

Privilege—Mr. Stevens

rebuttal of the Kershaw position in the United Kingdom, a decision of a committee on the Westminster House. When you read that item, Madam Speaker, you can see clearly that the so-called rebuttal is a stout defence of the government's or the Crown's position on this question. It is not a matter of a neutral Attorney General keeping his impartiality. He is an Attorney General who is indicating that he is more like the prosecutor or the advocate. He is the person advancing the case. That is why I feel I do have a prima facie case of privilege.

As far as the minister is concerned on this matter of whether or not I am unduly reflecting on the minister, I would point out that if I am reflecting on the minister, much worse language has been held to be parliamentary previously, much worse language touching on ministers. In that connection, at page 12387 of *Hansard* for April 1, 1976, there was an exchange in this House in which the then member for Lévis stated:

Mr. Speaker, we have the worst President of the Privy Council we have ever had.

That president of the privy council is no longer in this House, Madam Speaker. The former member for Lévis then rose and said:

Mr. Speaker, I rise on a point of order.

He then changed his point of order into a question of privilege. He wanted to challenge that wording, and the Acting Speaker said:

The hon. member probably did not like the words of the hon. member who has the floor but there is nothing unparliamentary in what he said.

To use the words of the then Acting Speaker, if there is nothing unparliamentary in saying that the president of the privy council was the worst that they had ever had, surely when we read my words we will see that they are extremely timid. To say that I am reflecting unduly on the minister and that you cannot hear me out, Madam Speaker, I think would be odd.

There is another case dealing with the subject that I have referred to. It appears extensively in *Hansard*, again in 1976. As far as this case is concerned, I can remember it well. I see certain members in this House, my colleague the hon. member for Nepean-Carleton (Mr. Baker), my colleague the hon. member for Yukon (Mr. Nielsen) and the hon. member who now represents Lincoln (Mr. Mackasey)—I have forgotten the riding he represented at that time—

Mr. Comtois: Verdun.

Mr. Stevens: They all spoke on this case. At that time, as the sitting member for York-Simcoe, I was challenged for making a statement about members of the cabinet in general and indicating that they may have been involved in certain illegal activities and yet, in spite of being so involved, carrying on in power. There is a lengthy discussion in *Hansard* concerning what is a reflection on a minister. The arguments begin at page 11950 of *Hansard* for Friday, March 19, 1976. The

ruling of Mr. Speaker Jerome is given on March 22, 1976, wherein he stated:

In reply to a question of privilege raised by the President of the Privy Council (Mr. Sharp), I indicated I would want some time to deliberate on the matter. The question arises from certain remarks made in the course of debate on Thursday evening of last week.

These were remarks made by myself, Madam Speaker.

The basic rule of the House with respect to the procedure and practice in this regard can be found in Citation 140 of Beauchesne's. It is probably familiar to all hon. members, and it reads as follows:

"The rule relating to personal reflections occurring in debate may be stated thus, namely: that it is doubly disorderly for any member, in speaking, to digress from the question before the House and to attack any other member by means of opprobrious language applied to his person and character or to his conduct, either in general, or on some particular occasion, intending to bring him into ridicule, contempt, or hatred with his fellow-members, or to create ill blood in the House."

With all due respect, I would like to say, in case there is any doubt, that my statement, and certainly the form of my proposed motion, if you find I have a prima facie case, would do none of those things that Mr. Speaker Jerome indicated. He did refer to the same Standing Order 35 that you have referred to, Your Honour. He then went on to deal with the question of this word "illegal", and finally he asked that I withdraw the word. I then said I would withdraw the word "illegal" and put in its place "improperly" or "wrongfully". As a result, I then stated: what administration at a senior level of government in Canada, other than this administration, would allow cabinet ministers who have acted improperly or wrongfully to carry on in their posts? At the conclusion of the question of privilege, as reported at page 12001 of *Hansard*, Mr. Speaker said the following:

MR. SPEAKER: Order, please. I should like to thank the hon. member for York-Simcoe for his very important intervention and simply conclude the matter by indicating that, in the opinion of the Chair, in any event, whatever offensive language was used in the hon. member's intervention has now been rectified.

Some hon. Members: Shame.

Mr. Stevens: Madam Speaker, in short, changing from the word "illegal" to the words "improperly" or "wrongfully" was sufficient, as far as Mr. Speaker Jerome was concerned, to satisfy him that I was not unduly reflecting on the minister who happened to be the president of the Privy Council at that time.

The present Attorney-General has demonstrated his lack of impartiality by, first, publication of the role of the United Kingdom in the amendment of the Canadian Constitution which presents the government's view on constitutional amendment. Second, he has demonstrated his lack of impartiality by his recent trip to the United Kingdom in that he argued the government's position. I could refer to the various newspaper articles which followed his trip to the United Kingdom. The various quotations which are attributed to the Attorney-General include one which appeared in *The Globe and Mail* on March 26, wherein he is reported to have stated:

Of course, we can't do this with the agreement of all the provinces... But if they don't agree, the people of Canada can throw us out.