

# HOUSE OF COMMONS

Wednesday, March 3, 1976

The House met at 2 p.m.

## ROUTINE PROCEEDINGS

[English]

### ADMINISTRATION OF JUSTICE

#### PROPOSED ROYAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF INTERFERENCE BY JUDGE MACKAY—MOTION UNDER S.O. 43

**Mr. Eldon M. Woolliams (Calgary North):** Mr. Speaker, I ask consent to propose a motion under Standing Order 43 on a matter of urgent and pressing necessity. There can be no matter more urgent and nothing more necessary than that the public be assured beyond all doubt or suspicion that justice in Canada is duly and impartially administered, and that the judges charged with this duty are free to perform it without interference or the merest suspicion of interference.

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

**Mr. Woolliams:** A challenge against the freedom and independence of the Canadian judiciary is equally a challenge against this parliament and the constitution. I therefore move, seconded by the hon. member for Grenville-Carleton (Mr. Baker):

That subject as hereafter stipulated, the Governor in Council forthwith appoint a royal commission with full powers to inquire into and report upon allegations of interference, by the executive authority or other persons, with the due and impartial administration of justice, with particular reference to the report of the Honourable Mr. Justice Kenneth C. Mackay to the Minister of Justice and Attorney General of Canada of February 20, 1976, but that such terms of reference be first submitted upon government motion within the next five sitting days to this House for debate and subject to amendment, such proceedings not to exceed one sitting day.

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

**Mr. Speaker:** Order, please. Pursuant to Standing Order 43 such a motion can only be presented with the unanimous consent of the House. Is there unanimous consent?

**Some hon. Members:** Agreed.

**Some hon. Members:** No.

#### SUGGESTED PUBLIC INQUIRY INTO ALLEGATIONS OF INTERFERENCE BY JUDGE MACKAY—MOTION UNDER S.O. 43

**Mr. Edward Broadbent (Oshawa-Whitby):** Mr. Speaker, while we certainly would have supported that motion, and we so indicated, the motion I intend to move is different because it is under a different law, and I hope the government side will not react in the same way.

I rise on a matter of urgent and pressing necessity under the provisions of Standing Order 43. Considering the seriousness of the charges made by Judge K. C. Mackay of the Superior Court of Quebec that there has been prevalent political interference with the course of justice by members of the cabinet, and considering that three specific incidents were cited by him, in order to clarify this situation and to assure the public that there is no political interference in our judicial system I move, seconded by the hon. member for Winnipeg North Centre (Mr. Knowles):

That this House urges the Prime Minister to establish forthwith a public inquiry under the Inquiries Act to investigate these serious charges.

**Mr. Speaker:** Order, please. Pursuant to Standing Order 43 the motion can only be presented with the unanimous consent of the House. Is there unanimous consent?

**Some hon. Members:** Agreed.

**Some hon. Members:** No.

#### PROPOSED CONSULTATION ON TERMS OF REFERENCE AND NATURE OF INQUIRY INTO ALLEGATIONS OF INTERFERENCE BY JUDGE MACKAY—MOTION UNDER S.O. 43

**Mr. G. W. Baldwin (Peace River):** Mr. Speaker—

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

**Mr. Baldwin:** Since I am speaking in this rarified atmosphere, as my hon. friends said, possibly I am a pink Tory.

I should like to move a motion under Standing Order 43. The foundation has been well laid for me by the hon. gentlemen who have spoken ahead of me. I therefore move the following motion, and I am sure it will be acceptable in the terms given, bearing in mind the remarks of the hon. member for Calgary North (Mr. Woolliams) and the hon. member for Oshawa-Whitby (Mr. Broadbent):

In the light of the circumstances and the relationship of the ministers concerned to the government and the imperative need to have an unbiased, open and completely objective inquiry into the facts, and as Parliament is the highest court and original fountain of justice, this House urges the Prime Minister and the Minister of Justice to consult with opposition parties in the House as to the nature, terms of reference and character of the inquiry.

**Mr. Speaker:** Order, please. The motion can only be presented with the unanimous consent of the House. Is there unanimous consent?

**Some hon. Members:** Agreed.

**Some hon. Members:** No.