

That act sets forth the oaths I have taken. These are matters not just of the law society deciding what should be done, but statutes of the province of Ontario stipulating which oath I must take and to what I bind myself.

The Law Society has produced a professional conduct handbook which is binding upon members of the law society in the sense that it is used by the law society and its members. It is a self-governing profession by the benchers of the law society who judge the conduct of members as members of the bar.

Certain rules bear on the position I hold as a member of the bar and a member of this House. I want to refer to rule 9 at page 26 of the rules of conduct of the law society, which reads:

The lawyer who holds public office should, in the discharge of his official duties, adhere to standards of conduct as high as those which these Rules require of a lawyer in the practice of law.

The commentary of these rules issued under the authority of the law society act, 1970, reads, in part:

The Rule applies to a lawyer who is elected or appointed to a legislative or administrative office at any level of government—

It applies to a Member of Parliament, a member of the legislature, a municipal councillor and so on. The commentary continues:

He must bear in mind that he is in the public eye and therefore the legal profession can more readily be brought into disrepute by failure on his part to observe its ethical standards of conduct.

It then goes on to deal with certain other matters which are not germane to this issue.

Commentary 9 on page 27 of those rules which govern me in the conduct of my private, professional and public duty, read in part:

—if his conduct in office reflects adversely upon his integrity or his professional competence, he may be subject to disciplinary action.

That is the first oath. I repeat briefly part of the oath which I took in 1957 which binds me:

You shall not pervert the law to favour or prejudice any one, but in all things shall conduct yourself truly and with integrity. In fine, the Queen's interest and your fellow citizens, you shall uphold and maintain according to the Constitution—

I am now in this position. Unless there was some arrangement made as an officer of the court—and I happen as well to be an officer of the court and no such arrangement has been made—it is my respectful submission that I would be flying in the face of the oath I took as a barrister if I agreed to the following procedure. I contend it would be a contempt of the Supreme Court of Canada to require me and the government—and the Prime Minister indicated to me yesterday that is what he intended to do, and he did not back off from his position today—subject to negotiation, to ensure that the resolution go through this Parliament in face of a judgment of the Court of Appeal of Newfoundland, which court has unanimously and clearly held that those very constitutional proposals are illegal. That is the first point on which I rely.

The second point flows out of the first but it is separate and distinct. I am an officer of the court. I am an officer of all the courts before which I have a licence to practise, namely, the provincial courts, the county court having federally appointed

judges, the Federal Court of Canada and the Supreme Court of Canada.

As I tried to say in the debate when we were discussing the question of judges' salaries, all Members of Parliament have a duty with respect to the courts. This point has been covered also in the documents I will leave with you with respect to the rules of conduct of barristers and the statutes which govern them. I suspect they would probably apply to others across the country, but you will have to examine that. The oath requires that all of us conduct ourselves in a way that respects the integrity of the court.

● (1600)

My second proposition is that it is an affront to the court. It is a practice in which barristers, members of the Law Society, lawyers who happen to be members of this House of Commons and indeed other Members of Parliament are not to persist in and ought to resist. It thereby affects my privileges as a Member of Parliament.

I am subject to certain other things that are affected because of my membership in the bar. It is important to look at that and how it affects me here in the House. I am a member of the Canadian Bar Association. Membership in the Canadian Bar Association has no magic in itself. However, the code of professional conduct of the Canadian Bar Association is binding upon, affects, and is a burden upon barristers, whether or not they are members of the Bar Association, because the rules in the code of conduct are the kinds of rules that will move the minds of the disciplinary bodies of law societies across the country. In other words, that rule of conduct can be pleaded in the event there is an allegation of a breach of it by a member of the bar.

I am going to read from their rules to indicate to you the strictness of application. I quote from chapter IX entitled "A Lawyer in Public Office":

The lawyer who holds public office should, in the discharge of his official duties, adhere to the standards of conduct as high as those which these Rules require of a lawyer in the practice of law.

This is the commentary on that:

The Rule applies to a lawyer who is elected or appointed . . . He must bear in mind that he is in the public eye . . . The lawyer who holds public office must not allow his personal or other interests to conflict with the proper discharge of his official duties.

I suggest that applies to me and, incidentally, also to the Minister of Justice (Mr. Chrétien).

Mr. Blais: I rise on a point of order, Madam Speaker. I am a member of the bar and I have listened with a great deal of interest to the comments being made by the hon. gentleman. I would like to point out that there is about as much foundation for what he is advancing—I am getting to my point of order—as what he advanced on Friday, March 27. There is a point of order that I would like to address at this time.

Madam Speaker: Will the minister please address the point of order and not argue the case.

Mr. Baker (Nepean-Carleton): Let's not waste time.