

the government does not condone any illegal act, and I have always said that the police and every other person in this country should act within the law.

Mr. Brewin: Mr. Speaker, I do not think the Prime Minister denies that the burning down of barns, even if the people concerned had been in some way connected with terrorism, is an illegal act. How can he say he condones that, and at the same time say that he condemns illegal acts? The two are not consistent.

Mr. Trudeau: Mr. Speaker, this is a matter of being quoted by a third party.

Miss MacDonald: It is on the tape.

Mr. Trudeau: I can tell the hon. member, after an interview I had in the studio of the Halifax radio station, that I was talking about an open line program which had taken place in Montreal. I said that I was informed that people there rather supported the police in this action. Whether it was illegal or not, they had the support of the people. That was the position which was reported to me, and I believe that was an accurate position.

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PRIVILEGE

MR. BALDWIN—PRIME MINISTER'S REMARKS—RULING BY MR. SPEAKER

Mr. Speaker: Order, please. On two outstanding matters I indicated to the House last week that I expected, in relation to the incident regarding the offices of the hon. Leader of the Opposition, to receive a report today from the Bell Canada people who were asked to examine this matter. I received that report this morning, but not in sufficient time to take action, that is to say, to discuss it with the hon. Leader of the Opposition. I hope that will take place later today; therefore, I should be in a position to report further to the House on that matter tomorrow.

The other matter which has been outstanding for some time is with respect to a question of privilege raised by the hon. member for Peace River. It concerns the question period of November 3, 1977, in which a question of privilege arose as a result of the following remarks by the right hon. Prime Minister:

They can stand in their places and challenge them, if they have the courage, but I would suggest the way to do it is not by hiring private detectives, as that party does, and not by having some phony bugs planted in their office, which is the way they do it.

That remark gave rise to a question of privilege. I heard arguments from both sides which related to a number of interpretations of what members can or are permitted to do, and not so very directly with what one particular member had done in this case. The precedents go back over many years. However, happily, there seem to me to be two rather helpful precedents which relate to our own experience in this very

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parliament. I will not refer to one specifically except to say that I am sure it will live well in the memories of hon. members. It concerns the question of privilege related to earlier remarks by the right hon. Prime Minister concerning the acquisition of land at Harrington Lake by the right hon. member for Prince Albert when he was prime minister. On that occasion I found there had been no allegation of illegality or wrongdoing with respect to the remarks at that time, and I therefore found that the matter did not come within the precedents of a remark which had to be withdrawn.

A more recent precedent came within our experience in March of 1976 when on March 18, 1976, the hon. member for York-Simcoe said the following:

"Do as I say, not as I do" appears to be the creed of the present administration. Surely, Mr. Speaker, this type of thinking is shown up so clearly in the judge's affair that is now before us. 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?

A question of privilege arose with respect to that. Argument was made whether or not that remark, in the context in which it was delivered, had an offensive or opprobrious quality to it such as to offend the practices and the rules of our House. In the context, under the format of the incidents which were before the House at that time, after argument that members ought to be entitled to hold opinions or voice opinions. It was my view, while those arguments expressed very well the theory—which I accepted completely—as to what members might or might not do and what they might or might not think, that it did not cover what in fact had taken place, and that was the expression of the statement that members opposite—and I stress the plural—in a group were condoning some sort of illegal act. The word "illegal" is significant there because it was central to the entire argument. The question was whether or not, by the use of the word "illegal", the hon. member for York-Simcoe had crossed the line on opprobrious remarks directed toward a group of members, and that was the decision made in those circumstances. I draw upon that because it seems to me the parallels are irresistible.

Later, on March 22, 1976, I attempted to adjudicate on that problem. As reported at page 11999 of *Hansard*, I attempted to outline the considerations that ought to govern us in these circumstances by saying the following:

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, and tending to bring him into ridicule, contempt, or hatred, with his fellow-members, or to create ill blood in the House.

In addition, there is another precaution which the House has always observed. I would direct attention to Standing Order 35, again one which is no doubt familiar to all members and which, paraphrased, says basically that no member shall speak disrespectfully against any other member of the House. The rationale behind this, the practice which has grown up in this respect, has been set out in another citation of Beauchesne's, citation 136"—