

Oral Questions

[English]

THE JUDICIARY

CANADIAN JUDICIAL COUNCIL REPORT ON CONDUCT OF
BRITISH COLUMBIA JUDGE

Mr. Svend J. Robinson (Burnaby): Madam Speaker, my question is for the Minister of Justice. A week ago I called upon the minister to correct his statement made outside the House that the Canadian Judicial Council had accepted the shocking report of its three-man investigation committee into the actions of Justice Thomas Berger. The minister refused then, but since that time he has had an opportunity to consult with Ontario Chief Justice Evans and British Columbia Supreme Court Chief Justice Allan MacEachern, among others.

Will the minister now finally agree that while the conclusion of the two reports, that is, that Judge Berger should not actually be removed from the bench, was the same, the Judicial Council rejected the major and important conclusion of its committee that there existed grounds for removal and that the fundamental condition of good behaviour had been breached by Judge Berger by his action in speaking out on behalf of Canada's aboriginal peoples?

Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development): Madam Speaker, I think my parliamentary secretary dealt with the matter last night. Of course, the Judicial Council received the report from the committee. I do not think the resolution is a repudiation of the report. Both the report and the resolution called for the same thing, that it was an indiscretion or something reprehensible on the part of Mr. Justice Berger, but because of the circumstances he should not be removed from the bench. I have accepted the conclusion, as I am obliged to do, of the resolution. That is the only legal body that can make recommendations to me.

● (1450)

MINISTER'S STATEMENT

Mr. Svend J. Robinson (Burnaby): Madam Speaker, on a supplementary. Of course there is a fundamental difference between an indiscretion and a breach of the condition of good behaviour. I have before me a transcript of an interview with Chief Justice Evans, acting chairman of the council. My supplementary question is this. In view of the fact that Judge Evans states in this interview, in response to a question, that it would not be correct to say that the council accepted their committee report, and in view of the fact that the minister stated on the same date, June 6, and I quote, "The council have accepted their report—

Madam Speaker: Order. How long is the hon. member going to quote? This is the second time he has quoted. Would he go directly to his question.

Mr. Robinson (Burnaby): In view of the above, will the minister now stop deliberately misleading the Canadian public on the position of the Canadian Judicial Council, particularly

when Judge Berger is unable to reply to this attack, from the bench?

Some hon. Members: Order.

Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development): Madam Speaker, again, I think that the hon. member did not read all the quotations from what I said in Sudbury. I would like to point out to him that I said that they have accepted the result of the report. I think that he should read the two questions before, and he will see that.

I just say, as I have stated so many times, that we have to ensure that there is a clear distinction between the legislative and executive power and the judiciary. That is a cornerstone of our system. In that case, both the resolution and the report say that the conduct of Mr. Berger was reprehensible but he should not be removed from the bench. I have accepted the resolution of the council. I do think that in the best interests of the justice, that the matter is settled. I have received their resolution and I have accepted it.

I do not intend to proceed with removal, but I think that I must state again that it is extremely important in our system that there is a clear distinction between the judiciary and the House of Commons and the executive, and it is in the best interests that we follow that very closely on both sides, not only when Members of Parliament have to deal with that system but when the system must deal with public issues.

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EMPLOYMENT

SUMMER WORK PROGRAM

Mr. F. Oberle (Prince George-Peace River): *Danke schön, Frau Präsidentin.* My question is for the Minister of Employment and Immigration. Could he make a brief statement on the success or failure of his program to engage in a sectorial way, namely in fisheries and forestry, a number of Canadians who are out of work, in a summer work program involving Section 38 of the Unemployment Insurance Act?

Hon. Lloyd Axworthy (Minister of Employment and Immigration): Madam Speaker, I would like to say to the hon. member *danke schön aussi*. In answer to his question I would like to point out that it is a fairly extensive program. We have now signed agreements with the provinces of Ontario and British Columbia and we have negotiated agreements which will be brought to culmination with the province of New Brunswick and Quebec, as well as all the other provinces which are in various stages of discussion.

The programs in both Ontario and British Columbia are now in operation. In recent discussions which I have had with the province of Ontario, they have submitted proposals to extend Section 38 to include areas of renovation of housing, agricultural reform, and areas dealing with tourism. We are looking at all of these proposals, as well as the mining area