

Privilege—Mr. Crosbie

Then, Madam Speaker, the Prime Minister himself, at page 17592 of *Hansard* on May 19, talks about a decision having been made the previous morning. He calls it “a conditional decision”, but the fact is that the decision had been made by cabinet. Whether or not it had been signed as an order in council by the Governor General in Council, whether or not other conditions had been met such as placing certain documents before the Supreme Court of Canada, whether or not there was a meeting with the defeated leader of the Liberal Party in Newfoundland, whether or not the press conference in Newfoundland had taken place, all that is irrelevant because that is the process of implementation. What is relevant is the fact that the decision was made on the morning of the day that the Minister of Justice stood in his place in this House and staked his reputation on saying to this House that in fact no decision had been made.

Therefore, Madam Speaker, I submit to you that there is a prima facie case that the minister has deliberately misled the House.

[Translation]

Mr. Pinard: Madam Speaker, I shall try to be very brief. It would be difficult to add much to what has already been said by my parliamentary secretary, and I shall try not to waste the time of the House by repeating what he has said so well. I must point out that the references he indicated are very apt, and that it is a long-established practice in this House that when an hon. member, who is also a minister of the Crown, gives explanations and above all gives his word that he did not intend to deliberately mislead the House, that hon. members should take him at his word and that should be the end of it. I submit that the insistence of the members opposite on trying to continue the debate is offensive and insulting, when the Minister of Justice of Canada (Mr. Chrétien) has given his word that he did not wish to deliberately mislead the House in answering a question. Therefore, the references brought to your attention by my parliamentary secretary should be sufficient to settle the issue once and for all.

I shall, if I may, add the following. The minister's reply, which is being used to accuse the Minister of Justice, should be taken in context. In the light of the explanations given by the minister today, this should be sufficient to settle the issue, because he said that what was in his mind when he said that no decision had been made at that time, was that no final decision had been made. He did not use the word “final” but that is what he intended to say and what he meant, in view of the fact of parliamentary procedure and law that a cabinet decision which requires an order in council is not final until the order in council is signed by the Governor General or his deputy.

And in what context did he give his answer, since the members opposite are putting so fine a point on the words used by the Minister of Justice? Anyone who reads the question put by the Leader of the Official Opposition and what follows will

realize that, in fact, there was nothing, considering both the question and the answer, there was nothing false in what was indicated by the Minister of Justice. The question was, and I quote from page 17534 of *Hansard*, May 18, 1982:

Madam Speaker, is the Minister of Justice and the Government of Canada considering a direct unilateral reference of the offshore question to the Supreme Court of Canada? It is a simple question. Yes or no?

The Leader of the Opposition asked whether we wanted to go before the Supreme Court of Canada. The Minister of Justice said, and I quote:

Madam Speaker, I said that there has been no decision made by the government at this time on that question.

“No decision made . . . at this time on that question” means that in fact, nothing has been decided as yet, and any decision, if there is one, has to be conditional, as explained the next day by the Right Hon. Prime Minister (Mr. Trudeau). However, the words of the Minister of Justice should be sufficient to settle the issue, since he himself said:

There has been no decision made by the government at this time on that question.

This means that there was nothing final. That is clear. To go on with the quote:

The question that the right hon. member is asking me today is a very surprising one. He used to tell us that the best thing to do in difficult circumstances was to go to the Supreme Court.

And Madam Speaker, what really spoiled the opposition's so-called case—the icing on the cake, as it were—is that the hon. member for Yukon (Mr. Nielsen) said just two words too many after the reply given by the Minister of Justice. He said, and I quote:

Are you?

In French this reads, and I quote:

Allez-vous le faire?

Does this indicate some concern on the part of the Progressive Conservative House Leader? It means that he believed the Minister of Justice when the latter said nothing final had been decided as yet, since the hon. member for Yukon felt the need to come back and ask the Minister of Justice: But are you going to do it? And he did so, because he understood that no final decision had been made. Madam Speaker, if we look at the English text and read the comment reported in *Hansard* on page 17534, the Minister of Justice said at the end of his reply, and I quote:

[English]

He used to tell us that the best thing to do in difficult circumstances was to go to the Supreme Court.

Mr. Nielsen: Are you?

[Translation]

Mr. Pinard: In the circumstances, it seems obvious that the hon. member for Yukon, in the light of the answer given by the Minister of Justice, did, in fact, understand that the Minister