

## Oral Questions

details which the chief justice deems proper to give me in the circumstances.

● (1110)

ALLEGATIONS OF INTERFERENCE BY JUDGE MACKAY—  
POSSIBILITY OF OBTAINING LEGAL OPINION ON  
INTERVENTION BY MINISTER OF PUBLIC WORKS

**Mr. Eldon M. Woolliams (Calgary North):** Yesterday the Minister of Justice answered a question put by the hon. member for St. John's East. He pointed out two matters that would be crimes under the Code, one of which would be and I quote from page 11489 of *Hansard*:

—to have a private communication for the purpose of influencing a judicial decision.

It is easy for a fellow to say he did not influence the jury. It is similar to defending someone for murder. I have never heard anyone tell his counsel he was guilty. The facts determine whether he is guilty. In light of the two points of law raised in the minister's answer to the hon. member for St. John's East, has he referred those two matters to his legal officers in view of the self confession of interference by the Minister of Public Works?

**Hon. Ron Basford (Minister of Justice):** Mr. Speaker, the words I was using yesterday are from Halsbury's definition of the nature of private communications, which amounts to criminal contempt. As the hon. member knows, that is a proceeding to be taken by a judge. In all three instances, no such proceedings have been taken.

**Mr. Woolliams:** Mr. Speaker, I know that the Minister of Justice will want to answer this question. Is he prepared to refer the matter to his legal officers? I respect Halsbury's Laws of England. However, as the chief legal officer of Canada, is the minister prepared to refer the matter to his legal officers to get an opinion rather than just refer to certain precedents and come to his own decisions without an opinion from his legal officers?

**Mr. Basford:** As an eminent lawyer in Calgary, I think the hon. member knows that contempt proceedings are not taken at the instance of the Attorney General of Canada, but at the instance of the judge himself. No such proceedings have been taken. In answer to the hon. member, I may indicate that in the course of my duties, I have many communications with chief justices throughout Canada on a whole range of matters relating to salaries, retirement, workloads and work with the judicial council. In no instance has any chief justice ever brought to my attention an attempt to interfere with the course of justice by members of the ministry.

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## SPORTS

SUMMER GAMES AT ST. JOHN'S—FAILURE TO CALL TENDERS  
FOR CONSTRUCTION OF MAIN SPORTS COMPLEX—  
GOVERNMENT POSITION

**Mr. Edward Broadbent (Oshawa-Whitby):** Mr. Speaker, in the absence of the Minister of National Health and Welfare, I will direct my question to the Acting Prime Minister. It concerns the summer games that are to be held

[Mr. Basford.]

in St. John's, Newfoundland, in 1977. As the Acting Prime Minister is aware, the federal government will be spending several million dollars as their share in the financing of these games. Is the Acting Prime Minister aware that the contract involving the principal expenditure of some \$4.5 million for a main sports complex has been granted to a company without going through public tender?

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

**Hon. Mitchell Sharp (Acting Prime Minister):** Mr. Speaker, I was not aware of that fact.

**Mr. Broadbent:** Both local councillors and a local newspaper have raised this issue with particular reference to the fact that the company which got the contract without tender is in fact owned by Mr. Andrew Crosbie who is chairman of the summer games association. Is it the Prime Minister's view that this procedure is appropriate, bearing in mind the fact that in the past public tendering for the summer games has been a condition insisted on by the federal government, as I understand it?

**Mr. Sharp:** I will inquire into the circumstances. I understand it is not suggested that the federal government is awarding this contract. Do I understand correctly that it is some other authority which was awarded the contract?

**Mr. Broadbent:** The minister is correct in that assumption, according to my information; the contract has been awarded by the local committee. Nevertheless, a substantial portion of the money is coming from the federal government, approximately one-third, hence the reason for concern on the part of the federal government. Would the Acting Prime Minister undertake to make an inquiry and ascertain why calling for tenders was not insisted upon by the federal government, though this was the case in the past, and, more specifically, will he investigate the possibility of a conflict of interest in view of the fact that a contract was awarded to a company owned by the chairman of the summer games committee?

**Mr. Sharp:** I will undertake to make those inquiries, Mr. Speaker.

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## ADMINISTRATION OF JUSTICE

ALLEGATIONS OF INTERFERENCE BY JUDGE MACKAY—  
INQUIRY WHETHER LEGAL OPINION SOUGHT ON  
INTERVENTION BY PRIME MINISTER'S PRINCIPAL SECRETARY

**Mr. Lincoln M. Alexander (Hamilton West):** Mr. Speaker, I should like to direct a question to the Minister of Justice dealing with the Prime Minister's conclusion that a lawyer, who was also principal secretary to the Prime Minister, made a legitimate intervention.

The minister realizes that there is a cardinal rule that there should be no intervention by anyone, particularly by lawyers, during the course of a trial by a judge. Was the then minister of justice asked for an opinion as to this course of action by a lawyer and in particular was the hon. gentleman's opinion sought before the Prime Minister con-