

I would draw your attention, Mr. Speaker, specifically to the reference to "the judge's affair" and then to the way in which, in relation to that affair, it is alleged that certain ministers have acted illegally. The Minister of National Health and Welfare (Mr. Lalonde), in accordance with proper parliamentary practice, immediately rose on a question of privilege, inviting the hon. member for York-Simcoe to specify which ministers he had in mind, or completely to withdraw the charge of illegality. He indicated that if the matter was not disposed of at that time, it would be pursued. My parliamentary secretary also indicated that in the absence of an immediate ruling from the Chair, the matter would be pursued. The Acting Speaker merely admonished the hon. member for York-Simcoe for imputing motives.

The proprieties of this House in matters such as these are quite clear. Not only must a member wishing to charge another with misconduct be specific, but he must be willing to stake his seat on being able to prove his charge.

Some hon. Members: Hear, hear!

Mr. Sharp: This practice was developed in order to prevent the destruction of order in this House by reducing its deliberations to innuendo and smear. I therefore demand, Mr. Speaker, that the member for York-Simcoe either make a specific charge of illegality against specific ministers, and stake his seat on being able to prove it, or that he withdraw his statement.

Mr. Walter Baker (Grenville-Carleton): Mr. Speaker, quite frankly, I am rather surprised—

Some hon. Members: Oh, oh!

An hon. Member: You are always surprised.

Mr. Baker (Grenville-Carleton): I am glad the members are enjoying themselves. I repeat that I am rather surprised to see the government House leader rise, in these circumstances, with regard to matters that have been described as acts of wrong-doing by the government, by columnists and, indeed, by the Prime Minister (Mr. Trudeau). In fact, I am extremely surprised. Perhaps, before I deal with the merits of the question of privilege, the fact that the government House leader has seen fit to rise on this matter, which indirectly affects the judiciary and the ministry in Canada, is the best argument we have heard yet for the judicial inquiry we are demanding.

Some hon. Members: Hear, hear!

Mr. Baker (Grenville-Carleton): I would now like to get to the merits of the question of privilege. With respect, what you have to decide, Mr. Speaker, is whether this is indeed a question of privilege, carrying with it certain responsibilities, or whether it is simply a further development of a basic disagreement that has become apparent in this House over the last 12 days of intensive discussions on this important public matter. My respectful submission to you, sir, is that it is nothing more, in the final analysis, than the latter rather than the former to which I am referring. I want to give some examples. On July 30, 1975, the hon. member for Central Nova (Mr. MacKay) rose in this House on a question of privilege arising out of

Privilege—Mr. Sharp

remarks made to him by the Minister of Labour (Mr. Munro) with regard to certain very contentious and questionable matters about the conduct of the minister. He said, and I quote from page 8075 of *Hansard* for July 30, 1975:

—Mr. Speaker, as recorded at page 8026 of *Hansard*, the minister accused me of "indecency in casting innuendoes"—

Your Honour ruled at that time. You said:

The only question which remains is that raised by the hon. member for Central Nova concerning the language used yesterday by the Minister of Labour, indicating that what I understood to be remarks made by the hon. member, always in the House and always recorded in *Hansard*, were indecent in their innuendo and disgraceful in the conduct of the hon. member. That is an opinion that has been expressed in this House openly by the minister. The hon. member for Central Nova has taken offence at this. This is the chamber for disagreements. That is a classic case of one of them. It would have to be otherwise, in my opinion, in order to found a prima facie case of privilege, namely, that the language of the Minister of Labour was unparliamentary.

● (1210)

In examining the precedents I am unable to find the expressions he has used and the way he has used them are in any way unparliamentary. They simply contain and inflame the disagreement between the two hon. members. If we are to adjourn for a prolonged period later this day, or some day soon, perhaps it will be a pity, because the disagreement is becoming entertaining. Nevertheless, it is still a disagreement and not a question of privilege.

This was your ruling with respect to those extremely strong words at that time. My respectful submission is that there was nothing wrong with that ruling then, and that it applies now. The second matter which I should like to bring to your attention, Mr. Speaker, is this: I have looked at Beauchesne's fourth edition to determine whether or not the word "illegal", in the context in which it was quoted by the House leader, appears there. I can find no substantial authority to support the submission he made, and I note that the government House leader failed to bring forward any substantial authority from May's, Beauchesne's or any other learned work. At best, it is a matter of debate, in my respectful submission.

I now turn to another matter. How should we view questions of privilege or alleged questions of privilege when they are raised in the House of Commons? I am returning to an incident which occurred in this chamber and which led to a ruling by Your Honour on June 4, 1975. The Prime Minister had accused a former prime minister, my right hon. friend from Prince Albert (Mr. Diefenbaker), using these words:

—he made the largest land grab when he was in office that was ever made by any private citizen of Canada.

That was the accusation directed at that time by one prime minister against a former prime minister. The Prime Minister went on to say of my right hon. friend that he was "adding thousands of acres of land for his private enjoyment." That, Mr. Speaker, was a fairly strong accusation, even in a chamber which you said is a House of debate. Dealing with questions of privilege and how they should be regarded, Your Honour had this to say:

The definition of privilege is one which has been strictly adhered to and narrowly interpreted constantly . . . In my view—

Here the view of Mr. Speaker Michener was being expressed.