

# HOUSE OF COMMONS

Friday, March 5, 1976

The House met at 11 a.m.

## ORAL QUESTION PERIOD

[English]

### ADMINISTRATION OF JUSTICE

#### ALLEGATIONS OF INTERFERENCE BY JUDGE MACKAY— FREEDOM OF CHIEF JUSTICE OF QUEBEC TO INTERVIEW MINISTERS

**Mr. Ray Hnatyshyn (Saskatoon-Biggar):** Mr. Speaker, may I direct a question to the Minister of Justice? Without accepting the position of the government that the chief justice of the province of Quebec should be asked to act as conscience of the government in place of the Prime Minister, may I ask if the chief justice will be completely free to interview ministers and obtain ministerial papers, documents or other permanent records?

**Hon. Ron Basford (Minister of Justice):** Mr. Speaker, without accepting the premise of the hon. member's question, may I say this: the Chief Justice of the Superior Court of Quebec has been asked, as I think is proper and in line with my view of the independence of the judiciary and separation of powers, to indicate to me any information that he feels it is appropriate to give me relating to unwarranted attempts to interfere with the proper administration of justice in his courts.

**Mr. Hnatyshyn:** Mr. Speaker, the minister did not answer my question. I was asking about the position of the government. For example, the Minister of Public Works raised the matter of privilege with respect to conversations he had with the Minister of Consumer and Corporate Affairs. I ask the minister if the chief justice will be given the opportunity to interview the Minister of Public Works and other ministers with respect to any intervention, alleged or otherwise, with the judiciary.

**Mr. Basford:** Mr. Speaker, I am sure that if the chief justice of the Superior Court wants to do that, the ministers and members of the government will co-operate fully.

#### ALLEGATIONS OF INTERFERENCE BY JUDGE MACKAY— REFERENCE TO INTERVENTION BY MINISTER OF PUBLIC WORKS

**Mr. Ray Hnatyshyn (Saskatoon-Biggar):** Mr. Speaker, may I direct my final supplementary question to the Minister of Public Works? On Wednesday the minister is reported to have said, on page 11457 of *Hansard*:

I had a conversation, also with the associate chief justice of Quebec, along, as I discovered, with a great many other public spirited citizens

who had taken part in trying to effect a solution to a rather difficult and, to some degree, unprecedented problem.

My question is this: does the minister admit that, along with others, as a minister of the Crown he attempted to effect a solution by acting on behalf of the Minister of Consumer and Corporate Affairs?

**Hon. C. M. Drury (Minister of Public Works):** Mr. Speaker, I do not think it would be particularly helpful if one were to try to anticipate what may be the views formulated by the Chief Justice of the Superior Court of Quebec.

#### ALLEGATIONS OF INTERFERENCE BY JUDGE MACKAY— RECOMMENDATIONS OF MINISTER OF JUSTICE CONCERNING INTERVENTION BY MINISTER OF PUBLIC WORKS

**Mr. Eldon M. Woolliams (Calgary North):** Mr. Speaker, may I direct a question to the Minister of Justice, the chief legal officer of Canada, with regard to the confession of the Minister of Public Works. That minister, when answering me on Wednesday last said, in part, as reported on page 11457 of *Hansard*:

Indeed, the only intervention that would be contemplated by me would be one to see that he was in full knowledge of the facts—

Meaning the judge, the minister having been in touch with the associate chief justice. I continue—

—and did his duty.

My question to the chief law officer of Canada, Attorney General and Minister of Justice, is this: has the minister, in view of the confession made by the Minister of Public Works that he intervened, and tried to tell the judge how to do his duty, made recommendations to the Prime Minister? Has he made any recommendations relating to the impropriety of the executive engaging in that kind of intervention with the judiciary?

**Hon. Ron Basford (Minister of Justice):** Mr. Speaker, the Minister of Public Works went on to say, again as reported at page 11457 of *Hansard*:

I did not attempt to influence the decision.

As I indicated on Wednesday, although Mr. Justice Mackay's letter asked me to take no action I felt it incumbent on me to ask my colleagues for an explanation, which I received. The information indicates no attempt on their part to interfere with the course of justice.

**Mr. Baker (Grenville-Carleton):** That's a whitewash.

**Mr. Basford:** Therefore, as I indicated previously, I do not intend to make a further recommendation to the Prime Minister or government until I have followed what I regard as the proper course of allowing the "chief" justice of the Superior Court to give me any information and