

Privilege—Mr. Sharp

at page 361. Once again I shall try to be brief. In the same publication, at page 417 we find these words:

Unless the discussion is based upon a substantive motion—

This is what was being referred to by the hon. member for Winnipeg North Centre.

—drawn in proper terms, reflections must not be case in debate upon the conduct of the sovereign, the heir to the throne, or other members of the royal family, the Lord Chancellor, the Governor-General of an independent territory, the Speaker, the Chairman of Ways and Means, Members of either House of Parliament, or judges of the superior courts—

Some hon. Members: Hear, hear!

Mr. Paproski: Resign.

Mr. Nielsen: I am not attempting to smuggle this in as another question of privilege.

An hon. Member: But you did.

Mr. Nielsen: An extremely serious matter has been raised in the debate on this question. While I do not insist, I suggest that the hon. member for Champlain and the member for Matane have a responsibility, amounting at least to a courtesy, to make apologies for their transgressions. I hope sir, that in future, whatever happens in the discussion of this matter, no further reflection will be made upon the members of the judiciary.

Mr. Speaker: The hon. member for York-Simcoe.

Mr. Guay (St. Boniface): On a point of privilege—

Mr. Speaker: Order, please. I would remind hon. members that we are in the process of discussing a question of privilege raised by the President of the Privy Council (Mr. Sharp). The hon. member for York-Simcoe.

● (1250)

Mr. Sinclair Stevens (York-Simcoe): Mr. Speaker, in addition to the arguments that have been advanced by members on this side of the House, I should like to add the following comments. First, I wish to point out that the statement which I made last night was in collective terms as opposed to being specific. Also, the last sentence was a rhetorical statement; it was a question.

Some hon. Members: Oh, oh!

Mr. Stevens: When we are considering the implications of the word "illegal", I believe that essentially we must weigh what is legal and what is illegal. It is a question of opinion, surely, and it is a question of debate. The Prime Minister (Mr. Trudeau) has repeatedly stated that no illegal acts were involved in the affair commonly referred to as the "judges' affair". A few moments ago he stated that there had been no wrongdoing and that he had used that term deliberately. That is his opinion. Others may have a contrary opinion as to when there are illegal acts.

The Oxford dictionary—the Minister of Justice (Mr. Basford) referred to dictionary definitions—states that "illegal" is defined as being contrary to law. The hon. member for Yukon (Mr. Nielsen) has referred to section 127(2) of the Criminal Code which deals with the obstruction or the perversion of justice. As hon. members probably

[Mr. Nielsen.]

know, that section states that any one who wilfully attempts in any manner to obstruct, pervert or defeat the course of action is guilty of an indictable offence. The fact is that if the government wishes this record to be clear in order to protect itself from any inference of illegality in connection with what has transpired with the "judges' affair," they should facilitate that with a proper adjudication.

The Chief Justice of Quebec has made no judgment except to say that the matter is grave. Certain officers of the Crown have indicated that they feel there is no illegality. That is a legal opinion; there could be other legal opinions. The Prime Minister has said that certain actions have been improper and he has referred to the actions as being wrong or at least as being in the context of wrongdoing. Let us check the Oxford dictionary on this. The Oxford dictionary defines "improper" as meaning "wrong." "Wrong," in turn, is defined by the same dictionary as meaning "contrary to law" which, of course, is the Oxford dictionary's definition of "illegal." In short, the Prime Minister's view that there have been no improper acts means that there have been no wrongful acts, which in turn means that there have been no illegal acts if you follow the Oxford dictionary's definition of these words.

An hon. Member: Wow!

Mr. Stevens: In using the word yesterday evening, I did it in the context to which I referred in my remarks today. The House leader has referred to the Acting Speaker, to use his term, as "rebuking me" by saying:

Order, please. I would suggest that the hon. member should not impute motives in that way—

I believe the House leader has possibly taken the statement of the Acting Speaker out of context because, as I heard that statement last night, I thought the Acting Speaker was rebuking not me but the Parliamentary Secretary to the President of the Privy Council (Mr. Blais).

Some hon. Members: Oh, oh!

Mr. Stevens: If you read the full text you will find that it was the parliamentary secretary who had last spoken. He ended by saying:

If the minister wishes to raise the matter further, then at the time he raises it I hope the Chair will take into consideration that the question of privilege has been raised now seriously, that Your Honour has heard him, and would wish to hear further representations.

I understood that to be an observation that he hoped that the previous decision, that there was no question of privilege, could be left open. The Acting Speaker then said:

Order, please. I would suggest that the hon. member should not impute motives in that way—

Hon. Bryce Mackasey (Postmaster General): Mr. Speaker, I attempted earlier, and I apologize for it, to ask the hon. member for Yukon (Mr. Nielsen) a question. We have done this for the last 10 or 12 years in these types of debates, and it was meant to be objective. I agree with most of the arguments put forward by the hon. gentleman, particularly when he pointed out that the word "illegal" has different connotations in different circumstances. He pointed out that he himself had once used the word "ille-