

Privilege—Mr. Sharp

fact, we now have opinions that there was no illegality, but there was some wrongdoing which was an impropriety, for which there was an apology.

Members talk about a cover-up. They say we are not coming clean, and so on. On the contrary, there was no illegality, but there was an impropriety, and in the case of the impropriety there was an apology. The House disagrees, or some of its members do, as to whether the punishment was proportionate to the offence, but that is an arguable point.

The point I am making is that for that impropriety there was an apology. If we are charged with an impropriety, we do not hurl back a privilege, we answer it. We say either it was improper and we apologize, or it was not improper and we argue it. There is no attempt to hurl back any charge of being out of order or, indeed, of anyone trying to make innuendoes which are not substantiated. We argue a point that is not very different from what Mr. Justice Mackay himself said. He obviously accused the President of the Treasury Board (Mr. Chrétien) of doing something presumably illegal—interfering with the courts. He then had to withdraw, and he apologized. The minister accepted his apology. Should Justice Mackay resign because he has committed the impropriety of a false allegation?

Some hon. Members: Hear, hear!

Mr. Trudeau: The House may think so, but everyone accepted his apology, beginning with the minister, and that ended the matter. This is what I have to say about the use of the word "improper", that I used it to cover both aspects. What I do find extraordinary is the argument made by the hon. member for Grenville-Carleton that the point argued by the President of the Privy Council (Mr. Sharp) just shows that an inquiry is needed. This brought great applause from the ranks of the Tories.

Some hon. Members: Hear, hear!

Mr. Trudeau: I would urge Your Honour to think of this in bringing down your ruling on the point argued by the hon. member for Grenville-Carleton and the hon. member for Winnipeg North Centre (Mr. Knowles): all I would have to do is accuse them both of illegality. There is nothing wrong with accusing them of being thieves and committing crimes. There would be no question of privilege and no point of order here. But if they then objected, I could say, "Okay; we will start an investigation into the hon. member for Grenville-Carleton and the hon. member for Winnipeg North Centre and that will prove my point." They are objecting to my saying that they are crooks, and because they are objecting we have a mandate to investigate that. Mr. Speaker, this does not make sense.

Some hon. Members: Hear, hear!

Hon. Ron Basford (Minister of Justice): Mr. Speaker, the question of privilege raised by the House leader involves the use of the word "illegal" by the hon. member, and I would just like to make a short intervention. Clearly, "illegal" means contrary to the law. The Table has run out of dictionaries, but I should like to quote from Fowler's second edition, which states:

[Mr. Trudeau.]

Illegal is most precise, with its meaning of contrary to the law of the land.

In considering the question of privilege before you, Mr. Speaker, I would urge you to consider my statement on page 11855 of *Hansard* as follows:

Upon receipt of Chief Justice Deschênes' letter, I immediately and forthwith referred it, as I have informed the House, to the law officers of the Crown, as was my duty, obligation, and responsibility as Attorney General. I have also informed the House, as reported at page 11749 of *Hansard*, that it was referred to the senior law officers of the Crown and that the contents of the Chief Justice's letter disclosed to the chief law officers no violation of any law by any minister, and I so advised the Prime Minister of that fact. If there is any doubt on that question, Mr. Speaker, I would be happy to table my letter to the Prime Minister.

That is what I then did, Mr. Speaker. The hon. member for York-Simcoe (Mr. Stevens) used a very precise word in the allegation which previously has been very clearly stated in this House, and very clearly stated this as untrue. He has affected not only the privileges of the three ministers involved but my privilege as Minister of Justice. If he wants to get up and say I have misinformed the House, he had better damned well do so.

Some hon. Members: Hear, hear!

An hon. Member: Oh, is that Basford tough!

Mr. Erik Nielsen (Yukon): Mr. Speaker, I intervene because I think there are one or two serious, overriding questions Your Honour has to decide. I am not so certain, as appears to be the hon. member for Winnipeg North Centre (Mr. Knowles), that there is a right to raise this question of privilege in the manner in which it has been raised, in light of the proceedings which transpired last night. Let me quote from the current edition of our provisional standing rules. Standing Order 17(1) sets forth the following:

Whenever any matter of privilege arises, it shall be taken into consideration immediately or at a time appointed by Mr. Speaker.

The matter arose last night and there was no time appointed by Mr. Speaker last night at which the matter would be discussed. Notwithstanding the caveat filed by the parliamentary secretary, the Speaker last night appeared to have dealt with the matter. He said, as reported at page 11926 of *Hansard* when the question of privilege was raised by the Minister of National Health and Welfare (Mr. Lalonde), after calling the House to order:

I do not believe the hon. member made any specific charge. He did not name a specific minister.

There followed a caveat filed by the parliamentary secretary, and the Speaker again said, as recorded in the right-hand column of the same page:

Order, please. I would suggest that the hon. member should not impute motives in that way, and that we get back to Bill C-89.

My submission to you, Mr. Speaker, is that the matter was disposed of last night and that rule 17(2) was never put in the Standing Orders to be used in the fashion attempted to be used now. Even if that argument is not acceptable to you, Mr. Speaker, there is the suggestion in the concluding part of the notice of the question of privilege that in the event the Chair finds that the use of the term "illegal" was not parliamentary and was improperly imputing motives to a minister or ministers, the consequence of that action would be that the member would