

either have to make a specific charge against a specific minister or ministers and follow that by substantiating the charge or charges, and failing that, his seat would be forfeit. I think a very careful examination of the precedents will disclose that there is no Standing Order, rule or precedent that would require that consequence.

● (1240)

I have had occasion to be fairly close to this particular question in the past, on more than one instance in this House of Commons. I can assure you, sir, that the best opinion I obtained after advice from the officers of the House was that there simply is no rule or precedent of the House which would require a member to stake his seat on the outcome of an unsubstantiated charge.

With regard to the question of illegality, the use of the term "illegal" and other parliamentary expressions, there is a list of them in May's eighteenth edition at page 434. There is a further list of those expressions in Beauchesne's fourth edition which starts at page 130 and continues. I could call the member for St. Boniface (Mr. Guay) a jackass. I will not do it, but the fact is that in the past this has been held to be rather unparliamentary. May I draw the attention of the Chair to the fact that during the sitting of 1975 I charged the government with being illegal. Today I so charge it with continuance of an illegal act in not tabling the financial statements that the government is required to table on the Northern Canada Power Commission—

Some hon. Members: Hear, hear!

Mr. Nielsen:—which it is clearly required by the law to do and which it has refused to table since 1971. So I do not think any great exception should be taken to an assertion by a member on this side of the House that an act of the collective ministry is an illegal act. That is the situation in respect of the hon. member for Simcoe-North (Mr. Stevens) last night.

Some hon. Members: Sit down.

Mr. Nielsen: Hon. members on the other side of the House are experts in arrogance. The hon. member was speaking of the collective ministry when he was describing conduct. I have been sitting here throughout the questions on the so-called "judges' affair". I heard the Minister of Justice (Mr. Basford) say that the law officers of the Crown had been asked for an opinion as to the nature of the actions complained of, and their view is that the acts were not illegal. I ask, sir, how in the world could they come to such a conclusion without being in possession of all the facts which this side has been trying to elicit from the government?

I ask, in respect of the term "illegal", how can the Prime Minister (Mr. Trudeau) or any other minister prejudge the issue of conduct and whether it is legal or illegal, proper or improper? Surely, that is not their province. I can lay a charge and I can express the same kind of opinion, with equal validity, as the Prime Minister. The Prime Minister and, obviously, the government House leader came to the conclusion that the conduct of the Minister of Public Works (Mr. Drury) was not illegal but was improper. It is just as proper for me to reach the contrary view. A reading

Privilege—Mr. Sharp

of section 127 of the Criminal Code leads me to the conclusion that there is sufficient evidence to constitute a *prima facie* case of obstruction.

Some hon. Members: Hear, hear!

Mr. Nielsen: I do not think it is my province to reach a judgment as to whether that conduct is legal or illegal, proper or improper: that is the province of the courts, or of a special inquiry.

Some hon. Members: Hear, hear!

Mr. Nielsen: Surely, we on this side have the same right and the hon. member for York-Simcoe has the same right to express an opinion in respect of the conduct of the Minister of Public Works as does the Prime Minister. It happens to be a contrary opinion. The member did not say that any minister broke the law.

Mr. Sharp: Of course he did.

Mr. Nielsen: The words of the hon. member for York-Simcoe were:

What administration at a senior level of government in Canada other than this administration would be allowing cabinet ministers who have acted illegally to carry on in their posts?

Mr. Mackasey: Mr. Speaker—

Mr. Speaker: Order, please. I am trying very hard to consider the relevancy of the argument being put forward. So far the hon. member for Yukon (Mr. Nielsen) is making an argument that is relevant, and I should like to hear its conclusion. There is one difficulty: everybody involved in this argument up to this point has been trying to give us an interpretation of what was meant by the hon. member for York-Simcoe. Perhaps we should leave that to him.

Mr. Nielsen: Mr. Speaker, I will make one final point which is extremely basic and which has been expressed by the hon. member for Winnipeg North Centre (Mr. Knowles). I listened with alarm to the hon. member for Champlain (Mr. Matte) when he moved his motion under Standing Order 43. I listened with the same alarm today when the hon. member for Matane (Mr. De Bané) raised his question with regard to Mr. Justice Mackay. It is my submission that it is highly improper to reflect in this House upon the conduct of any member of the judiciary.

Some hon. Members: Hear, hear!

Mr. Paproski: Shame!

Mr. Nielsen: There is ample precedent—

Mr. De Bané: Mr. Speaker—

Some hon. Members: Sit down.

Mr. Nielsen: There is ample precedent—

Some hon. Members: Sit down.

An hon. Member: Watch your blood pressure.

Mr. Nielsen: There is ample precedent for that. I should like to quote from May's eighteenth edition, commencing