.

Madam Speaker: I want to interrupt the hon. member because I, too, during the break had a chance to look at this question and I also looked at the blues and the motion that the hon. member would propose if I found a prima facie case of privilege. Looking at that motion and the notice of the question of privilege as submitted by the hon. member, I find that whatever he wants to say about the minister does cast a reflection on his conduct in quite a vague manner, he has not given the reason for which such reflection should be made, and his own motion says that the Minister of Justice and Attorney General of Canada (Mr. Chrétien) acted in a manner incompatible with the separate requirements and traditions of each of his two portfolios.

It seems to me that what the hon. member is saying in this motion leads to questioning the ethics of the minister in one or both his functions. The hon. member should be very precise in order to allow me to judge very soon whether this should be considered as a question of privilege or a motion under Standing Order 35, in which case the hon. member would have no trouble in giving the House notice of his substantive motion. If he wants me to advise him on how to get his motion before the House, I can tell him that he must simply give notice of that motion, following which it is debatable and the House may vote on it. This question of privilege requires a different kind of procedure.

So I would like the hon. member to be very precise because I will not allow these kinds of aspersions to be made on different members of the House. If he has a distinct charge to make, he can make it under his substantive motion. If he has a question of privilege that he is not satisfied with an answer or with something the minister has said, that is a different question and I can hear him.

Mr. Stevens: Madam Speaker, I will try to satisfy you on all counts, and in saying that, I hope that you will be reasonably patient with me because I am dealing with a subject which perhaps has never before been raised in this form in the House. As I see the thrust of your comments, you are in effect saying that I should clarify whether I have made or intend to make a reflection on a minister of the Crown, and in that connection I would draw your attention to the fact that even if I were to make a reflection on a minister of the Crown—which I think I can satisfy you I will not be doing in the sense that it is an unparliamentary reflection—I would point out that only last Friday, March 27, you accepted two motions that I think could easily have been regarded as reflections on ministers of the

Crown. I refer to proceedings under Standing Order 43 where the hon. member for Cariboo-Chilcotin (Mr. Greenaway), as reported on page 8639 of *Hansard*, said:

Madam Speaker, yesterday in the Standing Committee on Indian Affairs and Northern Development members of this House were subjected to a litany of examples of the complete and utter abrogation of the government's obligations to the Cree and Inuit under the James Bay and Northern Quebec Agreement. Given the devastating effect that this abrogation has had on the health of the Cree, and specifically in light of the fact that tuberculosis is rampant in at least one Cree village, I move, seconded by the hon. member for Prince George-Bulkley Valley (Mr. McCuish):

That the Minister of National Health and Welfare admit her residual responsibility for natives as outlined in Chapter 955 of the Indian health regulations under the Indian Act, and not withdraw health and social services to the Cree as is presently scheduled for March 31, 1981, until all commitments under the James Bay and Northern Quebec Agreement are fulfilled by both governments involved.

Madam Speaker: Order, please. That was a substantive motion on which, had the House given its unanimous consent, it would have voted upon, and that is what I am telling the hon. member. If he has a charge to make against a minister, he can do it under a substantive motion.

Mr. Stevens: Well, Madam Speaker, my dilemma—

Some hon. Members: Oh, oh!

Mr. Stevens: I was referring you to the procedure which I understand, partly from Erskine May, I have to follow before I can put my substantive motion. Under my question of privilege, as I understand the references in Erskine May appearing on page 345 and others, I have to satisfy you of my prima facie case prior to—

Madam Speaker: Order, please. I am sure the hon. member is not as confused as it appears. There are two things: if the hon. member wants to raise a question of privilege, then he has to satisfy me that there is a prima facie case. Now, I am telling the hon. member that from what I know of what he is about to do, he is about to cast a reflection upon the conduct of a minister, and because I have some doubts about that, I am asking the hon. member to be very specific now about what he wants to bring before the House. If it is a grievance, or if he wants to express an opinion about the conduct of a minister, he can do it under a substantive motion. The member does not have to explain to the Chair his substantive motion before he gives notice of it. He simply gives notice of it; then it will be debated and we can hear the hon. member on the subject of his substantive motion. What I am saying is that a substantive motion can be debated and voted upon, but a question of privilege is different and must be dealt with in a different manner.

● (2010)

Mr. Stevens: Madam Speaker, my question of privilege affects every member of the House including myself. The question of privilege upon which I am attempting to make my prima facie case centres on the rather unique job which our Minister of Justice (Mr. Chrétien), who in turn is also the Attorney General of Canada, must perform. Because of the