

Minister of Regional Industrial Expansion, should the inquiry not be able to look into all of the activities of the Minister, whether or not they are known to this House and the media? If a conflict of interest is found to exist, why is the inquiry limited only to looking into matters which have already been raised?

• (1120)

Right Hon. Brian Mulroney (Prime Minister): Mr. Speaker, the terms of reference are broad and appropriate. We have full confidence in the independence of the Chief Justice to conduct the inquiry and make the necessary value judgments.

STATEMENT MADE BY FORMER PRIME MINISTER

Hon. Edward Broadbent (Oshawa): Mr. Speaker, not only is Chief Justice Dickson opposed to using judges for this kind of political decision making, but last year's annual report of the Canadian Bar Association made exactly the same point. I would like the Prime Minister to consider the following observation made by a former Prime Minister, the Right Honourable John George Diefenbaker:

It has been abundantly evident, however, that judges should not be used to preside over royal commissions in which matters of political controversy are of the essence.

Why did the Prime Minister not accept the good advice of Mr. Diefenbaker and keep the judges out of political decisions?

Right Hon. Brian Mulroney (Prime Minister): Mr. Speaker, the Chief Justice of Canada said that this should be avoided in most circumstances. We have done that. We are not trying to involve anyone in political decisions. This requires an impartial view, and we felt that the Chief Justice appointed was the most appropriate person.

MORAL RESPONSIBILITY

Hon. Edward Broadbent (Oshawa): Mr. Speaker, will the Prime Minister acknowledge that what is involved here is not a matter of law? We are not asking the judge to determine whether the former Minister broke provisions of the Criminal Code. What is involved here is the moral responsibility of the Minister and, related to that, the moral responsibility of the Prime Minister to enforce his own guidelines. A judge should not be involved in that kind of process. It is the Prime Minister's responsibility.

Right Hon. Brian Mulroney (Prime Minister): Mr. Speaker, that is not a view which is shared by all Members and all previous Prime Ministers. Previous Governments have acted from time to time in these circumstances in the same way. We believe that, irrespective of the background, a man of competence and impartiality can bring about an appropriate result which will be helpful to the country and democracy.

Oral Questions

REACTION TO PREVIOUS INQUIRY FINDINGS

Hon. Edward Broadbent (Oshawa): Mr. Speaker, is the Prime Minister aware that, when the same judge was responsible for a similar inquiry at the end of the 1960s, as soon as he brought down his report there were criticisms of partisanship and unfairness? If he is aware of that, does he not understand that he is politicizing the judiciary, which ought not to be done?

Some Hon. Members: Hear, hear!

Mr. Nielsen: That is an improper question.

Right Hon. Brian Mulroney (Prime Minister): Mr. Speaker, to the contrary, the Canadian tradition—

Mr. Speaker: Order, please. The Hon. Member knows that question comes awfully close to—

Mr. Broadbent: To what?

Mr. Speaker:—comments about the judge.

Mr. Broadbent: No.

Mr. Speaker: Maybe he could rephrase his question.

Mr. Broadbent: Mr. Speaker, I will be happy to clarify it for you, if it is needed.

Some Hon. Members: Oh, oh!

Mr. Broadbent: I am asking the Prime Minister—

Mr. Hnatyshyn: Is that in order or not?

Mr. Speaker: Order, please. Order, please! I am trying to tell the Hon. Member that the question he asked, as I heard it, was, in my view, out of order. Can he rephrase his question in such a way that I can accept it?

Mr. Broadbent: Is the Prime Minister aware that when the same judge brought in a report at the end of the 1960s on a similarly delicate political matter there were immediate accusations by the media of unfairness and lack of objectivity? If he is aware of that, is he not aware of the position he is putting the judge in by giving him a political mandate? He is putting the judge in a position which no judge should be in.

Mr. Hnatyshyn: Order. That's a statement.

Right Hon. Brian Mulroney (Prime Minister): Mr. Speaker, the Canadian tradition is that once a man or woman accepts an appointment to the Bench, his or her political past—

Mr. Broadbent: You're asking him to make a political decision.

Mr. Hnatyshyn: Let him answer the question.