

and the Attorney General of Nova Scotia between the time the minister rose in this House on June 15 to say he was having discussions and the time he announced his decision to refer the matter to the Supreme Court of Nova Scotia. There were no discussions. It is evident from the document from which I have just quoted, which was attached to his press release dated June 16, 1982, that any discussions there were had taken place before that date. The only fair inference which can be drawn from the minister's statement on June 15 in this House was that he would discuss the matter with the Attorney General of Nova Scotia and then decide on a course of action.

The only sensible inference, Madam Speaker, which can be drawn from all the minister's statements in the House, his actions and the document signed by him and dated June 16, 1982, is that he had conferred with the Attorney General of Nova Scotia prior to June 15, 1982, and knew exactly what action he would take. If there is any defence, the minister can make it, but the facts speak for themselves. He knew the action he was going to take and he refused to stand in this House on June 15, in response to my inquiry, and tell me, this House and the Marshall family that he had made up his mind and would make his decision.

I will move the motion at the appropriate time, Madam Speaker.

Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development): Madam Speaker, I do not want to give a very long explanation. Of course, the member is right, I do not have to consult with anyone. It is my responsibility. But as it was a very important case in Nova Scotia I felt that it was my duty to communicate with the Attorney General, Mr. Harry How, or his officials about the matter. We had many options open to us and one was a referral. There was the possibility of recommending something else. There have been discussions, I have written to Mr. How and he has written to me and so on, and there were discussions the previous week.

On the Monday I was not in the House because I had been sick at home, and when I came into the office on Tuesday morning they told me that the problem was resolved. So the question came at two o'clock, but just as I was coming into the House of Commons I was told by my assistant that there was a problem, because we were consulting with the Attorney General of Nova Scotia and, although I was not obliged to, with the lawyer of Mr. Marshall, and I was consulting with the court, too, because it was a very unusual procedure. When I came into the House I was told by my assistant, on the advice of Mr. Rutherford, my senior adviser on this subject, that there was a major problem. So I accepted something in the morning, and I was told there was a major problem as soon as I was coming into the House.

During the question period there was some communication in fact—not with the Attorney General; I did not know there was a problem; there was discussion with the lawyers and with the Chief Justice of the appeal court of Nova Scotia. When I came out of the House they told me the matter was not resolved. There was some communication in the afternoon,

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according to my information, by Mr. Rutherford with the Chief Justice, and at the end of the afternoon Mr. Rutherford tried to reach, at four o'clock our time, Mr. Gale, who is an official to Mr. Harry How. He was not in his office. The problem was resolved. In the morning they tried to get Mr. Gale again and he was not in his office, but there was a discussion with Mr. How or his officials and there was an agreement on the courts and Mr. How was strongly in favour of a reference and not another course, of action. It was still a reference, with some change in the wording to meet some of the defendant's lawyer's preoccupation and that of the Chief Justice.

• (1510)

It was in that spirit at ten o'clock in the morning on Wednesday that I signed the legal document, and I gave the answer in response to a question asked by a Member of Parliament on this side of the House. I am informed there was some discussion on Tuesday afternoon with the Attorney General. I did not call him, I sent him letters. There was an exchange of correspondence. There was verbal exchange all along between Mr. How's officials and mine, the Chief Justice of Nova Scotia and the lawyers.

I do think that is a valid explanation, Madam Speaker. When I heard that the hon. member wanted to raise a question of privilege, I thought I had a good explanation to give to him and I tried to reach him many times.

Mr. Crosby: Nonsense.

Mr. Lawrence: He has been here. Where have you been?

Mr. Chrétien: Perhaps the hon. member did not want to talk to me. I placed a phone call.

Some hon. Members: Oh, oh!

Mr. Chrétien: I want to state the facts.

Mr. Lewis: As you see them.

Mr. Chrétien: I placed a phone call to the hon. member's office in Halifax yesterday morning. I telephoned his home. I left a message for him to return my call. I asked my parliamentary secretary to talk to him and give him the facts. I asked my parliamentary secretary to ask him if he wanted me to talk to him. He did not know. He wanted to raise a question of privilege.

I am not embarrassed at all. When I got up in this House, I was informed there was a major problem. I said in good faith that there were still some things that needed resolution. In fact, there was no need for further consultation with the Government of Nova Scotia because the final agreement with the lawyer and with the Chief Justice was along the lines suggested many weeks before by the Attorney General of Nova Scotia.

In those circumstances, I cannot be any more candid. All the facts are there. I think the explanation is valid and I am glad to have the occasion to say that. But the matter was not worth