

Oral Questions

last Friday from Chief Justice Deschênes with respect to alleged contacts with justices of his court by ministers of the government, and what role, if any, Chief Justice Deschênes feels it is proper for him to take in determining the propriety of ministerial conduct in connection with the matters mentioned in Mr. Justice Mackay's letters?

Hon. Ron Basford (Minister of Justice): I have not received any information from the Chief Justice of the Superior Court except that he anticipated replying to my letter early next week.

ALLEGATIONS OF INTERFERENCE BY JUDGE MACKAY—
REQUEST FOR ASSURANCE OF THOROUGH INVESTIGATION

Mr. Elmer M. MacKay (Central Nova): Should Chief Justice Deschênes not intend to conduct interviews with members of the government, what assurances can the minister offer this House that a thorough investigation of conversations not only between members of the government and judges but between ministers themselves will take place? Can the hon. gentleman indicate what safeguards exist there for the elucidation of information for the people of Canada?

Hon. Ron Basford (Minister of Justice): As I said on Friday, I thought it inappropriate, having regard to my view of the independence of the judiciary and the separation of the judiciary from the government, for me to make further recommendations to the government on this matter until I had had an opportunity of inviting the chief justice of the Superior Court to draw to my attention any information he deemed it appropriate for me to have in the circumstances.

ALLEGATIONS OF INTERFERENCE BY JUDGE MACKAY—
REQUEST FOR PUBLIC INQUIRY

Mr. Elmer M. MacKay (Central Nova): Mr. Speaker, I have a brief supplementary question for the Prime Minister. Since the matters contained in conversations between some of his ministers do not appear to fall within the jurisdiction or purview of Chief Justice Deschênes unless the Chief Justice were given special powers of inquiry, has the Prime Minister reconsidered his initial policy of not having a public inquiry into this matter?

Right Hon. P. E. Trudeau (Prime Minister): Mr. Speaker, I agree that Chief Justice Deschênes of the Superior Court would not normally be called upon to look into conversations between members of my cabinet. I think that is quite proper.

ALLEGATIONS OF INTERFERENCE BY JUDGE MACKAY—
REASON FOR CLAIMING CONVERSATIONS BETWEEN
CONSUMER MINISTER AND MINISTER OF PUBLIC WORKS
PRIVILEGED

Mr. Stuart Leggatt (New Westminster): Mr. Speaker, my question is for the Minister of Consumer and Corporate Affairs and is on the same subject. Being a lawyer, I am sure the minister will understand that those conversations will not affect the question before the court. In answer last week the Minister of Public Works indicated

[Mr. MacKay.]

that those conversations were privileged because both persons participating in the conversations, the minister and the Minister of Public Works, are both lawyers. Would the minister advise the House whether he is invoking a solicitor and client privilege with regard to those conversations as a protection?

[Translation]

Hon. André Ouellet (Minister of Consumer and Corporate Affairs): Mr. Speaker, the hon. member has certainly not listened to the answer I gave to the first question of the Leader of the Opposition. I therefore invite him to refer to the remarks I made at the beginning of the question period.

[English]

ALLEGATIONS OF INTERFERENCE BY JUDGE MACKAY—
POSSIBILITY OF INQUIRY EVEN IF CHIEF JUSTICE DESCHÊNES
FINDS NOTHING IMPROPER

Mr. Stuart Leggatt (New Westminster): Mr. Speaker, my supplementary question is addressed to the Minister of Justice. In a letter dated February 10 the chief justice of the province of Quebec, in writing a letter to Mr. Justice Mackay, said that "your letter to the Minister of Justice is couched in terms which, were I the minister, I would find unacceptable". In view of the fact that the Chief Justice has already rendered a verdict of sorts in his letter of February 10—I realize the Minister of Justice has not ruled out a recommendation for a full inquiry—would the minister still consider a full inquiry even if the Chief Justice of Quebec finds nothing improper as a result of his investigation?

Hon. Ron Basford (Minister of Justice): Mr. Speaker, I would point out to the hon. member that on Wednesday last I said that, as a matter of practice both in this case and in future matters, I did not intend to comment at large on correspondence passing between myself and members of the judiciary. I would advise the hon. member that the letter to which he refers from the Chief Justice of the Superior Court was not apparently written when the Chief Justice had in front of him the letter of February 20.

ALLEGATIONS OF INTERFERENCE BY JUDGE MACKAY—
REQUEST FOR TABLING CORRESPONDENCE WITH CHIEF
JUSTICE DESCHÊNES

Mr. Stuart Leggatt (New Westminster): A final supplementary question, Mr. Speaker. Would the minister in any event table the piece of correspondence that he had with the Chief Justice so that this House and the country can at least determine the specific terms of reference given to the Chief Justice in terms of his own investigation into this matter, and can judge whether the minister is conducting a full inquiry into the matter?

Hon. Ron Basford (Minister of Justice): Again, Mr. Speaker, I indicated last Wednesday that I did not think it proper to divulge correspondence between me and members of the judiciary. However, I realize this is an important matter and I will consult with the Chief Justice of the Superior Court on that point. I have indicated in the House that the purport of my request to the chief justice is to