

*Privilege—Mr. McGrath*

[English]

**Mr. Speaker:** Is it the pleasure of the House that question No. 520 be deemed to have been made an order for return?

**Some hon. Members:** Agreed.

[Text]

CIDA—MENNONITE CENTRAL COMMITTEE

Question No. 520—**Mr. Epp:**

Did the Canadian International Development Agency (CIDA) give any aid to the Mennonite Central Committee (MCC) in (a) 1968 (b) 1969 (c) 1970 (d) 1971 (e) 1972 (f) 1973 (g) 1974 (h) 1975 (i) 1976 (j) 1977 (k) 1978 and, if so, by year (i) in what amount (ii) what projects were approved (iii) what was the purpose of each project and what amount was approved in each case?

Return tabled.

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[Translation]

## STARRED QUESTION

**Mr. Yvon Pinard (Parliamentary Secretary to President of Privy Council):** Mr. Speaker, would you be so kind as to call starred question No. 347 so I may reply to it.

[Text]

\*REPORT—RESEARCH IN CREATIVE DEVELOPMENT

Question No. 347—**Mr. McKenzie:**

1. Did the Prime Minister or the Department of Transport receive a 1972 report authored by Robert B. Choma entitled "Research in Creative Development" which deals with Runway 23 at the Toronto International Airport and was receipt of the report acknowledged and, if so, by whom?

2. Was action taken in regard to the recommendations contained in the report and, if so, what was such action?

[English]

**Mr. Yvon Pinard (Parliamentary Secretary to President of Privy Council):** Mr. Speaker, I am informed by the Prime Minister's office and Transport Canada as follows: No.

**Mr. Speaker:** Shall the remaining questions be allowed to stand?

**Some hon. Members:** Agreed.

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## PRIVILEGE

MR. McGRATH—ACTIONS OF MINISTER OF EMPLOYMENT AND IMMIGRATION

**Mr. James A. McGrath (St. John's East):** Mr. Speaker, I intend, as briefly as I possibly can, to attempt to demonstrate to Your Honour and to the House that there is sufficient evidence to indicate that there may be a prima facie case of privilege with respect to the fact that by certain actions the Minister of Employment and Immigration (Mr. Cullen) is in contempt of this House. My question of privilege will be to

make that case, and I intend, at the conclusion of my remarks, to move a substantive motion.

● (1242)

My question of privilege arises out of the presentation to the House by the Minister of Employment and Immigration of Bill C-14, an act to amend the Unemployment Insurance Act. That bill received first reading early in November and it received second reading in the House on November 10. These dates are important because it has come to my attention that the *Canada Gazette* for November 8, 1978, volume 112, No. 21, part II, has a proclamation putting into effect order in council PC 1978-3243, October 26, 1978. That order in council and the proclamation in the *Canada Gazette* proclaimed clause 2 of Bill C-14 which is still before the House.

You may argue that this is a point of law. I argue that it is contempt of this place. Parliament has not passed Bill C-14 and the government has no right to anticipate the passage of the bill, the government has no right to second guess parliament, nor does the government have the right to legislate by order in council, which seems to be what it is doing here.

Surely the right to legislate is one that is jealously guarded by parliament itself. If the government has the right to legislate by order in council, then we might as well dispense with parliament; there is no need for us to be here. It is absolutely useless for parliament to conduct legislation in such circumstances. That is really the core of what my argument is all about, the fact that somebody else has taken it upon himself to legislate something which is still before parliament, contemptuously or, if you like, to second guess parliament or to anticipate what parliament will do.

I can say, although it is not entirely relevant, that this has caused a great deal of concern, confusion, and misunderstanding among the clients of the Unemployment Insurance Commission or of the Minister of Employment and Immigration who administers the act. Indeed, there is evidence in today's press that there is great confusion because, as a result of the order in council and the proclamation in the *Canada Gazette* of November 8 and the bulletins that went out from the commission flowing from the order in council, people are somewhat confused as to just exactly how they should go about the necessary changes to implement the provisions of a bill which has not yet been passed by the House. If that is not contempt, I do not know what is.

**Mr. Speaker:** I should like to be clear with respect to the hon. member's argument. Perhaps he could give me the language of the proclamation in the *Canada Gazette*, because I am not sure at this moment whether I can take his version of the proclamation as having the effect of proclaiming a section or whether it proclaims a section of an unpassed statute in exactly that language. I should like to be clear on that point.