

*Petitions*

Resolved, That the following address be engrossed and presented to His Excellency the Governor General, namely:

To His Excellency the Right Honourable Edward Richard Schreyer, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit upon whom has been conferred the Canadian Forces' Decoration, Governor General and Commander-in-Chief of Canada:

May it please Your Excellency

The Senate . . . of Canada, in Parliament assembled, have agreed to an address to Her Most Excellent Majesty the Queen expressing congratulations on the occasion of the birth of a Prince, son of Their Royal Highnesses, the Prince and Princess of Wales, and respectfully request that your Excellency will be pleased to transmit the said Address to Her Majesty the Queen.

[*Translation*]

**Hon. Yvon Pinard (President of the Privy Council):** Madam Speaker, with the unanimous consent of the House, I move, seconded by the hon. member for Yukon (Mr. Nielsen):

That this House do concur in the address of the Senate to His Excellency the Governor General, respectfully requesting that His Excellency may be pleased to transmit the joint address to Her Most Excellent Majesty the Queen;

That the words "and House of Commons" be inserted in the said address from the Senate; and

That a message be sent to the Senate informing Their Honours that this House doth unite with the Senate in the said address.

[*English*]

**Madam Speaker:** Does the hon. President of the Privy Council (Mr. Pinard) have the unanimous consent of the House to move the motion?

**Some hon. Members:** Agreed.

**Madam Speaker:** Is it the pleasure of the House to adopt the motion?

**Some hon. Members:** Agreed.

Motion agreed to.

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**PETITION**

MR. FULTON—TESTING OF CRUISE MISSILES ON CANADIAN SOIL

**Madam Speaker:** I have the honour to inform the House that the Clerk of the House has laid upon the Table the two hundred and seventy-second report of the Clerk of Petitions stating that he has examined the petition presented by the hon. member for Skeena (Mr. Fulton) and finds that it meets the requirements of the Standing Orders as to form.

**PRIVILEGE**

MR. CROSBY—REMARKS OF MR. CHRÉTIEN RESPECTING DONALD MARSHALL CASE

**Mr. Howard Crosby (Halifax West):** Madam Speaker, with your permission I would now like to pursue the question of privilege for which I gave written notice by letter dated June 17, 1982, and which I raised in this House the same day. At that point the Minister of Justice (Mr. Chrétien), to whom the question of privilege relates, was not present in the House and I undertook to wait until an appropriate day. The minister is now here so I now wish to present the question I raised.

Let me say clearly, Madam Speaker, that I recognize the burden is upon me to establish that my privileges as a member of this House were adversely affected by the minister's response to my question, and that I must establish a prima facie case that the response contained a misleading statement. I am also aware that I must move at the appropriate time for a reference to the proper standing committee of the House. I am guided in this regard by the precedent set by the hon. member for Durham-Northumberland (Mr. Lawrence) three years ago when he raised a similar question of privilege with regard to a ministerial statement.

Let me briefly outline the subject matter of my question of privilege. On June 15, 1982 I directed an inquiry to the Minister of Justice concerning the case of Donald Marshall, a Micmac Indian, resident of Nova Scotia, who was convicted in 1971 of the stabbing death of Sandy Seale. He spent 11 years in federal prison, but finally rumours were circulated that he was innocent of the crime. Investigations were conducted, and evidence was adduced that he was not guilty of this offence.

On June 15 I asked the minister what course of action he intended to follow in this matter and he said:

—I am reviewing it and I am having discussions with the Attorney General of Nova Scotia, but we have not as yet resolved the problem.

The very next day the same minister rose in this House in response to an inquiry about the Marshall case from his colleague in the Liberal Party and said:

—I referred the question to the Nova Scotia Supreme Court and asked the court to make a determination on this case—

In addition to the statement made in the House the minister issued a press release dated June 16, attached to which was a document pertaining to the proceedings in the appeal division of the Supreme Court of Nova Scotia. That document contains this statement:

And whereas the Attorney General of Nova Scotia and counsel acting on behalf of Donald Marshall, Jr., agree with the undersigned—

That is, the Minister of Justice.

—that this new evidence is of sufficient importance to be considered by this honourable court.

There are two vital points, Madam Speaker. First, Section 617 of the Criminal Code of Canada, under which the reference is being made, vests the minister with complete authority to make this reference. He does not have to refer to any other authority. He acts on his own. Secondly, even more important, there were no discussions between the Minister of Justice