

HOUSE OF COMMONS

Thursday, March 16, 1972

The House met at 2 p.m.

PRIVILEGE

MR. NIELSEN—PETITION OF OLD CROW INDIANS

Mr. Speaker: Is the hon. member for Yukon rising on a point of order?

Mr. Erik Nielsen (Yukon): Mr. Speaker, I am rising on the question of privilege, notice of which I sent to Your Honour yesterday.

Mr. Speaker: Order, please. I do not want to cause any difficulty, but I was not aware that the Chair had received notice of a question of privilege. I believe I received notice of a motion yesterday but not notice of a question of privilege. Perhaps it might be difficult to determine whether the notice was notice of a motion or notice of a question of privilege. I suppose it is a question of interpretation, whether the words used by the hon. member can be interpreted as notice of a question of privilege rather than notice of a motion. In the circumstances, I will give the hon. member the benefit of the doubt. He may indicate what the privilege is that he proposes the Chair should consider.

Mr. Nielsen: Mr. Speaker, my question of privilege arises as a result of the petition of the Old Crow Indian people which was tabled in the House of Commons a short time ago and is based upon Standing Order 67(8) which reads as follows:

No debate shall be permitted on the report—

The report of the Clerk of Petitions.

—but a petition referred to therein may be read by the Clerk of the House at the Table, if required;—

Your Honour will recall that instead of being read the petition was printed in *Hansard* as though it had been read. After the semicolon in paragraph 8 of Standing Order 67—

Some hon. Members: Hear, hear!

Mr. Nielsen: Mr. Speaker, I should like to join with hon. members in welcoming back to the House the Minister of Manpower and Immigration after his illness. After the semicolon there follows an alternative procedure that is available if certain conditions are met:

—or if it complain of some present personal grievance requiring an immediate remedy, the matter contained therein may be brought into immediate discussion.

I suggest, Mr. Speaker, that there is now a requirement for an immediate remedy since the minister has invited applications for the construction of a pipeline or pipelines which inevitably must cross the land forming the subject matter of the claim of the Old Crow Indian people as

contained in their petition. I do not suggest, nor do they, that they be heard in this House immediately, but they seek the same accommodation that was given to a member a short while ago when a petition he presented was referred to a standing committee for consideration, the same accommodation that was given by unanimous consent yesterday when the complaints of Miss Booth were referred to a standing committee of the House for consideration. They seek only to have the petition referred to the Standing Committee on Justice and Legal Affairs.

• (1410)

The fact that the Barber commission has been set up does not offer an acceptable nor an effective alternative to the petitioners. Because of the immediate requirements which I have outlined to Your Honour and because the rules do contain an alternative procedure whereby the petition can be referred, I move, seconded by the hon. member for Athabaska (Mr. Yewchuk):

That the petition of Chief Charlie Abel and Councillors of the Old Crow Indians in the Yukon Territory, presented to this House on February 29, 1972, be referred to the Standing Committee on Justice and Legal Affairs for inquiry and report with the committee's recommendations, if any, thereon.

Mr. Speaker: As the hon. member for Yukon will appreciate, there are procedural difficulties with which the Chair is faced. The Standing Order to which he referred does provide a procedure which in some instances can be followed, but I respectfully suggest to him that that procedure was not available for consideration of the House when the petition to which the hon. member referred was presented to the House.

The hon. member now seeks to raise the matter by way of a question of privilege. I have serious doubts whether a matter of this kind can be brought before the House by way of a breach of parliamentary privilege. This is really what the hon. member must allege at the present time, that there has been in some way a breach of parliamentary privilege. If anyone's privileges are affected, it would be the signatories of the petition. It would be the Old Crow Indians referred to in the petition submitted by the hon. member for Yukon. I doubt very much that it can be argued successfully, at least so far as I can judge, that the parliamentary privileges of the hon. member for Yukon have been affected to such an extent that I should rule there is a prima facie case of privilege.

As the hon. member knows, when in the opinion of the Chair there is a prima facie case of privilege there can be a debate. What is referred to a committee is the breach of privilege, not the substantive matter. What the hon. member now proposes is that the petition of Chief Charlie Abel and other members of the Old Crow Indians be considered by the Standing Committee on Justice and Legal Affairs for inquiry and report. That is really a