

Adjournment Debate

department of the attorney general in Quebec. So the question is, I suppose, whether the proceedings were over and done with when the minister made his intemperate remarks in the government lobby or whether they were still under way. My opinion, offhand, would be that they were still under way in the sense that no order had been taken out at that point to settle the matter which was tried before Mr. Justice Mackay. But that is a technicality. What I think has happened here is that Mr. Holden, who had the temerity to be a former Conservative candidate for one of the seats in the city of Montreal, incurred the wrath and displeasure of either the federal Minister of Justice and the provincial minister of justice or both—two gentlemen who belong, or belonged, to the Liberal party.

I rarely impute motives but I think that in this case a great deal of the difficulty surrounding Mr. Holden's account arises out of political incompatibility between himself on the one hand and the Minister of Justice on the other. This is what causes me concern and what creates a scandal in the law. I have suggested that this matter be placed before the *battonier* of the Montreal Bar so that he might decide between these warring ministers of justice. I also suggest to the minister that if the size of the account itself is in dispute, this matter could be settled by an arbitration council such as is set up by the Montreal Bar for the benefit of many an aggrieved client who may think he is being "had" by the lawyer presenting his bill. There will be a new minister of justice in Quebec very shortly. It will be a government with a new look, and from what I have seen of Mr. Lévesque so far it is a government which will use a lot of imagination and bring a great deal of honesty to the political scene. I would hope that the Minister of Justice here and the minister of justice in the new provincial government will get together to solve this matter, if not on the basis of the formula I have suggested, then in some other way so that this scandal could be removed from the law.

I say in conclusion that Ulysses, the ancient mariner, seeking to plot his course between Scylla and Charybdis encountered no greater difficulty than does Mr. Richard Holden, the man with the unpaid legal bill in the City of Montreal.

Mr. Mike Landers (Parliamentary Secretary to Minister of Justice): Mr. Speaker, the hon. member for Halifax-East Hants (Mr. McCleave) has raised the matter of the payment of the fees of Mr. Holden, the attorney appointed by Mr. Justice Mackay in relation to the prosecution of the Minister of State for Urban Affairs (Mr. Ouellet).

The prosecution in this matter related to the administration of justice in the province of Quebec. The responsibility for the prosecution is one that rests with the minister of justice of Quebec. At the time of the court of appeal proceedings, the Chief Justice of the province of Quebec made a request to the minister of Justice of Quebec for the appointment of counsel to assist the court. The province of Quebec recognized its jurisdiction and appointed *Batonnier* Michel Robert for the purpose. Mr. Holden, although he made a request to this effect to the court of appeal, was not allowed to act on the appeal since

it was for the minister of justice of Quebec to determine who should assist the court.

At the outset, on December 29 Mr. Justice Mackay wrote to the Attorney General of Canada advising that he had appointed Mr. Holden to act in this matter. There was then no suggestion that the Government of Canada might be called on to pay any fees to Mr. Holden. The letter stated in fact that the fees would form part of the costs of the case. On January 13, 1976 the Attorney General of Canada wrote to Mr. Justice Mackay and advised that this was a matter within the competence of the minister of justice of Quebec. The claim of Mr. Holden is for a total of \$21,053.02. This claim is on the basis of \$100 per hour or \$1,000 per day.

Mr. Justice Montgomery of the Court of Appeal of Quebec, in his decision in this matter, made some comments that are worthy of note in relation to this matter. He said:

Hugessen, Associate Chief Justice, has condemned appellant to pay \$500, to be deposited in court and remitted to the prosecuting counsel. With all respect for the contrary opinion, I cannot agree that this was an unwarranted exercise of his discretion or that we should be influenced by knowledge that this attorney has subsequently claimed a much larger sum. I agree with Hugessen, A.C.J., that it is desirable that a special prosecutor be appointed in cases such as this. This necessarily gives rise to the question of how such counsel should be remunerated. I would have thought that a member of the Bar might consider it an honour to be given the opportunity of acting to uphold the dignity of the courts. Still, it is but reasonable that such counsel should receive some nominal honorarium to compensate him for his loss of time.

In view of the complexity of the technical objections presented by Appellant, I might have been disposed to award more than \$500. But Hugessen, A.C.J., had counsel before him and was in a better position than I am to estimate a reasonable fee . . . It may be reasonable to expect a member of the Bar to offer his services in a case such as this for a purely nominal fee . . .

Since this matter falls within the competence of the minister of justice of Quebec, and for the foregoing reasons, the Attorney General of Canada has therefore taken the position that he has neither an obligation nor the legal authority to entertain the payment of Mr. Holden's account.

FEDERAL-PROVINCIAL RELATIONS—SASKATCHEWAN'S CLAIM OF JURISDICTION OVER PAY TELEVISION—POSSIBLE DISCUSSION OF SUBJECT AT CONFERENCE WITH PREMIERS

Mr. Ray Hnatyshyn (Saskatoon-Biggar): Mr. Speaker, my remarks tonight arise from a question I asked last Friday, November 19, 1976 of the Acting Prime Minister, in the absence of the Minister of Communications (Mrs. Sauvé). It related to the whole area of jurisdiction over, and responsibility for, pay and cable television in this country. The House will recall that at that time I had asked the Acting Prime Minister, in light of statements made by the premier of Saskatchewan in the context of the provincial speech from the throne at the opening of the legislature, to the effect that legislation would be introduced in Saskatchewan introducing pay television in the province quite separate and apart from any licence from or authority of the federal government or CRTC, whether the Acting Prime Minister would indicate if pay television was an area regarded by the federal government as under its jurisdiction, or whether it was prepared to negotiate, with the provincial government, jurisdiction over this particular area.