

*Privilege—Mr. Sharp*

—parliamentary privilege does not go much beyond the right of free speech in the House of Commons and the right of a member to discharge his duties in the House as a member of the House of Commons.

That was Your Honour's first point in defining what constituted a question of privilege. In the second place, you said, and I am quoting from page 6431 of *Hansard* for June 4, 1975:

The second thing which seems to be agreed upon is the way in which privilege should be interpreted and that we ought not to extend it lightly.

Further, Mr. Speaker, you said:

The third point on which there is agreement is that a dispute as to facts, a dispute as to opinions and a dispute as to conclusions to be drawn from an allegation of fact is a matter of debate and not a question of privilege.

If there is anything which is a matter of debate or a question of conclusions to be drawn, it is the item which has just been raised by the government House leader. Your Honour then went on to say this, as reported at page 6432 of *Hansard*:

Accordingly there is some wisdom in the process that if one wishes to complain about what another member has done or said it should be done in the form of a complete charge rather than by way of an alleged question of privilege.

That is the onus which lies upon the government House leader or upon whoever might wish to lay a charge. I have to say there have been occasions in the House where the words "illegal" and "illegality" have been used, and nothing has come from those words other than their strength in a hotly-felt issue involving disagreement and debate. A debate, I know, has to be carried on within certain bounds of taste, but those bounds of taste should not be construed so as to prohibit the widest ranging discussion of matters of public interest.

What indication is there that the word "illegal" was used and went unchallenged? I would remind Your Honour of what took place on September 21, 1971. The issue at that time was whether or not the government was acting illegally in the withholding of certain payments to farmers in western Canada. The peace-loving member for the constituency of Peace River (Mr. Baldwin) said this, referring to what he later called an illegal act:

I would add in this regard that if the action of the Minister of Finance who, under the act is charged with responsibility is, as I assume it to be, the collective action of the government and the cabinet, then they are all tainted with the same misdemeanour and this would be in effect a collective agreement to break the law, a form of conspiracy.

Those were words even stronger than were used on this occasion. The government was not so thin-skinned on that occasion and did not object to those words at the time. In conclusion, I want to say it is an arguable point whether the word "wrongdoing", as used to describe the conduct of one minister by the Prime Minister himself, cannot by definition include the word "illegal".

**Some hon. Members:** Oh, oh!

**Mr. Baker (Grenville-Carleton):** The Prime Minister himself said he purposely left the expression fuzzy. It is important that the debate be allowed to carry on within reasonable bounds. Many things might be said about the hon. member's statement, but certainly not that there has been a breach of the privileges of any of the members of

[Mr. Baker (Grenville-Carleton).]

this House so that they, to use Your Honour's own words, could not carry on their duties as members of parliament. That is the issue.

**Some hon. Members:** Hear, hear!

**Mr. Stanley Knowles (Winnipeg North Centre):** Mr. Speaker, it is true that last night the Parliamentary Secretary to the President of the Privy Council (Mr. Blais) reserved his minister's right to raise this matter today. I suggest he had such a right anyway, but no one is challenging it and I think there is a point in the fact that this reservation was made last night. But I do object most strongly to the President of the Privy Council (Mr. Sharp) alleging he is quoting the record but not quoting all of it.

**Mr. Paproski:** Shame!

**Mr. Knowles (Winnipeg North Centre):** He said, for example, that all the Acting Speaker did last night was to admonish the hon. member for York-Simcoe (Mr. Stevens) and to tell him to get back to the bill. It is true that, as reported at the second column of *Hansard* for March 18 at page 11926, the Acting Speaker said words to that effect. But I would point out that immediately after the Minister of National Health and Welfare (Mr. Lalonde) raised his question of privilege against the hon. member for York-Simcoe, in the first column of *Hansard*, at page 11926, the Acting Speaker said:

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

I suggest that is part of the argument. I also suggest that when the government House leader attempts to raise a matter and quote the record, he should quote all the record and not just part of it.

**Some hon. Members:** Hear, hear!

● (1220)

**Some hon. Members:** Oh, oh!

**Mr. Knowles (Winnipeg North Centre):** I commend the hon. member for Grenville-Carleton (Mr. Baker) on the case that he has just made, and I commend him in particular on the quotations he found and used, notably from yourself, concerning the fact that this is a place of debate. We have had far more serious incidents than this one in which Your Honour has told us that this is a place of debate. I suggest that that is the way to view the incident that occurred last night.

On the question of the word used by the hon. member for York-Simcoe, the word "illegality"—

**Mr. MacFarlane:** No, "illegally".

**Mr. Knowles (Winnipeg North Centre):** The word "illegally". As I suggested to the President of the Privy Council, I want to quote the record correctly:

—allowing cabinet ministers who have acted illegally to carry on in their posts.

The Acting Speaker said, by the way, that that was not a specific charge. On this very question we have for two weeks or more had the Prime Minister of this country trying, under the guise of semantics, to find some differ-