

*Privilege—Mr. Sharp*

**Mr. Andre:** That is privileged. You cannot reflect on the judiciary.

**Mr. Mackasey:** I am not reflecting on him; I am praising him.

**Mr. Speaker:** Order, please. We have had a lengthy discussion but today, after all, has been set aside specifically for the Social Credit party. It is now 2.15 p.m. Other hon. members want to participate. I wonder if the minister has nearly completed his remarks.

**Mr. Mackasey:** Yes, Mr. Speaker. I am glad Your Honour has brought us back to the point to be considered. I think I meticulously stayed on it until the hon. gentleman opposite, who is noted for his asinine interventions, interrupted me. In conclusion, it is not too late for the hon. gentleman opposite to stand up and explain in what way he used or meant to use the word "illegal". Hopefully, he will have the courage to get up and apologize to ministers collectively, particularly to my hon. friend who sits next to me.

**Mr. Eldon M. Woolliams (Calgary North):** Mr. Speaker, I will be brief. I wish to make a couple of points only. I suggest that the question of privilege is *res judicate*. Yesterday, as reported on page 11926 of *Hansard*, the Acting Speaker, the hon. member for London East (Mr. Turner) said:

Order please. I do not believe the hon. member made any specific charge—

Finally he called on the hon. member who had the floor to continue his speech. It seems to me that the matter is *res judicate*. I suggest that the government made a mountain out of a molehill. Let me deal for a moment with the meaning of the words "illegality," "wrongfully" and "improper."

The Prime Minister (Mr. Trudeau) a number of times has used the words "wrongdoing" and "wrongfully." My authority for the definitions I shall give are the dictionary and the Supreme Court of Canada. I shall mention a case in which I was involved as counsel and in which the court defined these words. According to the court, "improper" means "wrong", "wrongfully" means "illegally," and "illegal" means "wrong" or "improper." So those words mean more or less the same thing. I think the government has made a mountain out of a molehill; it is supersensitive.

I agreed with at least one thing the Postmaster General (Mr. Mackasey) said in his long speech. You can do something illegal without committing an offence under the Criminal Code. The action may involve a quasi-criminal matter. For instance, you could have parked your car in the wrong place. I repeat, I think the government is making a mountain out of a molehill.

A case was determined on this very point, that is, on the definition of "wrongful" and "illegal." Allow me to refer to 1952 Supreme Court Reports, page 335. In the case of *Marsh v. Kulchar* I acted for the appellant. A very simple point of law arose which I know would appeal to Your Honour. According to the Saskatchewan statutes, an owner is responsible for what happens to his automobile unless the automobile was stolen or wrongfully taken from him or out of his possession. The defence held that the car was stolen or wrongfully taken out of the owner's possession. The

court held that "wrongfully" and "illegally" are identical in meaning. In some circumstances, anyone who takes a car wrongfully could be accused of joyriding, which is an offence under the Criminal Code.

The Prime Minister today, I think, used the word "wrongfully." Also, the Minister of Public Works (Mr. Drury) apologized. In any event, as I said before, the government has made a mountain out of a molehill. My distinguished colleague used the word "illegally." It really means "wrongfully", a word which the Prime Minister himself used today. I think hon. members opposite are supersensitive. None of this would have flared up if the government had agreed to establish a public inquiry at which we could learn all the facts.

**Mr. T. C. Douglas (Nanaimo-Cowichan-The Islands):** Mr. Speaker, I would not have intervened on this question of privilege had not the Postmaster General (Mr. Mackasey) lectured the opposition. After complaining that the hon. member for Winnipeg North Centre (Mr. Knowles) lectured the House, he spent about 25 minutes lecturing the opposition. I will not take as long as he did to make one point. He told the opposition all the harm they had done in the past, and could do in the present, by asking questions. He ought to know that one of the functions of the opposition is that of asking questions. That is the only way we can discover what is going on in this secretive government. Let the minister refer back to some of the things which arose in the past. I will not embarrass him and the government by enumerating some of the scandals which have been brought to light in the last 10 or 12 years because the opposition asked questions. He did not mention that in the Rivard case, to which he alluded, one of the persons about whom we asked questions ended up being sent to jail.

**Mr. Mackasey:** Do you think that was justified?

**Mr. Speaker:** Order, please. Hon. members are seeking to put interesting points on the record. However, we are constantly depriving one caucus which wishes to raise important matters today to raise those matters. They cannot do this while the question of privilege is being debated.

**Mr. Douglas (Nanaimo-Cowichan-The Islands):** Mr. Speaker, may I deal with one point which the hon. member raised? He is suggesting how the House should condemn the use of the word "illegally." I point out that this involves a matter of opinion. The Prime Minister is of the opinion that, on the basis of what his ministers said to him, nothing illegal or improper was done. We have not had the advantage of knowing what the Prime Minister said to his ministers or what they said to him. It seems to me that we are entitled to say that in our opinion actions have been taken which, until further information is divulged, could be both improper and illegal.

● (1420)

[Translation]

**Mr. André Fortin (Lotbinière):** Mr. Speaker, today I propose a motion on the dairy policy in general in order to launch a debate on this subject. It is necessary as much for its economic and social implications as for the security of income for dairy producers who are justifiably worried