

[English]

### PRIVILEGE

MR. CROSBIE—ALLEGED MISLEADING STATEMENT BY MR. CHRÉTIEN

The House resumed the question of privilege of Mr. Crosbie.

**Mr. Nielsen:** Madam Speaker, I will try to be brief in my intervention. I hope that I can assure the Chair and other hon. members that my intervention will be the last one from the members of my party in this discussion in the hope that we might be able to proceed with the allotted day by 5.30 p.m.

I might say at the outset that because of the serious nature of the question which the Chair has to decide, I submit most strenuously that when you have heard all the representations that you intend to hear in your discretion, you take the matter under serious and careful advisement.

I would like to lay the groundwork for what I have to say by once again emphasizing the statements that were made last May 18, by the Minister of Justice. I read from page 17533 of *Hansard*. While great emphasis has been placed on the phraseology, and I quote, "No decision has been made at this time", not so much emphasis has been placed on an earlier phrase which appears in the same sentence of that answer by the minister. The whole answer is:

Madam Speaker, if the government does make a decision to that effect, this will be announced as soon as the decision has been made.

The clear inference there is that there has been no decision made, that when the decision is made it will be announced as soon as it has been made. I leave it to the Chair to determine whether the announcement was made as soon as the decision was made, whenever the Chair might find that to have occurred.

• (1720)

But by far the stronger wording of the minister's answer is that last sentence: "No decision has been made at this time". The minister did not say that no final decision had been made at that time. He did not say that no ultimate decision had been made at that time. He did not say that no conditional decision had been made at that time. He did not say that there had been any provisional decision made at that time. He did not say that there was no absolute decision made at that time. He did not say that there was no conclusive decision made at that time, or unalterable decision, or definitive decision, or complete decision, or last decision.

**Mr. Nowlan:** Or ironclad decision.

**Mr. Nielsen:** Or ironclad decision, as I hear my colleague remind me. There was no qualification whatsoever on the words that the minister used, a minister who is very skilled in the use of words, he being of a profession which earns its living from the use of words, and he being the Minister of Justice in this House. Also, Madam Speaker, I might remind you that he had the experience before which he is once again going through. This is not the first occasion on which this minister

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has been involved in circumstances of this kind. Indeed, he was the subject of the precedent to which I referred the Chair when a question of privilege on the same subject matter was raised by the then hon. member for Durham-Northumberland.

**Mr. Peterson:** Smear, smear.

**Mr. Chrétien:** What was the decision?

**Mr. Smith:** What was the outcome of that?

**Mr. Nielsen:** Well, the minister can read the decision; I have given him the quotation.

**Mr. Chrétien:** Yes, I would like the decision of the House and the Speaker.

**Mr. Nielsen:** I refer the House again to page 3294 of *Hansard*, to the decision on February 28, 1978—

**Mr. Peterson:** The second time you have tried to smear him.

**Mr. Nielsen:**—wherein Mr. Speaker Jerome said, in the right-hand column:

The last area of guidance which the hon. member for Northumberland-Durham sought related to my own ruling of April 19, 1977, in which I indicated that—

I underscore the following words:

—in order to found a question of privilege, the allegation would have to be not simply that the House had been misled, but had been deliberately misled.

It does not say anything about a motion there, Madam Speaker. Mr. Speaker Jerome said "in order to found a question of privilege". That is what we are doing right now. He stated:

—in order to found a question of privilege, the allegation would have to be not simply that the House had been misled, but had been deliberately misled.

I took the trouble to look up the previous ruling of Mr. Speaker Jerome on April 19, 1977, which is to be found on page 4766 of *Hansard* for that date, in the right-hand column, the second paragraph from the end, wherein he stated:

If it is to be pursued by way of a question of privilege, I wish to stress again that in order to qualify as a question of privilege the Chair would have to find that not only had there been actions by the minister to mislead hon. members, but that those actions were calculated and deliberate by the minister for that purpose.

What evidence is there before Your Honour in order to come to that conclusion? There is the evidence of the words used by the minister and the clear evidence, in my submission, that a decision had in fact been made at the time by the government, and the government is the cabinet. To quote the words accurately, "a decision by the government" had been made at the time that the minister used those words in the House of Commons.

It has been asserted here today by the hon. member for Lincoln (Mr. Mackasey) and others that the matter has been completely disposed of because the minister rose and said that he did not intend to mislead the House. Those who favour that argument suggest that that disposes of Your Honour's obligation—