

Point of Order

same lecture as he has just given to you, we would not have had this problem in the beginning.

Some hon. Members: Hear, hear!

MR. CHRÉTIEN'S ANSWER RESPECTING CASE OF DONALD MARSHALL

Mr. Howard Crosby (Halifax West): On a point of order, Madam Speaker. Very briefly, I would like the assistance of the Chair with respect to a matter that arises from question period today. You heard the Minister of Justice (Mr. Chrétien) announce to the House that he was referring the case of Donald Marshall to the Nova Scotia Supreme Court. Your Honour will also recall that I directed a question yesterday to the Minister of Justice concerning the same case, asking what action he was going to take, and I received no positive answer. It is difficult for me to know, as a member of the Bar of Nova Scotia for 25 years and also as a member of the Bar of Ontario, how the Minister of Justice could possibly not know 24 hours ago that he was going to take this course of action.

Bearing in mind, Madam Speaker, the difficulties that the Right Hon. Leader of the Opposition (Mr. Clark) had with the same Minister of Justice in the case of a reference to the Supreme Court of Canada of the Newfoundland off-shore dispute, I want to reserve my right to check the records and check the facts, to find out if the Minister of Justice was candid with the House yesterday when I addressed the question to him on the case of Donald Marshall.

Madam Speaker: The only guidance that the Chair can give the hon. member is that the Chair cannot interfere with any of the answers of hon. members. They stand on the statements they make. It is not for me to judge whether the hon. minister did not know one thing one day and happened to know it the next day. This is of no concern to the Chair. It is certainly a matter in which the Chair cannot intervene.

UNPARLIAMENTARY REMARK OF MR. ROBINSON (BURNABY)

Madam Speaker: I have checked the "blues" with regard to the expression used by the hon. member for Burnaby (Mr. Robinson) in the House yesterday. I asked the hon. member whether he thought he had used unparliamentary language, because I had not exactly heard what he said. I checked the "blues". The hon. member yesterday answered me that he had not used exactly those words, and I guess that answer was exactly correct in regard to the exchange we were having. But, having checked the "blues", I find that the hon. member said that an hon. member had lied to the country. I think that I asked the hon. member whether he had said that the hon. member had deliberately misled the House.

I do not want to get into the problem of determining whether one can not say that someone deliberately misled the House, and can say that the hon. member deliberately misled the country. I do not want to get into this distinction that one can possibly make. I believe that the idea behind what took place is

that the hon. member for Burnaby cannot say, in any circumstances, that someone deliberately misled either the House or the country.

Therefore, I regret that I have to ask the hon. member, if he understands the sense of my intervention, whether he would volunteer to withdraw that expression.

Mr. Svend J. Robinson (Burnaby): Madam Speaker, if I might just give the context of those remarks, it might assist the House. We were dealing in this particular instance with a report of the Canadian Judicial Council which, pursuant to the provisions of the Judges Act, is sent directly to the Minister of Justice. That report of the Canadian Judicial Council is a document which was then made public by the Minister of Justice (Mr. Chrétien), Madam Speaker, and the contents of that report were interpreted by the Minister of Justice.

Madam Speaker: Order. The hon. member is arguing the matter that was discussed. What we are dealing with now is an unparliamentary expression. That is extremely narrow. I do not believe we need many explanations of the context. It is absolute. If a member says that someone has deliberately misled the House or the country, this is not acceptable in the House, no matter what the context is. In other words, there is no excuse for it. I would ask the hon. member if he would withdraw those words.

Mr. Robinson (Burnaby): Madam Speaker, Judge Berger cannot reply to a misrepresentation by the Minister of Justice. In view of that, I would draw your attention as well to Citation 321 of *Beauchesne's* that all references to judges and courts of justice in the nature of personal attacks and censure have always been considered unparliamentary.

Madam Speaker, the Minister of Justice stated that the remarks or that the conclusion of the Canadian Judicial Council was that Judge Berger's action was reprehensible. That was not an accurate statement. Judge Berger is not in a position to correct that. Therefore I am quite prepared, Madam Speaker, if the Minister of Justice will set the record straight and stop misrepresenting the position of the Canadian Judicial Council to the public, to withdraw my accusation. But until such time as the Minister of Justice stops taking these cheap shots at Judge Berger, I certainly do not intend to withdraw any such suggestion.

Some hon. Members: Hear, hear!

Madam Speaker: We can deal with another matter at another time, if there is any reason to deal with it. At the time I did not see anything in the intervention made by the minister that would reflect on the conduct of the judge. I do not know whether he was citing the report at that time or what he was doing. However, that can be dealt with at another time.

What we are trying to deal with now is the unparliamentary expression used by the hon. member. He knows that he simply has to withdraw this unparliamentary expression, because when an unparliamentary expression is uttered in the House it does damage to the House and to the decorum of the House