

that the notice of motion has to contain the substantive motion which the member is going to rely upon if the Chair finds a *prima facie* case.

The difficulty back in 1978 which was clearly faced by Speaker Jerome was exactly the same situation you are facing today, with all due respect. It is a Catch-22 situation. How can a member complain of someone deliberately misleading someone else in the House but be unable to use that language? After exhaustively going into the precedents, spending at least a week, if I remember correctly, on the research involved, I think Speaker Jerome came out with the clear unequivocal position that obviously that language had to be permitted in a debate on the notice of motion—not on the substantive motion itself but on the notice of motion—and could be used in the notice of motion because it had to be used in the substantive motion.

As I understand the situation now facing the Chair, there is a claim that that language can be used in debate only after the substantive motion is put; in other words, only after the Chair finds there is a *prima facie* case. I feel compelled, Madam Speaker, to draw your attention to rule 81(2) which, as I understand it, requires the substantive motion to be included in the notice of motion.

As a matter of fact, if there is any doubt whatsoever in your mind, I point out to you that in 1978 I was permitted to use that language in the debate in this House; I was permitted to use that language in the notice of motion, and in the subsequent substantive motion. In actual fact the Chair found there was no *prima facie* case at that time. So we never reached the stage where the motion was actually put, because the Chair found there was no *prima facie* case.

Under those circumstances, Madam Speaker, I feel that if you are following—as I am sure you desire to—the precedent of such an eminent Speaker with the legal training and background which Mr. Speaker Jerome had—

Some hon. Members: Oh, oh!

Some hon. Members: Shame, shame!

Mr. Lawrence: —with the training and background that Speaker Jerome had, Madam Speaker, I feel that the precedent and tradition is that we should follow the results of the exhaustive research carried out by the Speaker at that time.

Madam Speaker: In answer to the hon. member for Durham-Northumberland (Mr. Lawrence) I will have to point out to him exactly what happened in these particular circumstances. First of all, the motion sent to me by the hon. member for St. John's West does not contain any language which I could consider to be unparliamentary. It is very carefully worded and does not contain a reference to "deliberately misleading" the House. Therefore, I could find that this question of privilege was raised in a very legitimate manner.

Secondly, the hon. member for Durham-Northumberland I think forgets that my esteemed predecessor, Mr. Speaker

Privilege—Mr. Crosbie

Jerome, who was very highly trained in the legal profession, asked the hon. member to change the wording of his motion because he felt he could not accept the wording "deliberately misleading". He concluded by saying:

● (1530)

I would think, therefore, that the action would be to strike out the hon. member's notice of privilege because it contained the word "deliberately", on the basis of clear precedents.

That is why the hon. member was able to proceed, because he concurred with this demand from the Speaker. Mr. Speaker Jerome went on to say:

It is entirely without prejudice to the hon. member to raise the matter again in a substantive motion after he has had the opportunity to consult these precedents.

It seems to me that I am following exactly what my predecessor had suggested to the House to do.

Mr. Nielsen: Madam Speaker, you used a phrase twice which I am sure you did not intend to use.

Mr. Pinard: Be serious.

Some hon. Members: Oh, oh!

Mr. Nielsen: You referred to receiving the "motion" from the hon. member for St. John's West. I am sure you intended to say "notice". You also referred to Mr. Speaker Jerome's request in his ruling that the hon. member for Durham-Northumberland change the wording of his "motion". I am sure you intended to use the word "notice", as Mr. Speaker Jerome used that word.

Mr. Smith: That's what Madam Speaker said.

Mr. Nielsen: No, I am afraid that when the "blues" come to Madam Speaker she will notice those two observations. I am sure she intended to say "notice".

Mr. Smith: You are wrong.

Mr. Nielsen: I just want to make one or two brief points, Madam Speaker. First, it has always been ruled, in my experience here, that a question of privilege has to contain a motion. I cannot recollect any instance other than that if a charge is made the nature of the charge is usually right up front so that people know what they are dealing with, particularly those who are participating in a discussion as to whether or not a *prima facie* case exists. You yourself have said that you have to know the facts. One of the principal facts in this whole discussion is going to be the deliberate nature of the misleading. That fact is central to all of the discussion that will flow here.

Second, I cannot recall any ruling—there may well be one but I cannot recall it—that requires a substantive motion, such as the one intended to be moved here and the one moved on the occasion of the question raised by the then hon. member for Durham-Northumberland, to be moved at the end of the argument rather than at the beginning. Indeed, I cannot recall any instance where the motion followed the finding of a *prima*