

Oral Questions

Mr. McGrath: Would the minister tell the House why he found it necessary to intervene to see that the associate chief justice of the province of Quebec did his duty, and what facts did he feel it was necessary to bring to his attention?

Hon. C. M. Drury (Minister of Public Works): Mr. Speaker, I think a careful reading of *Hansard* would indicate that I did not communicate with the associate chief justice with a view to conveying information to him, but rather to obtain information from him.

An hon. Member: What was it?

Mr. McGrath: The record indicates that the minister felt it necessary to talk to the associate chief justice, and I quote from *Hansard*: "to see that he was in full knowledge of the facts and did his duty." That is the quotation on the record. There is no qualification to it.

An hon. Member: Read on.

Mr. Baker (Grenville-Carleton): It is on page 11457.

Mr. McGrath: In light of this extraordinary, admitted intervention by the minister, is he now prepared to tell the House and the country what facts he felt it was necessary to bring to the attention of the associate chief justice of Quebec, bearing in mind that this is the responsibility of the prosecutor and the defence attorney?

Mr. Drury: I think the hon. gentleman has one view as to the appropriateness or otherwise of the action taken, and I have another.

Some hon. Members: Oh, oh!

An hon. Member: I am sure you have.

Mr. Drury: I would suggest that the course being followed by the Prime Minister, namely, to have this referred to and looked at by the chief justice of the province of Quebec, is the appropriate course.

ALLEGATIONS OF INTERFERENCE BY JUDGE MACKAY—
KNOWLEDGE OF JUSTICE MINISTER OF INTERVENTION BY
MINISTER OF PUBLIC WORKS

Mr. James A. McGrath (St. John's East): Mr. Speaker, my final supplementary question is to the Minister of Justice, who has the ultimate responsibility here. In view of the admission by his colleague, the Minister of Public Works, that he in fact intervened in a case before the court involving the Minister of Consumer and Corporate Affairs, I want to ask the Minister of Justice if the Minister of Public Works acquainted him with the fact that he had spoken to the associate chief justice of Quebec, and would the minister tell the House what his reaction was to that admission.

Hon. Ron Basford (Minister of Justice): Mr. Speaker, at the time, no. I think I should make it clear to the hon. gentleman and possibly to the House that there are two areas covered under the law. One is clearly stated in the Criminal Code as obstructing, perverting or defeating the course of justice.

Mr. McGrath: Why don't you answer the question?

Mr. Basford: I am answering the question. It is clear, under the Criminal Code, that it is wrong to obstruct, pervert or defeat the course of justice. It is also clear that it is criminal contempt to have a private communication for the purpose of influencing a judicial decision. Those on this side of the House are bound by that law just as much as those on the other side of the House and all the people in the country. As I indicated yesterday, there is nothing in front of me which would indicate that either of those provisions of the law have been violated.

ALLEGATIONS OF INTERFERENCE BY JUDGE MACKAY—VIEW
OF PRIME MINISTER ON PROPRIETY OF INTERVENTION BY
MINISTERS

Mr. T. C. Douglas (Nanaimo-Cowichan-The Islands): Mr. Speaker, in view of the fact that the Minister of Public Works just said that he has a different view with respect to his responsibilities in the matter of intervening in the judicial process, I want to put a question to the Prime Minister. I want to ask the Prime Minister what his view is with respect, not to what two different judges have said, but to what his own minister has said in the House as recorded in *Hansard* at page 11457 where he admits that in a matter involving one of his colleagues he had a conversation with the associate chief justice of Quebec and said that the purpose of that conversation—and I quote it in full so that there will be no suggestion of misrepresentation—was as follows:

... the only intervention that would be contemplated by me would be one to see that he was in full knowledge of the facts and did his duty.

I was under the impression that the judge got his facts from the legal counsel in open court or from meeting in chambers with counsel for both parties to a dispute.

Mr. Baker (Grenville-Carleton): And the witnesses.

Mr. Douglas (Nanaimo-Cowichan-The Islands): I am asking the Prime Minister is it, in his opinion, the right of his ministers or any other ministers to get in touch with a judge to give him the facts and to order him to do his duty, which we take it for granted he would do without the intervention of the Minister of Public Works?

Some hon. Members: Hear, hear!

Right Hon. P. E. Trudeau (Prime Minister): Mr. Speaker, I think the hon. member is making the case very forcefully and very correctly, and it is because of the seriousness of this that I am concerned with having the judges decide whether or not they have been aggrieved. I am simply answering to the hon. member that the associate Chief Justice has not to my knowledge complained about being influenced in any way. I do not expect him to make his complaint to me; I would expect him to make it to the Chief Justice of his court or perhaps to the Department of Justice.

● (1450)

An hon. Member: Or the council.