

Right Hon. P. E. Trudeau (Prime Minister): Mr. Speaker, the Leader of the Opposition introduced the word "exclusive", which I never used. He obviously used it for a very good reason. He seems to have been shown what the act says, but if he had not read selectively only one paragraph of the act, he would have seen that section 10(3) describes the powers of the board and says:

—all such powers, rights and privileges as are vested in a superior court of record.

It seems to me that this makes it quite clear that the National Energy Board has the powers of a court of record, and that makes it a quasi-judicial body.

Mr. Gillies: Preposterous.

Mr. Trudeau: This does not alter the substance of what I said earlier, that the government studied the possibility of regulating post-employment conditions for members of judicial or quasi-judicial offices. It might apply *a fortiori* when these quasi-judicial offices also have advisory functions, as the Leader of the Opposition said, and I indicated that the government had considered such guidelines and would be prepared—possibly to follow up the bill which will be given first reading today and which I am sure will be studied by all members of the House—to go one step further. I indicated that we had some hesitancy in doing so, but I am glad that the opposition parties seem united in stating that the government should extend its guidelines to holders of judicial or quasi-judicial offices.

The Leader of the Opposition shakes his head. Now he has a new position. I really would like to know the position of the Leader of the Opposition and his party. However, as far as we are concerned, we will continue with our work and probably publish such guidelines. I think when that is done, even the opposition will recognize that a holder of such office could certainly be asked to abide by the spirit of the guidelines, but he certainly could not be held retroactively to abide by guidelines which have not yet been published.

Mr. Clark: Mr. Speaker, I shake my head in wonder at the attempts by the Prime Minister to work his way around the failure—and I take it the Prime Minister is now admitting it is a deliberate failure—to apply the conflict of interest guidelines to an advisory agency such as the National Energy Board which, by statute, it is. I asked the Prime Minister a question. He did not answer it, although I can assume from his long evasion that his answer is that he intends to continue to exempt agencies like the National Energy Board with statutory advisory functions as long as he can find any way at all by which they can be called quasi-judicial agencies.

The Prime Minister has by his answers today drawn the attention of the Canadian people to a very large loophole which he and his colleagues have drawn into the conflict of interest guidelines. Just so he can confirm things, are we then to understand that these guidelines do not apply, for example, to members of the CRTC, the Canadian Transport Commission, FIRA, the Canadian Dairy Commission, Canadian

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Patents and Development Limited, the Canadian Pension Commission, the Northern Pipeline Commission and at least 15 to 20 other major administrative tribunals in the country? Is that the policy of the government?

● (1452)

Mr. Trudeau: Well, Mr. Speaker, the conclusion the hon. member reached in the first part of his question is exactly contrary to what I just said. If the hon. member would listen to my answers rather than preparing his next question, he might be able to dispense with some of his questions. He said that I was prepared to continue to exempt. On the contrary, I said that we had studied these guidelines, that we were hesitant to put them into effect, and that I was encouraged to see, until opposition members shook their heads, that the opposition was encouraging us to go ahead with such guidelines. This does not apply to the bill which will be introduced in the House today: it is on conflict of guidelines—conflict of interest guidelines.

Mr. Paproski: Your first comment was correct.

Mr. Trudeau: It is on conflict of interest guidelines for members of parliament. The House will recall that all this business of publishing conflict of interest guidelines went through several stages. We started with ministers, then we went to members of parliament and then to officials. I indicated that we had not yet gone to holders of judicial or quasi-judicial offices. That will be the next step. What I am indicating is that if we take that step, of course these members will be covered, but they will be covered for the future and not for the past.

Mr. Clark: Mr. Speaker, the one absolutely unquestionably true statement the Prime Minister just made is that he and his colleagues are hesitant to put guidelines into effect. There can be no doubt about that.

Some hon. Members: Hear, hear!

Mr. Clark: The Prime Minister has drawn our attention to this very large loophole which he and his colleagues deliberately wrote into the conflict of interest guidelines as they affect public servants; this "out" by use of the regulatory or quasi-judicial cover. In the interests of giving some direction to people who might be associated with these agencies and might be contemplating leaving them, and indeed so there can be some standards set by the government, will he and his colleagues consider immediately this week in cabinet, today or tomorrow, some recommendation which they can bring before the House of Commons and the public so there will not be the kind of odour of evasion which is very clear about the National Energy Board case before us now?

Mr. Trudeau: Mr. Speaker, the words "odour of evasion" are quite unfair. I am absolutely convinced that Mr. Marshall Crowe, since we are talking about him, had no intention of evading guidelines.

Mr. Clark: We are talking about you.