

printed overnight, that archaic and narrowly technical reason, in my submission, falls to the ground. In any event, it should be examined.

I might also point out, Madam Speaker, that I need not rely on the official reports of the committee to raise a question like this. This matter has received on-the-spot, blow-by-blow, verbatim television coverage throughout the length and breadth of this nation. So none of us can stick our heads in the sand, with respect, Madam Speaker—and my intention is not to reflect on the Chair—and claim that we do not know what happened. Any one of us who watches television knows. We can see it every night.

I will leave this matter, Madam Speaker, by saying simply that there was a position which was changed after repetition of the original arguments by the original proponents. It is not far-fetched, in my submission, to draw from that that there was a deliberate intent to make a commitment to the committee in question, which he knew was a commitment which could not be kept.

I wish to deal with my second point now. But perhaps the last point is the most important. The second point, but third in the elements of what I conceive to be a total question of privilege, is whether or not the question of a breach of privilege occurs by the fact that the committee is working to a strict deadline imposed by this House and has wasted limited time as a result of the undertaking given and withdrawn. I submit the answer to that question must be a resounding yes. If it is not clear already it will certainly become clear in the next day or two.

The fourth and last point, before I go to the citations, is whether the actions of the Prime Minister (Mr. Trudeau) and of the two ministers involved who, I regret to observe, are not in the House, I am sure as a result of other more pressing business, and of officials advising them, are subject to the citation at page 141 of the nineteenth edition of Erskine May's Parliamentary Practice, which reads, "Conspiracy to Deceive either House or Committees of either House" will also be treated as a breach of privilege.

Under the heading "Presenting Forged, Falsified or Fabricated Documents to either House or Committees of either House" the citation reads:

It is a breach of privilege to present or cause to be presented to either House or to committees of either House, forged, falsified or fabricated documents with intent to deceive such House or committees or to subscribe the names of other persons or fictitious names to documents intended to be presented to either House or committees of either House, or to be privy to, or cognizant of, such forgery or fraud.

The authorities listed below that heading include, among others, "Fabrication of documentary evidence (*Martin's case*, (1889))."

● (1520)

That precedent will support my submission, Madam Speaker, that the presentation to a committee, which is an extension to the House, of a false statement is, in essence, the presentation of a false document.

Privilege—Mr. Nielsen

Under the second heading on page 141, "Conspiracy to Deceive either House or Committees of either House" it reads:

It has already been seen that the giving of false evidence, prevarication or suppression of the truth by witnesses while under examination before either House or before committees of either House is punished as a contempt; and that persons who present false, forged or fabricated documents to either House or to committees of either House are guilty of a breach of privilege. Conspiracy to deceive either House or any committees of either House will also be treated as a breach of privilege.

I submit that that quotation supports the fourth element of this global question of privilege. I would also like to cite page 142 of the nineteenth edition of Erskine May under the heading, "Misconduct of Members or Officers of either House as Such—Deliberately Misleading the House". It reads:

The House may treat the making of a deliberately misleading statement as a contempt.

The first paragraph under the heading "Corruption in the Execution of Their Office as Members" on page 142 has this to say:

The acceptance by any member of either House of a bribe to influence him in his conduct as such member or of any fee, compensation or reward in connection with the promotion of, or opposition to any bill, resolution, matter or thing submitted or intended to be submitted to the House or any committee thereof is a breach of privilege.

I am glad to see that the Solicitor General has returned to the House. That passage might be viewed in the light of the very special relationship which existed in this instance between those cosy bedmates, the NDP and the Liberal members, not only in this House but elsewhere in their work together. I think sometimes it is the case of the little red rump wagging the pink dog. With regard to the last passage, I would also cite for the Chair's attention, the authorities listed thereunder.

Having briefly, but hopefully concisely and tersely, described what I submit is a very complex and serious question of privilege—on which other hon. members wish to address themselves—which goes far beyond yesterday's proceedings, at the end of hearing all these submissions and the arguments of hon. members who wish to participate, I will move:

That the matter of the statements made to the Special Joint Committee on the Constitution of Canada by the Solicitor General of Canada, as acting Minister of Justice, on Friday, January 24, 1981, and widely reported in the public media and the direct repudiation of these statements by the Minister of Justice on Monday, January 26, 1981, be referred to the Standing Committee on Privileges and Elections and that the committee consider in particular

(a) whether it is an abuse of the privileges of all honourable members for one minister to give an understanding on behalf of the government, and for a second minister to withdraw that undertaking;

(b) whether the question of a breach of privilege occurs by the fact that action was taken by some honourable members as a result of and relying on that undertaking, as in the case in question, wherein amendments were withdrawn and discussion advanced to a later clause of the constitutional resolution as a direct result of undertakings made by a minister of the Crown and later revoked;

(c) whether the question of a breach of privilege occurs by the fact that a committee is working to a strict deadline imposed by the House and has wasted limited time as a result of the undertaking given and withdrawn; and

(d) whether the actions of the Prime Minister, the two ministers cited above, and officials advising them, are subject to the citation at page 141 of the nineteenth edition of Erskine May's Parliamentary Practice, which reads, "Conspiracy to deceive either House or committees of either House will be treated as a breach of privilege."